

City of Kingsville, Texas

AMENDED AGENDA CITY COMMISSION MONDAY, APRIL 9, 2018 REGULAR MEETING

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

I. Preliminary Proceedings.

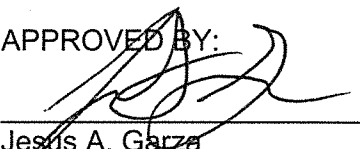
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – March 26, 2018

APPROVED BY:


Jesus A. Garza
City Manager

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

1. None.

III. Reports from Commission & Staff.²

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; **Police-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, Landfill Update, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Demolition Update, Planning Development Update, **Golf Course Update**, Municipal Court Update. No formal action can be taken on these items at this time."*

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Park's donation from the Kingsville Rotary Club. (City Manager).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to purchase Red Ribbon Drug Awareness promotional items from previous donations to the Red Ribbon Drug Awareness Fund. (Police Chief).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 3, Alcoholic Beverages, providing for a change to the distance for the sale of alcoholic beverages within 300 feet of a church, public or private school, daycare or child care facility, or hospital. (Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance to change the zoning map in reference to Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family District to R2-Two-Family District. (Director of Planning & Development Services).
5. Motion to approve final passage of an ordinance to change the zoning map in reference to 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 15-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District. (Director of Planning & Development Services).
6. Motion to approve a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 5, 2018. (City Secretary).

(MOCIÓN PARA APROBAR UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 5 DE MAYO DE 2018.) (SECRETARIA MUNICIPAL).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider accepting a donation of \$30 from the Woman's Club of Kingsville-Flair Department for the Parks Department. (Parks Manager).
8. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Parks donation from the Woman's Club (for summer program). (Parks Manager).
9. Consider accepting donation of \$500 for the Kingsville Fire Department. (Fire Chief).
10. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Fire Department donation. (Fire Chief).
11. Consider final passage of an ordinance amending the Fiscal Year 2017-2018 budget to include additional engineering services for the wastewater system. (Finance Director).
12. Consider a resolution authorizing the Mayor to enter into Task Order No. 1 under the Master Professional Services Agreement between LNV Engineering, Inc. and the City of Kingsville for wastewater treatment improvements. (City Engineer).
13. Consider waiver of certain fees for the downtown Festival de la Loteria on April 28, 2018. (Downtown Manager).
14. Consider a resolution authorizing the City to submit an application to the Office of the Governor Criminal Justice Division for Texas Conversion to the National Incident-Based Reporting System, Third-Round Funding Announcement for the purpose of requesting grant funding on behalf of the City for RMS and CAD equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match. (Chief of Police).
15. Consider a resolution authorizing the City Manager to execute a Service Level Agreement with Brycer, LLC for the Compliance Engine program for the Fire Department. (Fire Chief).
16. Discuss parameters for employee health care plan request for proposals. (Human Resources Director).
17. Discuss Chapter XI-Business Regulations, Article 2- Ambulance Service of the City of Kingsville Code of Ordinances and areas for improvement of same. (City Manager).
18. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

VII. Adjournment.

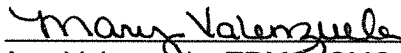
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority, do hereby certify that the Notice of Meeting was posted on the bulletin board located at the City of Kingsville City Hall, 400 West King Avenue, Kingsville, Texas, which is a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

April 4, 2018 at 11:15 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


Mary Valenzuela, TRMC, CMC, 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)

MARCH 26, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 26, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Arturo Pecos, Commissioner
Al Garcia, Commissioner

CITY COMMISSION ABSENT:

Edna Lopez, Commissioner
Diana Guerrero-Pena

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
David Solis, Risk Manager
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Deborah Balli, Finance Director
Charlie Sosa, Purchasing Manager
Israel Vasquez, Maintenance Facility Manager
Diana Gonzalez, Human Resources Director
Janine Reyes, Tourism Director
Sharam Santillan, Capital Improvements Manager
Leo Alarcon, Special Events Coordinator
Richard Flores, Golf Course Manager
Cynthia Martin, Downtown Manager
Ricardo Torres, Chief of Police
Adrian Garcia, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with three Commission members present. Commissioner Lopez and Commission Guerrero-Pena 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)

Regular Meeting – February 12, 2018
Regular Meeting – February 26, 2018
Special Meeting – March 5, 2018
Special Meeting- March 8, 2018

Motion made by Commissioner Pecos to approve the minutes of February, 12, 2018, February 26, 2018, March 5, 2018, and March 8, 2018 as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Fugate voting "FOR".

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

1. Public Hearing on an ordinance to change the zoning map in reference to Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family District to R2-Two-Family District. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:01 P.M.

Mr. Tom Ginter, Director of Planning & Development Services stated that Mr. Ruben Ruiz desires to build a single family house at 507 W. Richard. The size of the lot is 50x75 which equals to 3,500 square feet. The size of the lots is too small in R3 to build what he wants and also in R1 since the minimum lot size is 5,500 square feet. The only way for him to build a single family house on this lot is to rezone to R2. The minimum lot size for R2 is 2,500 square feet. The Planning and Zoning Commission met on March 21, 2018 and voted 7-0 to recommend approval of the rezoning at 507 W. Richard from R3 to R2.

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.

Mayor Fugate closed this public hearing at 6:07 P.M.

2. Public Hearing on an ordinance to change the zoning map in reference to 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District. (Director of Planning & Development Services).

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

Mr. Ginter stated that due to recent events in part of the Historical Development District, there has been concern on the part of the homeowners on the increase number of multifamily buildings. To protect the homeowners, but also to provide the building of multifamily projects, the Planning and Zoning Commission will be recommending a portion of the Historical Development, west of 6th Street to be rezoned from R3 to R1. He further stated that in the past few months, the approval of a multifamily structure at 531 W. Alice and the demo of the house at 702 W. Henrietta which could allow the building a multifamily structure there has ignited a concern by the surrounding property owners. The discussion with the Planning and Zoning Commission went well with the goal of protecting homeowners and allowing the building of multi family structures for an affordable housing option. The Historical Development Board has been involved in this discussion and are in agreement with the rezoning area that is under consideration. Since the last City Commission meeting , letters have been sent to the property owners within the rezoning area and the buffer area. The calls I have received are generally supportive of the rezoning area and action. The other type of call that I have been

receiving are from owners of multi family structures and how that impacts them. I have been telling them that since we are changing the zoning that their property will be grandfathered in and can continue to be operated as multifamily. I also tell them that in so many years from now if the structure is torn down then the grandfather dies and the R1 zone would then kick in. The Planning & Zoning Commission met on March 21, 2018 and voted 7-0 to recommend approval of the rezoning as submitted from R3 to R1.

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.

Ms. Linda Peasey, stated that she has property (apartments) on W. Lee Street and asked if this would affect their existing property.

Both Mayor Fugate and the City Attorney, Courtney Alvarez responded that her property would be grandfathered in. Alvarez further commented that if the use is existing, it would be grandfathered.

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, Landfill Update, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Demolition Update, Planning Development Update, Golf Course Update, Municipal Court Update. No formal action can be taken on these items at this time."

Mr. Garza presented the Employee of the Month for the month of February to Sharam Santillan, Capital Improvements Manager.

Mr. Bill Donnell, Public Works Director gave an update on streets. Donnell stated that on the road construction site staff finished up Huisache between 3rd Street and 5th Street. They have not moved over to 22nd Street between John and Louisiana, which they are hoping to be able to get seal coated and hot mixed. He further reported that they will then move on to an overlay street and as soon as the concrete is cured by the Park, they will move to that area, as they don't want to start another project until this one is done. Crews focused a lot of the time on mowing and litter control along the highway in preparation for the Wings Over South Texas event. Crews are crack sealing on Santa Gertrudis and patching in Zones 11 and 12 as well as sweeping in the thoroughfares. At the JK for a special project, crews hauled out the dirt from in there and assisted in getting it cleaned out. As for the Golf Course, staff is working on a maintainer and as time permits, staff will work with the Golf Course Manager they will get those thing cut out as soon as possible.

Mr. Richard Flores, Golf Course Manager gave an update on the Golf Course. He made a PowerPoint on the Golf Course and stated that a greens renovation project, which will be supported by the new irrigation installation will start on March 26th. The project will consist of resurfacing the old greens and planting on ultra-dwarf Bermuda grass to the putting surface. When the greens are sprigged the same contractor, GreenScapes Six will start to renovate the strategic sand traps around the green complexes. The project should be complete and playing should begin on new putting surfaces on June 1st. Greens renovation project consists of spraying out old turf on green surfaces. Aeration of greens and cutting temporaries for play, all 19 greens will be aeriated twice to breakup any layering which may have occurred by past superintendents using different topdressing materials. The breaking up of the layering will insure that water and chemicals percolate through the profile consistently. This will make the management of the putting surfaces consistent and reduce localized dry spots. Temporary greens will be created in front of regular greens for golfing public. Sand traps will be renovated as they grow in the sprigs. The project will be completed by June 1st and they should open the greens and sand traps for tournament and regular play at the same time. A finished putting surface with sand traps will modernize the golf course and increase tournament and daily rounds of golf. Staff will be better able to launch a marketing and promotional plat to increase revenue. Mr. Flores stated that the goals for the Golf Course are to increase the rounds played including tournament participation; more sponsors for special events; attraction to tourists and Winter Texans to Kingsville; better playing conditions to grow the game for the future; increase to the quality of life; and contribute to the economic development of the community.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission is scheduled for April 9th. Due to the upcoming holiday, the deadline for staff to submit items for the April 9th meeting is March 28th. She further reported that City office will be closed on Friday, March 30th for the Good Friday. She also stated that on April 12th will be the State of the City luncheon.

Mayor Fugate commented that with the Blue Angels event this past weekend, this event brought in lots of visitors into our city. He further stated that he was glad to see the old fire truck being displayed at the old pump house off 6th Street.

IV. Public Comment on Agenda Items.³

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

Mr. John Temple, 519 S. 19th Street commented on his concerns for the skatepark located near the Brookshire Pool. He commented that skaters have been leaning against his car and have written on his car. He stated that he reported this to the Kingsville Police Department and the Officer who responded to his call, mentioned to him that the police have been called out to the skatepark on a daily basis. He is asking for city staff to look into how many times the Kingsville Police Department gets called out to the skatepark. He further commented that with summer coming around soon, he will be calling the police department at 10:01 p.m. if there are any minors at the skatepark as it will be a violation of nighttime curfew. Temple also commented that there is continuous bullying and stealing going on at the skatepark as well. He stated that the skatepark needs to be regulated just as Dick Kleberg Park is.

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2017-2018 budget to include a sewer line repair. (Public Works Director).

2. Motion to approve a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the Texas DPS and the City of Kingsville for the Texas Statewide Interoperability Channel Plan, which is an update to existing agreement. (Police Chief).

3. Motion to approve a resolution authorizing application for, participation in, and acceptance of funds from the 2019 Operation Border Star Program with the Homeland Security Grants Division of the Governor's Office for Local Border Security to interdict criminal activity with no anticipated cash match, authorizing the Chief of police to act on the City's behalf with such program. (Police Chief).

4. Motion to approve a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 5, 2018. (City Secretary).

(MOCIÓN PARA APROBAR UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 5 DE MAYO DE 2018.) (SECRETARIA MUNICIPAL).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider accepting donation of \$2,500 from the Kingsville Rotary Club for the Dick Kleberg Park dog park. (City Manager).

Mr. Garza stated that the Kingsville Rotary Club has donated \$2,500 for the Dick Kleberg Park dog park. He further stated that at this time, the dog park is behind schedule but will be giving an update on that at the next city commission meeting.

Mr. J. Dean Craig, 1210 W. Lee Street, commented that the Kingsville Rotary Club is made of professionals and local community leaders that are dedicated for the betterment of our communities. This group has large projects abroad, but also like to contribute to the their local community and make it a better place. He stated that the Rotary Club recognizes that this Commission is focused on quality of life for a better place to place their resources and with Rotary being a stakeholder in this community, they give their full support to this Commission and would like to donate \$2,500 towards a dog park.

Motion made by Commissioner Garcia to accept the donation of \$2,500 from the Kingsville Rotary Club for the Dick Kleberg Dog Park, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to accept and expend a Park's donation from the Kingsville Rotary Club. (City Manager).

Introduction item.

7. Consider a resolution authorizing the Mayor to enter into an Amended Interlocal Agreement between Kleberg County and the City of Kingsville for the L.E. Ramey Golf Course and area. (City Manager).

Mrs. Courtney Alvarez, City Attorney stated that the resolution that was prepared for this item, it reminds everyone that back on October 13, 2014 the City approved a resolution for an Interlocal Agreement, known as a Concession Agreement to take responsibility of the maintenance and operation of the L.E. Ramey Golf Course and surrounding areas. The total acreage is roughly 534 acres, which the golf course itself doesn't take the whole 534 acres, but the area of responsibility was that. Over the last year, staff had been in contact with Kleberg County Sheriff and Kleberg County Judge and the County Attorney with regards to a proposal that the Sheriff had for a potential use of approximately 147.9 acres out of the 534 acres. Both the Sheriff and County Judge will modify the existing agreement and carve out the 147.9 acres from the 534 acre. Everything else in the agreement between the parties will remain the same. Alvarez stated that the only changes that were made to the agreement is the addition of two WHEREAS's; one is to give some knowledge as to why the changes were being made and the other is Exhibit B, which carves out the 147.9 acres from the 534 acres. She further stated that she attended a Commissioner Court Meeting on March 12th where this item was presented to the County Commissioners Court, and voted 5-0 in approval.

Mr. Garza commented that staff is supportive of the change. With the additional amenities being added to area parks, the city does not have the staff and resources to focus the attention on the Skeet Range site.

Mayor Fugate commented that he agrees with the City Manager on his comment. He further commented that he doesn't have any problems with this project, but his only concern is, he looked at the Quick Claim Deed that the Federal Government gave the County and this property is to be used for strictly recreational purposes, which what they are asking to do with the area is not for recreational purposes.

Mr. Richard Kirkpatrick, Kleberg County Sheriff commented that this is correct. He stated that back when this deal was done back in 1970, the Department of DOD Defense went out and surplus the land to the County during that time. It was through that mechanism of Section 203 from the Federal Land Act 1949 that gave the County the ability to go through the Department of Interior to purpose the land as it was explained. At this point, the section of the law that allowed them to do this was due to Section 203 that able to give the county the ability to make the entire 534 acres was to be used for recreational purposes. It wasn't until the thought process of the County that they could make it suitable for their use that they further looked into Section 203 that gives law enforcement the ability to repurpose any proposed federal land. Kirkpatrick further stated that it was from that section that they went back and visited with the General Services Administration (GSA) and met with the Department of Interior and gave them their proposal and let them know what they were planning. He stated that they told him that if this was what they were proposing they had statutory to do so. At this point, they moved forward and worked with the Department of Justice to apply for the repurposing of the 147.9 acres. Kirkpatrick gave the Commission an update on this application and stated that they are almost to final approval. They have been asked by the Department of Justice and the GSA to provide some environmental impacts, particularly to the proposed site when it deals with a construction of a building or the renovation of a building. He stated that those renovation that are out there and have asked them to only answer three of the questions that deal with the National

Environmental Impact Protection Act, and as of today, they are working with a group that specializes in those types of studies in order to be able to answer those questions. At that point, they will go ahead and award the re-deed the Quick Deed as mentioned and allow it to continue. Kirkpatrick stated that he would like to let the Commission know that this entire project, when it was first spoken of a year ago, it basically involved them in creating a shooting range. With a skeet range being on this site, and because they had a need to do this, they talked about how this fits something that they would like to do. In going forward with the project, once they got the land awarded and were able to go forward from there, he would like to make this an invitation to the Kingsville Police Department, which they are more than welcome to utilize this facility. Kirkpatrick stated that the ongoing thought process is that after the application was approved they have the vision of going forward and making a regional training academy out in this location. He also stated that this would be available for to the Kingsville Fire Department. This would not only satisfy the needs for the Kleberg County Sheriff's Office but opens it up to the City of Kingsville Police and Fire Departments.

Mr. Rudy Madrid, Kleberg County Judge commented that it is also important to mention that aside from the City of Kingsville and Kleberg County, they have reached out to all of the neighboring counties who are very excited about this.

Commissioner Garcia asked if the Border Patrol would be allowed to use the facility.

Sheriff Kirkpatrick responded yes. They have met with the Border Patrol and are excited about it. Currently the Border Patrol drives 65 miles one way to complete their fire arms qualifications.

Motion made by Commissioner Garcia to approve the request from the Sheriff's Office and Kleberg County to allow for the extraction of 147.9 acres contingent on the approval from the proper authorities, seconded by Commissioner Pecos.

Mayor Fugate commented that we need to make sure that the Department of Interior signs off on this.

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

8. Consider a resolution authorizing the Mayor to enter into a Master Professional Services Agreement between LNV Engineering, Inc. and the City of Kingsville for wastewater system improvements. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager mentioned that this item authorizes the city to enter into a contract with LNV Engineering for Wastewater System Improvements Engineering Services for the City of Kingsville. Staff has published a Request for Qualifications #18-09 in the newspaper on December 17, 2017 and December 24, 2017. Responses were accepted until 2:00 p.m. on January 16, 2018. Seven responses were received. Staff reviewed the responses received and found the information received to be responsive to the RFQ. A review committee had interviews with the top four respondents and made a recommendation to the City Commission. On February 26, 2018, at a City Commission meeting, the Commission awarded the RFQ and authorized staff to negotiate a contract with the recommended engineering firm, LNV Engineering, Inc. The agreement for professional services is a master agreement that does not require the expenditure of funds by itself. As task orders are prepared under the master agreement, then funds will be needed to pay for the agreed upon task orders. It is staff's recommendation that the city commission authorizes staff to enter into a contract with LNV Engineering.

Mr. Garza commented that this is part of the overall effort in trying to bring a resolution to the city's capacity situation at the South Plant. He would like to make the commission aware that staff continues to work on this and will probably be ready to provide a comprehensive update to the Commission during a meeting in May, after the election.

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to enter into a Master Professional Services Agreement between LNV Engineering, Inc. and the City of Kingsville for wastewater system improvements, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to include additional engineering services for the wastewater system. (Finance Director).

Introduction item.

10. Consider introduction of an ordinance to change the zoning map in reference to Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family District to R2-Two-Family District. (Director of Planning & Development Services).

Introduction item.

11. Consider introduction of an ordinance to change the zoning map in reference to 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 15-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District. (Director of Planning & Development Services).

Introduction item.

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 3, Alcoholic Beverages, providing for a change to the distance for the sale of alcoholic beverages within 300 feet of a church, public or private school, daycare or child care facility, or hospital. (Director of Planning & Development Services).

Mayor Fugate commented that this item gets the city in compliance with the State.

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to purchase Red Ribbon Drug Awareness promotional items from previous donations to the Red Ribbon Drug Awareness Fund. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the police department raised funds locally in fundraisers 2002-2005. The funds for Red Ribbon week were never spent. Staff will be purchasing Red Ribbon Drug Awareness promotional items with the funds.

Introduction item.

14. Consider waiver of daily rental fee for JK Northway building for the International BBQ Cookers Association Heritage Cookoff event on October 26-27, 2018. (Tourism Director).

Ms. Janine Reyes, Tourism Director mentioned that she has been approached by Roddy Trevino and Lars Flores for a complete fee waiver with the rental of the J.K. Northway Exposition for the International BBQ Cookers Association Heritage cookoff

to take place on Friday and Saturday, October 26th and 27th, 2018. This event would be the first time the IBCA cookoff is hosted south of Houston and is anticipated to draw an estimated 250 teams comprised of 4 people per team. The amount of fees to be waived is the daily rental fee of \$1,500 per day, for a total of \$3,000.

Commissioner Garcia asked if the city is going to be asked to provide garbage bins for this event.

Mr. Roddy Trevino, 703 Alexander commented that when they had their event here in 2016, the County was still in charge of the JK Northway which they were able to provide county workers to collect trash. He further stated that he would hope that it would be an expectation.

Mr. Garza commented that the city normally, for any type of event, staff accordingly makes sure that restrooms are clean on a daily basis and make sure that trash is getting picked up. These are types of things, as a landlord, are responsible for.

Mr. Trevino commented that the event has been looked at by Schertz, Uvalde, San Antonio, and Beeville. He stated that luckily for Kingsville, he is the Region III Director and would like to bring it back home to Kingsville. This event should bring in about 250 teams as previously mentioned. This is a good event for our city as it would gain some revenue through the hotels, restaurants, and convenient stores.

Mayor Fugate asked staff, as it has been spoken about in the past, in lieu of waiving the fee, can the city just give money.

Mr. Garza responded that the city doesn't give money, for other events the city has provided marketing assistance such as it was approved for the boxing event just recently. In this particular case, they are not asking for marketing assistance, just requesting a waiver of fee for the JK Northway.

Commissioner Garcia asked about restroom facilities. Mr. Trevino responded that they are looking for sponsorship for extra restroom facilities.

Motion made by Commissioner Garcia to approve the waiver of daily rental fee for JK Northway building for the International BBQ Cookers Association Heritage Cookoff event on October 26-27, 2018, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Fugate voting "FOR".

15. Discussion and consideration on street corridors, street capital improvement update, and recommendations. (City Engineer).

Mr. Sharam Santillan, Capital Improvements Manager stated that since the last meeting where staff presented a master list of corridors that were being considered to work be done to them. Staff has narrowed it down to two corridors. The selection was based off of that they serve as both residential neighborhood and corridors of which are considered destination corridors. First corridor that is being considered is Santa Gertrudis from Armstrong to 6th Street. Staff knows that this corridor services a lot of the mid part of town neighborhoods and connects the University to the center part of town as well. He stated that this street has already shown some signs of base failures which is it is considered at the top of the list for some sort of activity to happen, although it is still salvageable. Santillan stated that they went through the exercise of assessing the streets and putting together two comparable cost estimates as to if staff goes in and does a maintenance activity with some full depth reconstruction to prolong the life and not have invest capital cost in a few years. The Commission at this time was provided with a packet of which shows cost estimates for two course seal coat for Santa Gertrudis from Armstrong to 6th Street and with some spot full depth reconstruction. Santillan continued to report that the spot full depth reconstruction is on locations where there is some excessive base failures. The estimate for this comes right around \$285,000, which is for a two course seal coat with some spot FDC through the project.

Mr. Garza commented that this dollar amount is only an estimate.

Mr. Santillan further commented that this will consist of restriping the street as well with continuous left turn lanes and two bike lanes on each side. For comparison analysis of the full depth reconstruction if the Commission chooses not to do anything to this section of the street, in a few years it will deteriorate as time goes by and with the increase traffic on this street, the city can look at an estimate of \$775,000 to \$830,000 to completely reconstruct this corridor. Santillan stated that the next corridor that staff considered was Caesar Avenue from 6th Street to 14th Street. This is another street that services the direct connect of two commercial areas as well as neighborhoods in the center of town. The cost estimate for a two course seal coat with spot FDC is \$345,000 with restriping. If it is chosen to do nothing and left it as is and with increase traffic volume on the corridor, the cost for a full depth reconstruction the estimate is \$790,000 to \$850,000.

Mr. Garza commented that what staff wants direction from the Commission is, in which order does staff take in those projects. Garza stated that at the last city commission meeting, he recommended looking at taking \$400,000 from the Street Fund to do one of these projects. Garza further stated that what staff is looking for is direction from the City Commission to pick one project. If the Commission chooses to pick one of these plans, staff would need time to put the plans together, which would make the project begin in the summer months.

Mayor Fugate commented that he feels that staff would be in a better position to tell the Commission which of the two plans they would like to do first, as staff knows these streets better than the Commission.

Mr. Garza responded that staff can tell the Commission the pros and cons of both situations. The price for Caesar is more expensive, as it is in worse condition. If staff would have to pick according to which is the worse of the two, staff would pick Caesar.

Commissioner Garcia asked that on a two course seal coat, how long will that prolong the life of either of the projects.

Mr. Santillan responded that on a single course seal coat with regular maintenance activity is estimated that it will prolong for about five years; with a two course seal coat, it can prolong it from seven to ten years.

Commissioner Garcia stated that Caesar has alligator cracking, and when you seal you are just covering it.

Mr. Garza commented that between 6th and 7th Street it will be reconstructed and where the stops that have alligator cracking, which are too wide and passed salvaging, those areas will be full depth reconstruction.

Commissioner Garcia asked if staff is looking at a ten year life on both. Mr. Santillan responded yes, for a two course. He further stated that if you tackle the failure spots, yes.

Mr. Garza commented that not included in this is any additional work that may be needed to some of the curb and gutter and some of the utilities that staff may want to address as part of this project.

Mayor Fugate commented that as for the street fund, he feels that staff will have a hard time spending all that money on keeping our residential streets up-to-date. He believes that if the Commission approves both of these projects it would probably take a year to get them all done.

Mr. Garza stated that there are a lot of factors that play into this that need to be considered. There are a lot of special projects that are assigned.

Mayor Fugate commented that if staff only did the first project and it looked like we were getting short on funds, we can easily hold up on the second project.

Mr. Santillan stated that for this year's list of streets to be done off the SMIT list, it is expected to spend \$790,000. If staff was to reallocate \$400,000 to work on the street corridors, the city would lose about 50% of the streets to be constructed off the SMIT list. Instead of doing 42 blocks in-house, we will only be able to do 21 blocks in-house.

Mayor Fugate commented that what staff is not considering is that it will cost \$790,000 to do the streets on the SMIT list, but in the meantime every month goes by we are adding to that street fund. Fugate stated that there will be money to be able to do most of these projects plus the two projects of Caesar and Santa Gertrudis.

Mr. Garza responded that staff disagrees. He stated that there is not enough money as the list is a continual list, not a list that exist once and then it over. When the SMIT was developed it had a very specific list by year.

Mayor Fugate asked for staff to show him the SMIT list from last year. Mr. Garza responded that staff didn't get to finish the list. Fugate asked again for staff to show him the SMIT list that was done last year, and how many streets did staff get to last year. Mr. Garza responded that he is not able to tell him what was done last year, but some got done. He stated that staff didn't get to finish the list for a combination of reasons, but his point is that if staff reallocated \$400,000 from the fund to go towards this corridor project, it will have an impact on the delay of this list.

Mayor Fugate stated that staff had the money last year and it wasn't done. Mr. Garza commented that what the Commission is suggesting is this year by taking \$400,000 somehow the staff will be able to do all the list, but last year, staff didn't take \$400,000 and still didn't do it.

Mayor Fugate commented that staff had the money and it didn't get done, and staff will not get it done this year.

Commissioner Pecos asked if staff was subcontracting the work or is it being done in-house. Mr. Garza responded that the work is being done by city staff. Pecos further asked if there is money to do both projects.

Mayor Fugate commented that there is money.

Mr. Garza stated that by redirecting this money, it will have an impact on the list.

Mayor Fugate asked if staff was working faster. Mr. Bill Donnell, Public Works Director commented that it depends on staffing. He stated that he lost a supervisor last year and two operator 3's that are key to this operation. You lose that staff, there is no seal coating. Fugate asked about staffing now. Mr. Donnell stated that he is short an operator 3 and an operator 2.

Mr. Garza stated that one of the things that he has been exploring is that the inconsistent with staffing is to possibly developing an RFP for streets. This would allow staff to subcontract to a company to do some streets.

Commissioner Garcia asked if the RFP would include material or just equipment and labor.

Mr. Garza responded that he hasn't explored that just yet, but do have a contract for materials, so more than likely it would be both. In the case that makes sense, the city

can provide the materials and in the cases that it doesn't, then the city will have the option not to.

Mr. Garza stated that by simply reallocating the \$400,000 to go towards the corridor project would not necessitate a budget amendment as the money will not be pulled from the funding, but simply changing what it will be used for.

Mrs. Deborah Balli, Finance Director commented that it wouldn't require a budget amendment.

Mayor Fugate asked if this would violate any agreement that the city has with the tax payers that are paying this fee?

Mrs. Alvarez responded no. The way that the SMIT was setup, it was for the City Engineer and staff to reassess as needs come up, and so they have the ability to move projects around within the list, it is not a contract.

Mr. Garza commented that these corridors are, in certain capacity mentioned in the list.

Mr. Santillan commented that they were part of the original SMIT list.

Mayor Fugate stated that it would be prudent to approve both projects and after staff get through the first one, see where we are on our funds and then don't do the second one, if there isn't any money.

Motion made by Commissioner Garcia to approve staff's recommendation and start with Caesar first and the second project would be Santa Gertrudis.

Mr. Garza commented, also utilizing \$400,000 from the Street Fund.

Mayor Fugate responded absolutely. Fugate further asked if staff wanted to limit themselves to that. Mr. Garza responded that for now, yes, until this can be studied a little further as it is getting done.

Mayor Fugate asked Commissioner Garcia if this was his motion. Commissioner Garcia responded Yes.

Motion was seconded by Commissioner Pecos.

Mayor Fugate commented that he thinks staff has enough money to be able to do both projects.

Commissioner Pecos commented that it will all be fine.

Commissioner Garcia commented that whatever it is, it needs to get done.

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

16. Discuss parameters for employee health care plan request for proposals. (Human Resources Director).

No discussion took place on this item. Mayor Fugate would like to wait on discussing this until all five Commission members are present. Mayor Fugate has asked for this item to be placed on the April 9th Commission Agenda.

17. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body

seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

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

Mayor Fugate read both Executive Session items # 17 and 18. He convened the meeting into close session at 7:25 p.m.

Mayor Fugate reconvened the meeting into open session at 7:48 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:48 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

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

TO: Mayor and City Commissioners
FROM: Jesus A. Garza, City Manager
DATE: March 20, 2018
SUBJECT: Noon Rotary Club Donation for Dog Park

Summary:

This action item approves a donation of \$2,500 from the local Noon Rotary Club of Kingsville to go towards a Dog Park located within Dick Kleberg Park.

Background:

The City of Kingsville received an original donation of \$25,000 from the Vishal Raju Bhagat Foundation for the Dog Park to be located within Dick Kleberg Park. The Dog Park concept came from the Parks Master Plan adopted in 2017. The City of Kingsville currently does not have a specific Dog Park. After that donation from the Foundation the City also received an additional \$7,000 donation from various local hotel and business owners and \$1,000 donation from Commissioner Garcia winning a Texas Got Talent competition during TML 2017 Conference. The grand total for donations up to this point is \$33,000. After the acceptance of the donation from the Noon Rotary Club the total for donations will be \$35,500. The total expected cost of the Dog Park will range between \$80,000 - \$100,000.

Financial Impact:

The donation of \$2,500 will be incorporated into the budget for the Dog Park.

Recommendation:

Staff recommends approving the donation.



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-18 BUDGET TO ACCEPT AND EXPEND A PARKS DONATION FROM THE KINGSVILLE ROTARY CLUB.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Revenue					
4-0000		Donations	72030	\$ 2,500.00	
Expenses					
5-4503		Parks-Dog Park	71309	\$ 2,500.00	

[To amend the City of Kingsville FY 17-18 budget to accept and expend a parks donation awarded by the Kingsville Rotary to be used towards a dog park as per the attached memo from the City Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the ___ day of _____, 2018.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Kingsville Rotary Club
P.O. Box 1738
Kingsville, TX 78364

Kleberg First National Bank
Kingsville, Texas 78364
36-1268/1149

011003

PAY TO THE
ORDER OF City of Kingsville

3/5/2018
\$ 2,500.00

Two Thousand Five Hundred and 00/100 ***** DOLLARS

City of Kingsville
P.O. Box 1458
Kingsville, TX 78364

Ginda M. Hahn
VOID AFTER 90 DAYS

MEMO

⑈011003⑈ ⑆11491268⑆ ⑈0206601⑈

Kingsville Rotary Club
City of Kingsville
5260 - Project Expenses

011003
2,500.00

3/5/2018

Dog Park Donation

KFNB - 6601

2,500.00

AGENDA ITEM #2

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 14, 2018

SUBJECT: Budget Amendment to Expend Fund 030—Red Ribbon Awareness

Summary:

The police department raised funds locally in fundraisers from 2002-2005. The funds for Red Ribbon week were never spent

Background:

We will be purchasing Red Ribbon Drug Awareness promotional items with the funds.

Financial Impact:

No funds were budgeted for this budget year under this line item. We are requesting to expend the \$2,365.02 available in this fund

Recommendation:

Request that we be allowed to expend the \$2,365.02 for Red Ribbon Drug Awareness items.





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STK794P (/our-school-rocks-bully-drug-free-self-stick-satin-gold-foil-ribbon-100-pack/p/stk794p/)

-	8	+
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×

Unit Price: \$10.20

Setup Fee

Line Total \$81.60



United We Stand Against Bullying & Drugs Self-Stick Satin Gold Foil-Stamped Ribbon (/united-we-stand-against-bullying-drugs-self-stick-satin-gold-foil-stamped-ribbon/p/stk841p/)

STK841P (/united-we-stand-against-bullying-drugs-self-stick-satin-gold-foil-stamped-ribbon/p/stk841p/)

-	8	+
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Unit Price: \$10.20

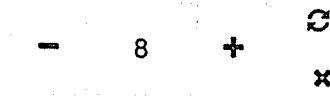
Setup Fee

Line Total \$81.60



I Tune Out Drugs Self-Stick Satin Gold Foil-Stamped Ribbon (
/i-tune-out-drugs-self-stick-satin-gold-foil-stamped-
ribbon/p/stk845p/)

STK845P (/i-tune-out-drugs-self-stick-satin-gold-foil-stamped-
ribbon/p/stk845p/)



Unit Price: \$10.20

Setup Fee

Line Total \$81.60



No Drugs! No Bullies! No Excuses! Self-Stick Red Satin Gold
Foil-Stamped Ribbon (/no-drugs-no-bullies-no-excuses-self-
stick-red-satin-gold-foil-stamped-ribbon/p/stk856p/)

STK856P (/no-drugs-no-bullies-no-excuses-self-stick-red-satin-
gold-foil-stamped-ribbon/p/stk856p/)



Unit Price: \$10.20

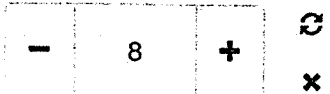
Setup Fee

Line Total \$81.60



Be Strong Be True Be You Drug Free! Red Satin Gold Foil-
Stamped Self-Stick Ribbons (/be-strong-be-true-be-you-self-
stick-red-satin-gold-foil-ribbons/p/stk807p/)

STK807P (/be-strong-be-true-be-you-self-stick-red-satin-gold-foil-
ribbons/p/stk807p/)



Unit Price: \$10.20


Setup Fee

Line Total \$81.60



Celebrate Red Ribbon Week Foil Ribbon Stickers (/celebrate-
red-ribbon-week-foil-ribbon-stickers/p/rs-1224/)

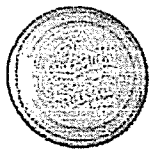
RS-1224 (/celebrate-red-ribbon-week-foil-ribbon-stickers/p/rs-
1224/)

- 20 + 
x


Unit Price: \$3.95

Setup Fee

Line Total \$79.00



Reach For The Stars, Not Drugs High Flying Disc (/reach-for-the-stars-not-drugs-high-flying-disc/p/ios828v/)
IOS828V (/reach-for-the-stars-not-drugs-high-flying-disc/p/ios828v/)

- 55 + 
x


Unit Price: \$12.95

Setup Fee

Line Total \$712.25



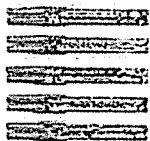
I "Mustache" You Not To Do Drugs! Die-Cut Bookmark (/i-mustache-you-not-to-do-drugs-die-cut-bookmark/p/km-878p/)
KM-878P (/i-mustache-you-not-to-do-drugs-die-cut-bookmark/p/km-878p/)

- 13 + 
x


Unit Price: \$19.95

Setup Fee

Line Total \$259.35



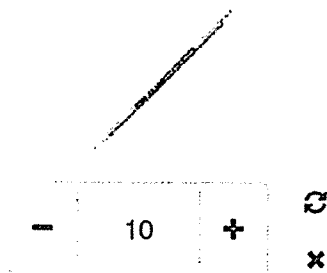
Band Together Against Bullying & Drugs Pen Assortment Pack (/band-together-against-bullying-and-drugs-pen-assortment-pack/p/pn2197v/)
PN2197V (/band-together-against-bullying-and-drugs-pen-assortment-pack/p/pn2197v/)

- 12 + 
x

Unit Price: \$25.95

Setup Fee

Line Total \$311.40



Stay Sharp Live Drug Free! Heat-Sensitive Pencils (/stay-sharp-live-drug-free-heat-sensitive-pencils/p/pl1478p/)
PL1478P (/stay-sharp-live-drug-free-heat-sensitive-pencils/p/pl1478p/)

Unit Price: \$36.95

Setup Fee

Line Total \$369.50

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Shipping method

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MERCHANDISE SUBTOTAL:

\$2,139.50

Tax: \$0.00

Shipping Total: \$224.65

Order Total: \$2,364.15

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Checkout

(<https://www.positivepromotions.com/checkout.aspx>)



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Google
Customer Reviews

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-18 BUDGET TO PURCHASE RED RIBBON DRUG AWARENESS PROMOTIONAL ITEMS FROM PREVIOUS DONATIONS TO THE RED RIBBON DRUG AWARENESS FUND.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 030 Red Ribbon Drug Awareness					
Equity					
2		Assigned - Drug Awareness	61002	\$ 2,365.02	
Expenses					
5-2100		Supplies	21100	\$ 2,365.02	

[To amend the City of Kingsville FY 17-18 budget to purchase Red Ribbon Drug Awareness promotional items from previous donations received in 2002-2005 to the Red Ribbon Drug Awareness Fund as per the attached memo from the Chief of Police.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the ____ day of _____, 2018.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

|

AGENDA ITEM #3

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: March 14, 2018

SUBJECT: Amendments Article 3 – Alcoholic Beverages

Summary:

To amend Article 3 – Alcoholic Beverages by deleting the distance requirement of 1,000 feet for a variance and by leaving 300 feet as the distance requirement for a variance if needed.

Background:

As you know a restaurant opened up approximately 2 years ago near downtown and at that time a variance was not needed. Since that time a church opened up downtown at 224 E. Kleberg. When the above mentioned restaurant decided to downgrade its license it had to go through the distance requirement process which found it to be within 1,000 feet of a church. Consequently they had to go to the City Commission to get a variance for their TABC license. While the variance was approved it caused us to re think the benefits and or necessity of having the 1,000 feet benchmark. The 1,000 feet benchmark is not a requirement of state law; it is strictly a city determination. One could make the argument that if we want to develop our downtown into more of an entertainment center for the community is the 300 feet benchmark sufficient for a variance process. If we had just 300 feet as the benchmark when the above restaurant went through the process they would have not had to get a variance. Could the 1,000 feet benchmark hurt us when it comes to our Downtown Vision and the desire to recruit and or add entertainment spots in our downtown? In the past 3 years 2015, 2016, 2017 there were a total of 19 variances requests taken to the City Commission because of the distance benchmark in relationship to a church, school and daycare. Of those 19, 16 were in between 300 feet and 1,000 feet of the 3 samples listed above. That means 16 had to pay \$250.00 dollars (a piece) for the variance request. I believe that this could be a regulatory burden that



City of Kingsville
Planning and Development Services

could be reduced by deleting the 1,000 feet requirement and have the distance benchmark at 300 feet only.

Financial

From the background information it could be possible that permit revenue in this category would decrease. By using the number in the last 3 years \$4,000 dollars would not have been received in variance requests. I think that an argument could be made that if the distance is only 300 feet, that recruitment of this type of business might increase which could make the \$4,000 dollars a wash in increased property tax and sales tax.

Recommendation:

The Planning and Zoning Commission met on March 21st and voted 7 to 0 to recommend approval of the change in Article 3 by deleting the 1,000 feet requirement and keeping 300 feet.



To Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: March 14, 2018

Subject: Agenda Item #5

Since we did not have a quorum for the March 7th meeting, to discuss this we will have on the March 21st meeting in addition an action item for the Planning and Zoning Commission to consider. The attached memo explains the reason for the Planning and Zoning to be reviewing this ordinance language.

Attachments:

- A. Appendix A used allowed in C3
- B. Article 3 – Alcoholic Beverages, specifically Section 11-3-4
- C. Exhibit C – Chapter 109, Title 4 state law on Alcohol Beverage Code which says may on the distance requirement
- D. The list of variances that went to the city commission pertaining to the distance requirement.
- E. Memo to the Planning and Zoning Commissioners for March 7th meeting
- F. Draft ordinance

Recommendation:

Recommend approval of the ordinance that deletes 1,000 feet and leaves 300 feet in place for a distance requirement pertaining to a church, school, daycare or child care facility.

Exhibit A

R1 R2 R3 R4 MH C1 C2 C3 C4 I1 I2 Ag

Off-street parking incidental to main use ..	P	P	P	P	P	P	P	P	P	P	P	P
Private swimming pool	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation	P	P	P	P	P							P
Apartment or secondary residence for servants or family members	S	P	P	P	P	P	S	P				P
Institutional and Special Service												
Airport, heliport		S	S	S	S	S	S	S	S	S	S	S
Cemetery, mausoleum	S	S	S	S			S					S
Church, rectory	P	P	P	P	P	P	P	P				P
Convent, monastery or other dwelling for pursuit of group religious ideals	S	S	S	P	S	S	P	P				P
Private country club	S	S	P	P	P	P	P					P
Day nursery or kinder	S	S	S	P	P	P	P	P	P	P		P
Farm, ranch, or orchard												P
Lodge or club			S		P	P	S					P
Home, halfway house, or other group dwelling for alcoholic, narcotic, psychiatric patients or felons and delinquents		S	S	S		P	S					S

[illegible]

Exhibit B

ARTICLE 3. - ALCOHOLIC BEVERAGES⁽²⁾

Sec. 11-3-1. - Revocation of license.

The Commissioner shall have the power to revoke the retail beer or light wine permit or license issued by the city to any retailer of beer or light wine found guilty of a violation of any provision of the Texas Liquor Control Act. The permit may be temporarily or permanently revoked depending upon the gravity of the offense convicted of and whether or not the party charged is a first offender.

(1962 Code, § 5-6-1)

Sec. 11-3-2. - Local permit fee.

The owner of each permit issued by the Texas Alcoholic Beverage Commission for any premises located within the corporate limits of the city shall pay to the city a fee, which shall not exceed one-half the fee paid the State of Texas as determined by the state fee schedule as it exists or may be hereafter amended, subject, however, to such exemptions as set forth in Tex. Alco. Bev. Code, § 11.38 as currently enacted or hereafter amended.

(1962 Code, § 5-6-3; Ord. 82052, 11-22-82)

Sec. 11-3-3. - Hours consumption permitted.

Any person who is the holder of a retail dealer's on premise late hours license as issued by the Alcoholic Beverage Commission of the State of Texas may also sell, offer for sale, and deliver beer and/or mixed beverages between midnight and 2:00 a.m. on any day.

(1962 Code, § 5-6-4; Ord. 83043, passed 10-17-83)

Statutory reference— Authority to extend hours, see Tex. Alco. Bev. Code, § 105.05(d)(2).

* Sec. 11-3-4. - Sales near school, church or hospital.

The sale of alcoholic beverages by a dealer whose place of business is within 1,000 feet of a church or public hospital or within 1,000 feet of a public or private school, daycare or child care facility is prohibited, unless a variance is obtained from the City Commission.

(Ord. 98007, passed 4-13-98; Ord. 2003-07, passed 4-28-03)

Cross reference— Penalty, see § 1-1-99.

Sec. 11-3-5. - Variances.

* (A) The City Commission may grant a variance to the prohibition of the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public or private school, daycare or child care facility, or hospital upon application for a variance with the city and a determination by the City Commission that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the City Commission, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community. The method of measurement of the distance between the place of business where alcoholic beverages are to be sold and the church, public or private school, daycare or child care facility, or hospital shall be taken in accordance with the Texas Alcoholic Beverage Code.

(B) The City Manager, or his or her designee, shall receive applications for a variance to the prohibition of the sale of alcoholic beverages under this chapter. Once an application for a variance has been received and all necessary documentation completed, a public hearing shall be conducted on the request for a variance. The City Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation 15 days prior to such hearing before acting upon any variance matter. All property owners within 300 feet of the property on which the change is proposed shall be sent written notice not less than 15 days before the hearing date. The list of property owners shall be prepared from the last city tax roll listing all property owners who have rendered their property for city taxes. Notice is adequately served by depositing properly addressed and postage paid notice with the city post office. Property owners whose names do not appear on the city tax roll are adequately notified by the publication in a newspaper of local circulation. Majority vote of the members of the City Commission shall be necessary to approve a request for a variance under this chapter. A fee of \$250.00 shall accompany each application for a variance, since they require notification or publication. An applicant for a variance for on-premise

consumption must: (1) either apply for a food and beverage certificate issued by the Texas Alcoholic Beverage Commission or; (2) be open six days a week (excluding national holidays), serve any combination of two out of three meals each day open (breakfast, lunch, dinner), have daily hours of operation not exceeding 16 hours, and have an area for dining that is at least as large as the area for drinking alcoholic beverages. An applicant for a variance for off-premise consumption must apply for an off-premise certificate issued by the Texas Alcoholic Beverage Commission.

- (C) In the event a variance is granted by the City Commission and the establishment operating under the variance has a change in owners, officers, stockholders, corporations, entities, or names, then the variance expires with such change.
- (D) A business currently licensed or with a pending application to be licensed to sell alcoholic beverages will be grandfathered under this chapter until such time that there is a change in ownership, officers, stockholders, corporations, entities or names. At that time that business will be required to apply under this chapter.

(Ord. 2003-07, passed 4-28-03; Ord. 2003-13, passed 7-18-03; Ord. 2004-20, passed 8-9-04)

evaluation at an organized tasting competition that is closed to the general public or by a reviewer whose reviews are published if:

(1) no charge of any kind is made for the wine, ale, malt liquor, or beer, for its delivery, or for attendance at the event; and

(2) the commission consents in writing to the delivery.

(c) Nothing in this section shall be construed to authorize an increase in the quantity of wine, ale, malt liquor, or beer authorized to be produced by a person under the authority of Section 109.21(a) of this code.

Added by Acts 1989, 71st Leg., ch. 310, Sec. 2, eff. June 14, 1989.

Title 4 - Chapter 109 - Exhibit C

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Acts 1977, 65th Leg., p. 525, ch. 194, Sec. 1, eff. Sept. 1, 1977.

Sec. 109.32. MUNICIPAL AND COUNTY REGULATION OF BEER. (a) An incorporated city or town by charter or ordinance may:

(1) prohibit the sale of beer in a residential area; and
(2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

Acts 1977, 65th Leg., p. 525, ch. 194, Sec. 1, eff. Sept. 1, 1977.

X Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL. (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, or public hospital;

(2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code; or

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Exhibit D

Name of business	Address	Year	Distance	Type
Tequila's	1406 N 14th	2015	~830 ft	Church
American Legion Post 99	2502 E Kenedy	2015	~900 ft	Daycare
Day and Night Club	304 E Richard	2015	~300ft/~450-600ft	Daycare/Churches
Colors Bar	1206 N 6th	2015	~650ft	School
Javelina Mart	1202 N Armstrong	2015	~150 ft/~460ft	School/Church
Double Seven Drive-Thru	1414 N 14th St	2015	800ft	Daycares
Wingstop	1310 E General Cavazos	2015	500ft	School
Ez Stop, LLC	201 S Hwy 77	2015	~470ft	Daycare
Pizza Hut	1330 S 14th	2015	~500ft/~900ft	Daycare/School
Double Seven	1414 North 14th Street	2016	~800ft	Daycares
Murphy USA	1127 East General Cavazos	2016	~300ft	School
Sunny Mini Mart	1230 E Santa Gertrudis	2016	~230 ft	School
Rita's Superstore	227 W King Ave	2016	~400ft/~900ft	Church/Church
Nucky's Cocktail Bar	1406 North 14th St	2016	~800ft	Church
Spice Station Food Mart	606 E King	2017	~150ft	Daycare
Hoggies Sports Bar	1206 N 6th St	2017	~800ft/~900ft	School/Daycare
Shrim 6 Groceries	620 N Armstrong St, Suite A	2107	~330 ft	Church
Rox Sports Lounge	1701 South Brahma Blvd	2017	~500 ft/1000ft/~500	Church/ School/Daycare
Pizza Parlor	816 W King	2017	~400 ft	Daycare

Total 19 variance requests

Exhibit E

To: Planning and Zoning Commissioners

From: Tom Ginter, Director

Date: March 2, 2018

Subject: Agenda Item – Alcohol Beverages – Article 3

This item is on the agenda due to an event in the past few months, which caused staff to bring it to your attention. Approximately 2 years ago a restaurant was opened up near downtown and at the time a variance to serve alcohol was not needed. Since then a church has located downtown at 224 E. Kleberg. A church and other religious institutions are permitted downtown (C3) which are identified in (Exhibit A). When the above mentioned restaurant decided to downgrade its alcohol license it had to go to TABC for a new one which also means that it had to be determined whether there was a church, daycare, school within 1,000 feet or 300 feet. Attached is a copy of Article 3 Alcohol Beverages, (Exhibit B pay attention to 11-3-4 and 11-3-5). Consequently it is within 1,000 feet of the church at 224 E. Kleberg which means it had to file a variance and appear in front of the City Commission to be approved to sell alcohol. The variance was approved but it did cause us to rethink the benefits of having the 1,000 feet variance benchmark. The 1,000 feet benchmark is not a requirement of state law (Exhibit C) it is strictly a City of Kingsville determination. One could make the argument that if we want to develop our downtown into more of an entertainment center for the community is the 300 feet benchmark sufficient for a variance process? Could the 1,000 feet benchmark hurt us when it comes to our Downtown Vision and the desire to recruit and or add entertainment spots in our downtown?

In the past 3 calendar years 2015, 2016, 2017 there were a total of 19 variance requests (Exhibit D) taken to the City Commission because of the distance benchmark in relationship to a church, school and daycare. Of those 19, 16 were in between 300 and 1,000 feet of the 3 institutions mentioned above. That means 16 had to pay \$250.00 dollars (a piece) for the variance request and then wait for 2 weeks approximately or longer before it was approved by the City Commission. I can tell you that the City Commission regularly approves the variance request. Nonetheless is this a regulatory burden that we think should be reduced by deleting the 1,000 feet requirement and have the distance benchmark at 300 feet only?

ORDINANCE NO. 2018-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, BUSINESS REGULATIONS ARTICLE 3, ALCOHOLIC BEVERAGES; PROVIDING FOR A CHANGE TO THE DISTANCE FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A CHURCH, PUBLIC OR PRIVATE SCHOOL, DAYCARE OR CHILD CARE FACILITY OR HOSPITAL; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Section 11-3-4 Variances, Article 3: Alcoholic Beverages of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 11-3-4 SALES NEAR SCHOOL, CHURCH OR HOSPITAL.

The sale of alcoholic beverages by a dealer whose place of business is within 300 ~~4,000~~ feet of a church or public hospital or within 300 ~~4,000~~ feet of a public or private school, daycare or child care facility is prohibited, unless a variance is obtained from the City Commission.

(Ord. 98007, passed 4-13-98; Ord. 2003-07, passed 4-28-03)

Cross reference— Penalty, see § 1-1-99.

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 26th day of March, 2018.

PASSED AND APPROVED on this the 9th day of April, 2018.

EFFECTIVE DATE: _____, 2018

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

City of Kingsville
Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director of Planning and Development Services

DATE: March 14, 2018

SUBJECT: Public Hearing and Action Concerning the Rezoning of 507 W. Richard from R3 to R2

Summary:

Ruben Ruiz desires to build a single family house at 507 W. Richard. The size of the lot is 50 x 75 = 3,500 square feet. The size of the lot is too small in R3 to build what he wants and also in R1 since the minimum lot size is 5,500 square feet. The only way for him to build a single family house on this lot is to rezone to R2. The minimum lot size for R2 is 2,500 square feet.

Background:

Ruben Ruiz came to me with this request to build a single family home. This lot was developed in 1950 which is before there were any rules on lot size etc. I believe that if we want infill to occur especially single family housing we will have to work our way through these issues. The tentative plan right now that if this goes through Mr. Ruiz will have the house dem'd so he can build the house.

Financial Impact:

This would be a positive impact if allowed. A single family house will be built in its place to increase property taxes and at the same time upgrade the neighborhood by taking out a structure that if not demo'd now would eventually be on our list to send to the city commission.

Recommendation:



City of Kingsville
Planning and Development Services

The Planning and Zoning Commission met on March 21, 2018 and voted 7 to 0 to recommend approval of the rezoning at 507 W. Richard from R3 to R2.



**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 507 W. Richard Nearest Intersection Richard Ave. 2nd St. &
 (Proposed) Subdivision Name Original Townsite N 1/2, 13-14 Lot 13 & 14 Block 16
 Legal Description: Lot 13 & 14 Original townsite N 1/2, 13-14 Block 16
 Existing Zoning Designation R3 Future Land Use Plan Designation R-2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Ruben Ruiz Sr Phone 956 821-8902 FAX _____
 Email Address (for project correspondence only): rubenruiz11@yahoo.com
 Mailing Address 4910 June Dr - City Edinburg State Tx Zip 78539
 Property Owner Rosana M. Ruiz Phone 956-4608035 FAX _____
 Email Address (for project correspondence only): rubenruiz11@yahoo.com
 Mailing Address 4910 June Dr - City Edinburg State Tx Zip 78539

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

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

Please provide a basic description of the proposed project:

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

Applicant's Signature [Signature] Date: 2-21-18
 Property Owner's Signature _____ Date: 2-21-18
 Accepted by: _____ Date: _____

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 21, 2018, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Ruben Ruiz Jr, applicant, Rosanna M Riojas, owner, requesting the rezone of ORIG TOWN, BLOCK 16, LOT N/2 13-14 also known as 507 West Richard from R3 (Multi-Family) to R2 (Two-Family District).

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 26, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

Ruben Ruiz Jr, applicant, Rosanna M Riojas, owner, requesting the rezone of ORIG TOWN, BLOCK 16, LOT N/2 13-14 also known as 507 West Richard from R3 (Multi-Family) to R2 (Two-Family District).

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

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: March 14, 2018

Subject: Agenda Items #3 and #4

Ruben Ruiz desires to build a single family house at 507 W. Richard. The size of the lot is 50 x 75 = 3,500 square feet. The size of the lot is too small in R3 to build and R1 also since the minimum lot size for R1 is 5,500 square feet. The only way for him to build on this lot is to rezone to R2 which the minimum lot size is 2,500 square feet.

Attachments

- A. Draft ordinance
- B. Appendix A showing what is allowed in R1 and R2
- C. Appraisal District record reflecting size of lot
- D. Zoning map showing location of lot with X
- E. Map of buffer area
- F. List of homes that were sent letters

Recommended Action:

To approve the rezoning to R2. Since this lot was developed in 1950, which was prior to any of the rules we have today. For this lot to be developed a rezone would have to occur.

ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO ORIG TOWN, BLOCK 16, LOT N/2 13-14 ALSO KNOWN AS 507 W. RICHARD AVE. FROM R3-MULTI-FAMILY DISTRICT TO R2-TWO-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Ruben Ruiz, Jr. on behalf of Rosanna M. Riojas, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 21, 2018 during a meeting of the Planning and Zoning Commission, and on Monday, March 26, 2018 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 0-0 vote to APPROVE/NOT APPROVE the requested rezone with no abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family to R2-Two-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the _____ day of _____, 2018.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

B

R1 R2 R3 R4 MH C1 C2 C3 C4 I1 I2 A

Neigh Pct Cent/M Com

*

Dwelling, one family det.	P	P	P	P	P	P	P	P				P
Dwelling, one family att.		P	P	P		S	P					P
Dwelling, two family		P	P	P		S	P					
Dwelling, multi-family			P	P		P	P	P				
Boarding or rooming house				P			S	P	P			
Hotel or motel				P			S	P	P			
Dormitory				P								
Fraternity, sorority				P								
Mobile home/manufactured home park or mobile home/manufactured home on lot	S ¹	S ¹	S ¹	S ¹	P					S	S	S
Recreational vehicle park					P		S		S			
Secondary res. structure				P	P		S	S		S	S	S
Other residential accessory and incidental uses	S	S	S	S	S					S	S	
Accessory building	P	P	P	P	P	P	P	P	P	P	P	P
Community center (private)	S	S	S	S	S	P	P	P				
Accessory farm building				P	P	P	P	P	P	P	P	P

11

Taxes w/o Exemptions:

N/A

Improvement / Building**Improvement #1:** RESIDENTIAL **State Code:** A1 **Living Area:** 672.0 sqft **Value:** \$12,520

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW3	1950	672.0
OP1	OPEN PORCH BASIC (20%)	*		1950	200.0
CP1	CARPORT BASIC (10%)	*		1950	200.0
SG2	STORAGE UNFINISHED (30%)	*		1950	40.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.0803	3500.00	50.00	70.00	\$2,970	\$0

X

Roll Value History

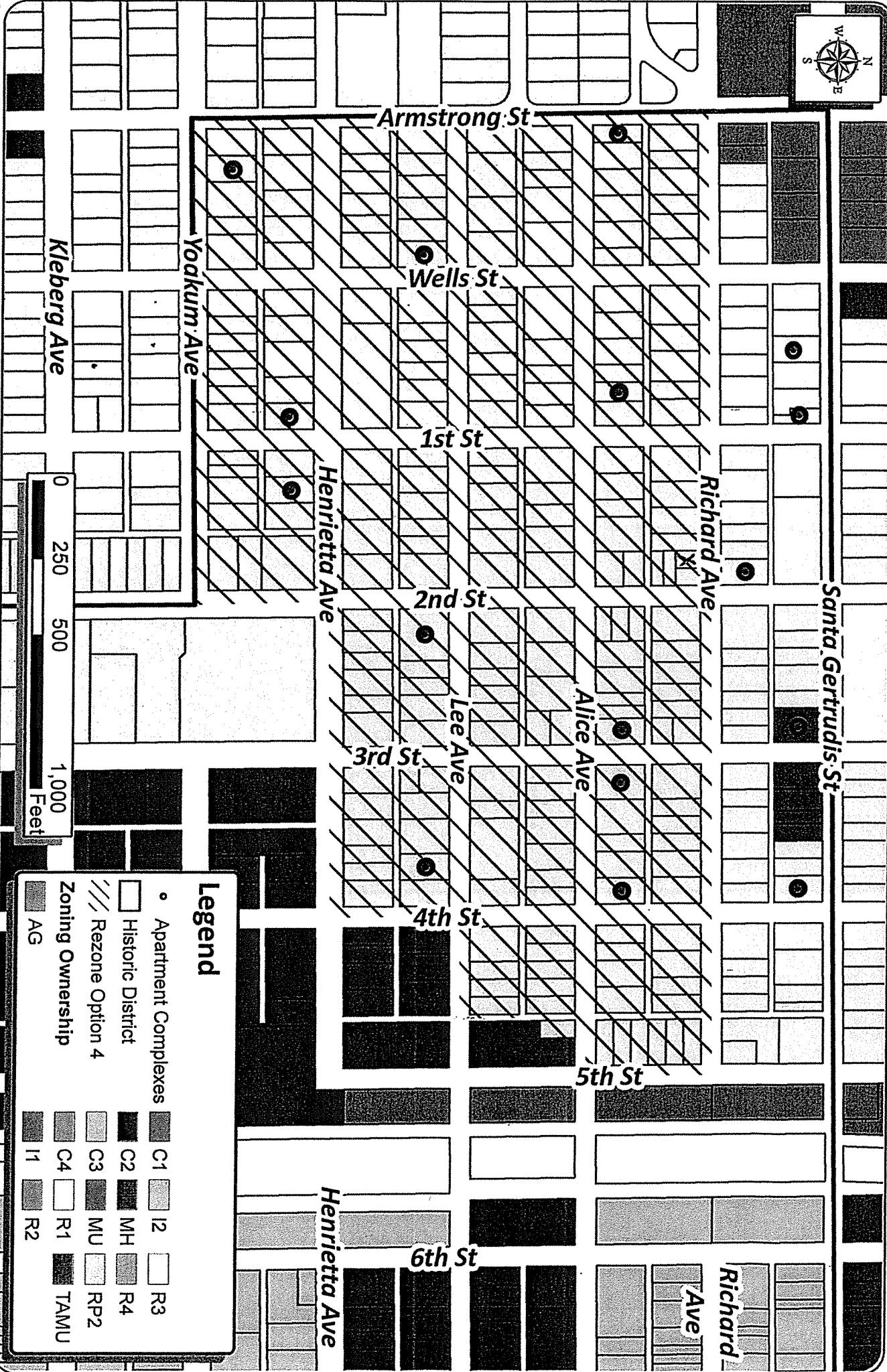
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$12,520	\$2,970	0	15,490	\$0	\$15,490
2016	\$12,520	\$2,970	0	15,490	\$0	\$15,490
2015	\$15,650	\$2,970	0	18,620	\$0	\$18,620
2014	\$15,650	\$2,970	0	18,620	\$0	\$18,620
2013	\$15,650	\$2,970	0	18,620	\$0	\$18,620
2012	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2011	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2010	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2009	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2008	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2007	\$15,650	\$3,110	0	18,760	\$0	\$18,760
2006	\$14,800	\$3,110	0	17,910	\$0	\$17,910
2005	\$15,130	\$3,110	0	18,240	\$0	\$18,240
2004	\$15,130	\$3,110	0	18,240	\$0	\$18,240

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/28/2017	WD	WARRANTY DEED	BLUE CACTUS PROPERTIES LLC	RIOJAS ROSANA MARIE			313022
2	10/30/2017	WD	WARRANTY DEED	RHODE JANET K	BLUE CACTUS PROPERTIES LLC			312326
3	12/16/2016	SPWD	SPECIAL WARRANTY DEED	RHODE ROBERT D EST	RHODE JANET K			308650

Questions Please Call (361) 595-5775

Historic District Rezoning - Option 4



Legend			
• Apartment Complexes	C1	I2	R3
◻ Historic District	C2	MH	R4
/// Rezone Option 4	C3	MU	RP2
Zoning Ownership			
AG	C4	R1	TAMU
	I1	R2	

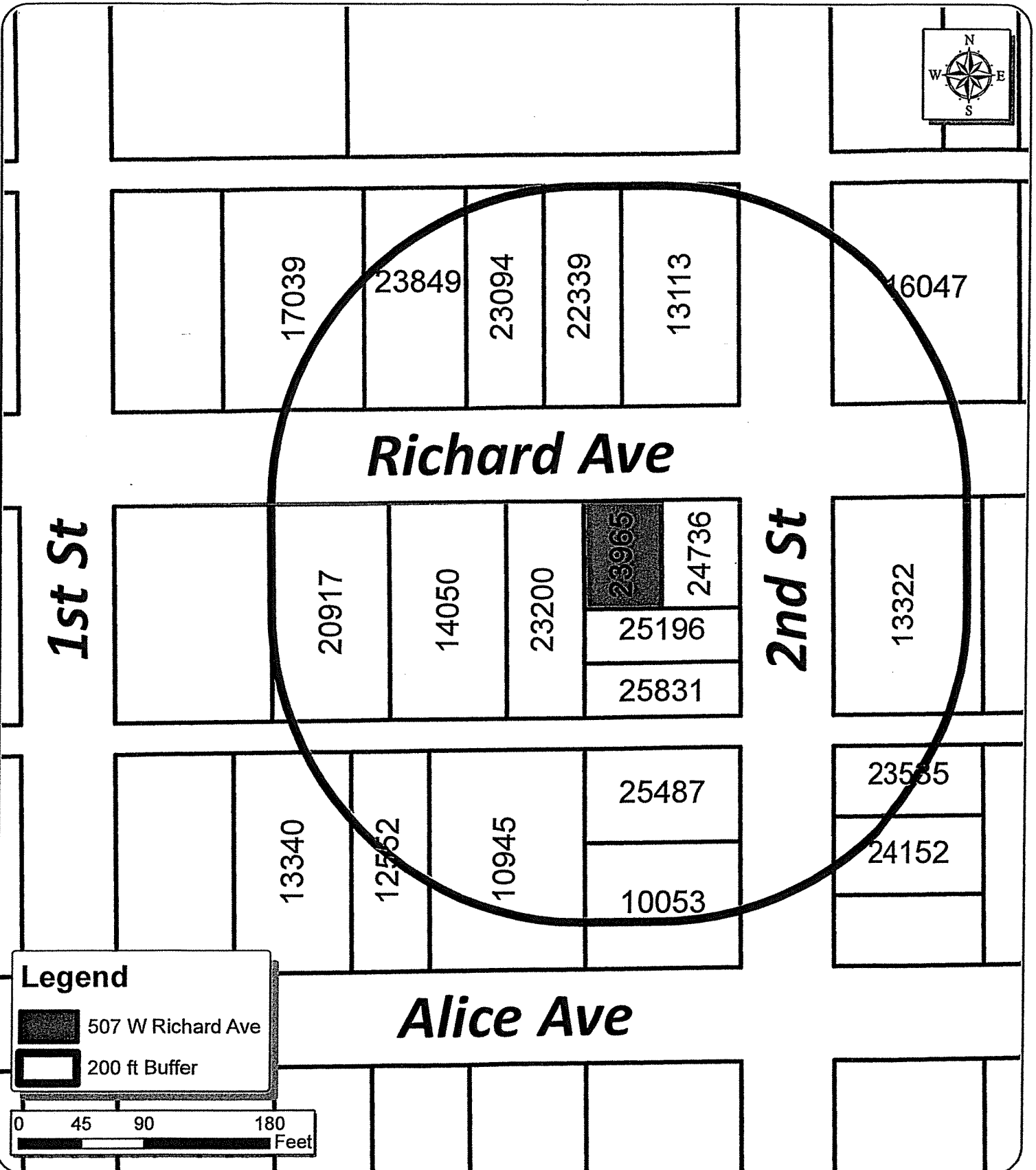
Drawn By:
Engineering Department
Last Update: 2/22/2018

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CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave
Kingsville, Texas 78363
Office: 361-595-8007
Fax: 361-595-8007

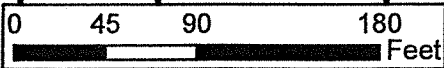
X- 507 W. Richard Ave

507 W Richard Ave



Legend

- 507 W Richard Ave
- 200 ft Buffer



Document Path: N:\Engineering\GIS Techs\MAPSWAP_DOCUMENTS\Arc_City_Base_Map_8.5x11.mxd

<div> <div>1/1</div> <div>Page</div> </div>	Drawn By: Engineering Department	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W King Ave Kingsville, Texas 78363 Office: 361-595-8007 Fax: 361-595-8064</p>
	Last Update: 2/22/2018		
	Note:		

ANNA RAMIREZ
425 E SANTA GERTRUDIS ST
KINGSVILLE, TX 78363-3842
#17039

RENE GARCIA HERNANDEZ
508 W RICHARD AVE
KINGSVILLE, TX 78363-4361
#22339

ANDRES GARCIA JR
ETUX SHERRI GARCIA
390 W CO RD 2160
KINGSVILLE, TX 78363
#14050

EMMA SANCHEZ
12376 PAULINE RD
LYFORD, TX 78569
#24736

JOSE G ANDRADE
ETUX EMMA S (LIFE EST)
509 N 2ND ST
KINGSVILLE, TX 78363-4348
#25487

JOSE F VELA JR
ETUX DIANA I EST
PO BOX 5341
KINGSVILLE, TX 78364-5341
#12552

ROGER ALLEN POLLARD
ETAL
412 E TRAND RD
KINGSVILLE, TX 78363
#13322

RUBEN A PENA
ETUX MARTHA V
3411 S BRAHMA BLVD
KINGSVILLE, TX 78363-7303
#23849

RAMON ISASSI JR
ETUX CYNTHIA A
421 S WANDA DR
KINGSVILLE, TX 78363-4966
#13113

NORBERTO REYES
ETUX YOLANDA CASTRO
2618 STACY LANE
AUSTIN, TX 78704
#23200

MLC HOMES LLC
% VICTOR ENRIQUEZ
4696 HERRERA ST
ROBSTOWN, TX 78380
#25196

GUADALUPE ALVARADO
ETUX ROSIE
503 N 2ND ST
KINGSVILLE, TX 78363
#10053

RAJAB CHALLOO
ETUX LINDA
PO BOX 867
KINGSVILLE, TX 78364-0867
#13340

JUAN MACARENO
MARGARET MACARENO
508 N 2ND ST
KINGSVILLE, TX 78363
#23535

ROSARIO G HERNANDEZ
510 W RICHARD AVE
KINGSVILLE, TX 78363-4361
#23094

RAJAB CHALLOO
ETUX LINDA
PO BOX 867
KINGSVILLE, TX 78364-0867
#20917

ROSANA MARIA RIOJAS
4910 JUNE DR
EDINBURG, TX 78539
#23965

MLC HOMES LLC
% MELISSA E ENRIQUEZ
4696 HERRERA ST
ROBSTOWN, TX 78380
#25831

WILLIAM DANIEL GARZA
620 E KING AVE
KINGSVILLE, TX 78363-5721
#10945

DANELL FLEMING
430 W RICHARD ST
KINGSVILLE, TX 78363
#16047

JESUS P RODRIGUEZ JR
ETUX MARIA ELENA
506 N 2ND ST
KINGSVILLE, TX 78363-4349
#24152

Election

held for 38 years by Romeo Lomas, who resigned in December 2016 and passed away in April of last year, following an automobile accident. Lomas' daughter, Crystal Runyon, was appointed to fill his unexpired term and has served on the court since January.

Runyon has filed for election to the office, along with fellow candidates David Garcia, Manuel Salazar Jr. and Zaragoza "Shorty" Salinas Jr. One Republican, Rene Lomas Bazar, has also filed for the Pct. 4 County Commissioner position and is unopposed on the Primary ballot.

The Democratic ballot also features a contested race for the Pct. 4 Justice of the Peace spot. Incumbent Cheque De La Paz has two challengers, Ofelia "Ofie" Gutierrez and Maria C. "Tina" Lopez-Galvan.

If a candidate in either of those races does not receive at least 50.01 percent of the vote, the top two vote getters will face each other in a run-off election on May 22.

The Pct. 3 Kleberg County Justice of the Peace race includes four candidates. On the Republican side, incumbent Christopher Lee is challenged by John David Rubalcaba Sr. On the Democrats' side, Joe "Pepe" Figueroa faces off against Robert Zavala.

Election results will be posted to KingsvilleRecord.com Tuesday night as they become available.

Polling locations by precinct

Precinct	Polling Location	Polling Address
11	Wild Horse Mall	1601 S. Hwy 77, Kingsville
12	Kleberg County Precinct 1 Building	1910 E. Trant Rd., Kingsville
13, 14	Law Enforcement Center, Courthouse A	1500 E. King, Kingsville
21	Kleberg Elementary School	900 N. 6th St. at Nettie Ave., Kingsville
22, 23	University Baptist Church - Rear Building	1324 N. Armstrong, Kingsville
24	Santa Gertrudis School	803 Santa Rosa, Kingsville
31	Knights of Columbus Hall Council 3389	320 General Cavazos, Kingsville
32	St. Paul's AME Church	529 E. Warren, Kingsville
33, 34	Riviera County Building	103 N. 7th St., Riviera
35	Ricardo Senior Center	109 N. Nix St., Ricardo
41, 42	Gillett School	900 N. 17th St., Kingsville
43	Early Voting Annex Office	720 E. King at 12th St., Kingsville
44	KISD Administration Bldg. - Rear Building	207 N. 3rd St., Kingsville
45	St. Martin's Parish Church Hall	504 E. Ella, Kingsville

Plea

in the case previously reached an agreement in March 2017 that would have capped a prison term at 10 years.

After testimony from several witnesses - including a Kingsville Police Department detective, employees of the bank at the time of the robbery and an ex-girlfriend of Martinez's - that lasted nearly two hours, Pulcher stopped the hearing and said he was unable to support the plea deal's prison sentence cap.

Both tellers testified that they suffered

emotional distress because of the incident, with one stating that she was later diagnosed with depression and post-traumatic stress disorder.

Security video from the robbery showed a man clad in black and wearing a motorcycle helmet jumping onto the tellers' counter and brandishing a black handgun.

Bank officials testified in 2017 that a little more than \$51,000 was stolen at the time of the robbery, though some of that was later recovered in an alley behind the bank

and is still being held as evidence.

IBC Bank was never reimbursed for the money that was stolen through insurance, bank officials said during the 2017 hearing, and the remainder of the missing cash has not been recovered.

A co-defendant in the case, Joanna Cantu, is still set to go to trial on felony charges of aggravated robbery. Cantu was an employee of the bank at the time and is accused of helping Martinez carry out the crime.

Visit us at KingsvilleRecord.com



God Bless America, God Bless our Troops and May God Bless Kleberg County Precinct 3.

PRIMARY ELECTIONS
TUESDAY MARCH 6
I appreciate your support.

★★★★★★★★★★★★★★★★

ELECT JD RUBALCABA

Kleberg County Justice of the Peace, Pct. 3

I would like to thank everyone I came in contact with during the primary's election cycle that I began on Oct. 11, 2017 for 2018. To the 75 people that signed my petition to be your Republican candidate for Kleberg County Justice of the Peace Precinct 3, to the donors that supported my campaign with contributions that added to a little over \$1,800.00, to the 25 individuals that I registered to vote in this upcoming Primary Election, to the 450 plus constituents that permitted me to share my platform, that at times lasted for an hour and a half, I have been humbled by the experience and it was most definitely a learning experience. My hope is that you go out and cast your vote for the person that you believe will do the best job. Win or lose, we know I did my best. I elected to be your next Republican JP candidate for the General election on Nov. 6, 2018. I will work diligently to meet the 4,000 or so that I was not able to meet this time around.

Again, thank you! Until we meet again.

Respectfully,
JD Rubalcaba

Trusted Family
Dental Care

Keeping
your smile
healthy
and bright
through
the ages!

Complete dentistry for the whole family.

Give your smile the TLC it deserves. We offer a full range of general and cosmetic dentistry services for a healthy mouth and beautiful, bright teeth.

All the comforts of home to ensure the best dental experience possible.

- ◆ Se habla español ◆ Cosmetic dentistry ◆ Movies, music, magazines
- ◆ Teeth whitening ◆ TV with video capability ◆ Orthodontics (braces)
- ◆ Insurance accepted and filed for you ◆ New patients welcomed

MARCH SPECIALS

PRESENT THESE COUPONS FOR THE MONTH OF MARCH 2018

Orthodontic (Braces)
Exam & Records
\$1.00

EC.MCGLR.DSLS.PC - (361) 595-4121

Limited Dental Exam
NEW PATIENTS ONLY
NO CHARGE

EC.MCGLR.DSLS.PC - (361) 595-4121

Dr. E.C. McCall III, D.D.S.

116 South 4th Street
Kingsville, Texas 78363 (361) 595-4121

Office Hours: Monday - Thursday 8am - 5pm Friday 8am - 4pm

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 21, 2018, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

CITY OF KINGSVILLE, APPLICANT, REQUESTING BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7169 ACRES OUT OF COOPER, BLOCK 2-1, LOTS 1-32; COOPER 2-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-32; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-32; N/2 15-16, N/2 15-16, S/2 15-16, S/2 15-16, S/2 17-18, S/2 17-18, S/2 19-20, S/2 19-20, S/2 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W/30 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-32; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-32 FROM R3 (MULTI-FAMILY) TO R1 (SINGLE-FAMILY).

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 26, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

CITY OF KINGSVILLE, APPLICANT, REQUESTING BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7169 ACRES OUT OF COOPER, BLOCK 2-1, LOTS 1-32; COOPER 2-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-32; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-32; N/2 15-16, N/2 15-16, S/2 15-16, S/2 15-16, S/2 17-18, S/2 17-18, S/2 19-20, S/2 19-20, S/2 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W/30 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-32; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-32 FROM R3 (MULTI-FAMILY) TO R1 (SINGLE-FAMILY).

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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 21, 2018, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Ruben Ruiz Jr, applicant, Rosanna M Riojas, owner, requesting the rezone of ORIG TOWN, BLOCK 16, LOT N/2 13-14 also known as 507 West Richard from R3 (Multi-Family) to R2 (Two-Family District).

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 26, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

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

ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO ORIG TOWN, BLOCK 16, LOT N/2 13-14 ALSO KNOWN AS 507 W. RICHARD AVE. FROM R3-MULTI-FAMILY DISTRICT TO R2-TWO-FAMILY DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Ruben Ruiz, Jr. on behalf of Rosanna M. Riojas, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 21, 2018 during a meeting of the Planning and Zoning Commission, and on Monday, March 26, 2018 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 7-0 vote to APPROVE the requested rezone with no abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Orig Town, Block 16, Lot N/2 13-14 also known as 507 W. Richard Ave. from R3-Multi-Family to R2-Two-Family District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the _____ day of _____, 2018.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

City of Kingsville
Department of Planning and Development Services

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: March 15, 2018

SUBJECT: Rezoning of area in Historical Development District from R3 to R1

Summary: Due to recent events in a part of the Historical Development District there has been concern on the part of the homeowners on the increase number of multi family buildings. To protect the homeowners but also to provide the building of multi family projects, the Planning and Zoning Commission will be recommending a portion of the Historical Development, west of 6th Street to be rezoned from R3 to R1.

Background: In the past few months, the approval of a multi family structure at 531 W. Alice and the demo of the house at 702 W. Henrietta which could allow the building a multi family structure there has ignited a concern by the surrounding property owners. The discussion with the Planning and Zoning Commission went well with the goal of protecting homeowners and allowing the building of multi family structures for an affordable housing option. The Historical Development Board has been involved in this discussion and are in agreement with the rezoning area that is under consideration. Since the last City Commission meeting , letters have been sent to the property owners within the rezoning area and the buffer area. The calls I have received are generally supportive of the rezoning area and action. The other type of call that I have been receiving are from owners of multi family structures and how that impacts them. I have been telling them that since we are changing the zoning that their property will be grandfathered in and can continue to be operated as multi family. I also tell them that in so many years from now if the structure is torn down then the grandfather dies and the R1 zone would then kick in.

Financial Impact: The financial impact could actually see an increase depending upon the path that the future development takes place. Obviously it is hoped that this rezoning will offer



City of Kingsville
Department of Planning and Development Services

protection for those who want to build a single family home . That in turn would improve the overall stability of the area and the appraisals that go along with it. In addition the area left as R3 is still ripe for development of this type in the future.

Recommendation: The Planning and Zoning Commission met on March 21, 2018 and voted 7 to 0 to recommend approval of the rezoning as submitted from R3 to R1.

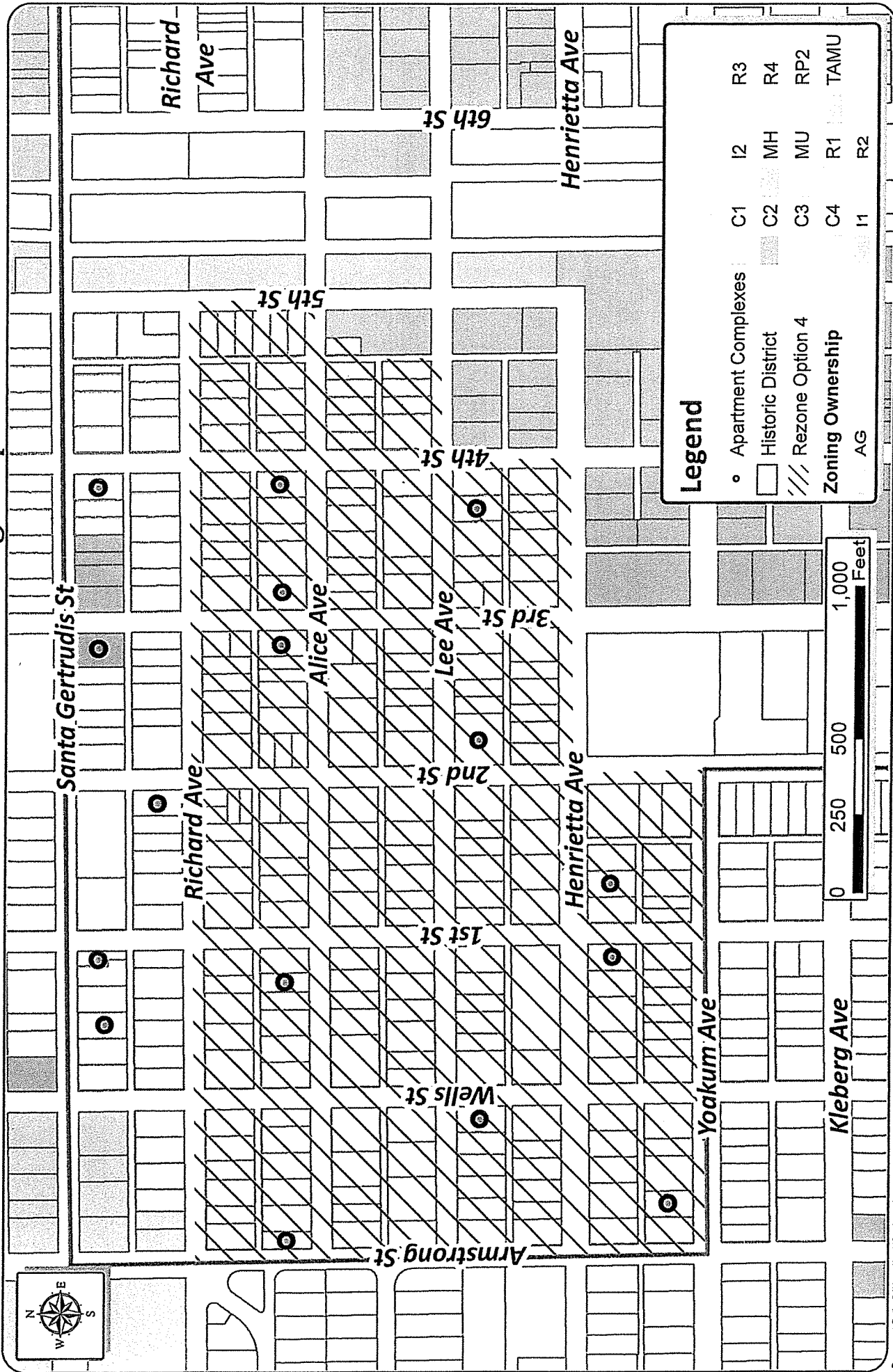
Attachments

- A. Rezoning Map
- B. Previous memo for City Commission
- C. Legal description of rezoning
- D. Map of Subdivision Detail
- E. Map of rezoned are in pink and buffer area in blue. This map was included with the letter that was sent to all property owners in both areas.
- F. Draft Ordinance
- G. Rezoning map with lot number of property owners in the buffer area
- H. Application and list of property owners who were mailed letters



Historic District Rezoning - Option 4

A



<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W King Ave Kingsville, Texas 78363 Office: 361-595-8007 Fax: 361-595-8064</p>	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>
<p>Drawn By: Engineering Department Last Update: 2/22/2018 Note:</p>	<p>Page 1 / 1</p>

B

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: February 16, 2018

SUBJECT: Planning and Zoning commission recommendation regarding rezoning of a portion of the Historical Development District and the City initiating the rezoning process

Summary: Because of two events in the last 6 months there is a desire to review and rezone a portion of the Historic District. A portion of the Historic District is zoned R3 and now some of the building of multi family structures are coming close to single family homes. A permit was approved for a multi-family structure at 531 W. Alice and the lot that is now vacant at 702 W. Henrietta has been rumored to become a location for a multi-family structure. Consequently the Planning and Zoning Commission will be making a recommendation to the City Commission on an area to initiate a rezone to R1.

Background: Prior to the events in the last 6 months, we have seen an uptick in small apartment projects on the fringes of the Historic Development District. While they can be seen as a positive for a number of reasons, they are now getting close to single family homes in the HDD which we do want to protect. The Planning and Zoning Commission has met and determined that they do want to rezone some of the district to R1 to protect the single family homes but also leave some area available for multifamily development. Staff has put together map options for the Planning and Zoning Commission to review and hopefully recommend one for the City Commission to consider. Since a city can initiate the rezoning process the Planning and Zoning Commission will make a recommendation on authorizing staff to initiate that process.

Financial Impact: It is possible that by rezoning a portion of the land to R1 and leaving some available for development to R3 could provide a positive impact down the road. We realize that its location to the university can provide additional options for students and also provide single family housing for professors and other staff employees.



City of Kingsville
Department of Planning and Development services

Recommendation: The Planning and Zoning Commission met on Thursday, February 22nd and voted 4 to 0 to recommend option 4 to the City Commission for the area to rezone in the Historic District. A layout of option 4 is included in the packet. They also voted 4 to 0 to approve of staff to start the rezoning process for the area that is stated in option 4.

Summary of Documents

1. Memo to Planning and Zoning
2. Map of entire Historic District
3. Option 1 for rezoning
4. Option 2 for rezoning
5. Option 3 for rezoning
6. Email from resident in the Historic District
7. Email from resident in Historic District
8. General Policy statements from Comp Plan 2008



C

General Description of Historic District Rezoning

Beginning at a point that lies in the center of the intersection of Armstrong Street and Richard Avenue, said point also being described as the "Point of Beginning";

Thence due east along the centerline of the aforementioned Richard Avenue approximately three thousand one hundred fourteen feet to a point that lies in the center of the intersection of Richard Avenue and 5th Street, said point also being the easternmost point herein described;

Thence due south along the centerline of the aforementioned 5th Street approximately four hundred eight feet to a point that lies in the center of the intersection of 5th Street and Alice Avenue;

Thence due west along the centerline of the aforementioned Alice Avenue approximately one hundred ten feet to a point that lies on the centerline of Alice Avenue north of Lot W 50' 11-14, Block 20, Original Town;

Thence due south along the east parcel line of Lot W 50' 11-14, Block 20, Original Town approximately one hundred twenty feet to the southeast corner of Lot W 50' 11-14, Block 20, Original Town;

Thence due west along the south parcel line of Lot W 50' 11-14, Block 20, Original Town approximately sixty-five feet to the centerline of the alley in Block 20, Original Town that runs north-to-south from Alice Avenue to Lee Avenue;

Thence due south along the centerline of the aforementioned alley approximately two hundred forty feet to a point that lies in the center of the intersection of the north-to-south alley in Block 20, Original Town and Lee Avenue;

Thence due west along the centerline of the aforementioned Lee Avenue approximately three hundred thirty feet to a point that lies in the center of the intersection of Lee Avenue and 4th Street;

Thence due south along the centerline of the aforementioned 4th Street approximately four hundred twenty feet to a point that lies in the center of the intersection of 4th Street and Henrietta Avenue;

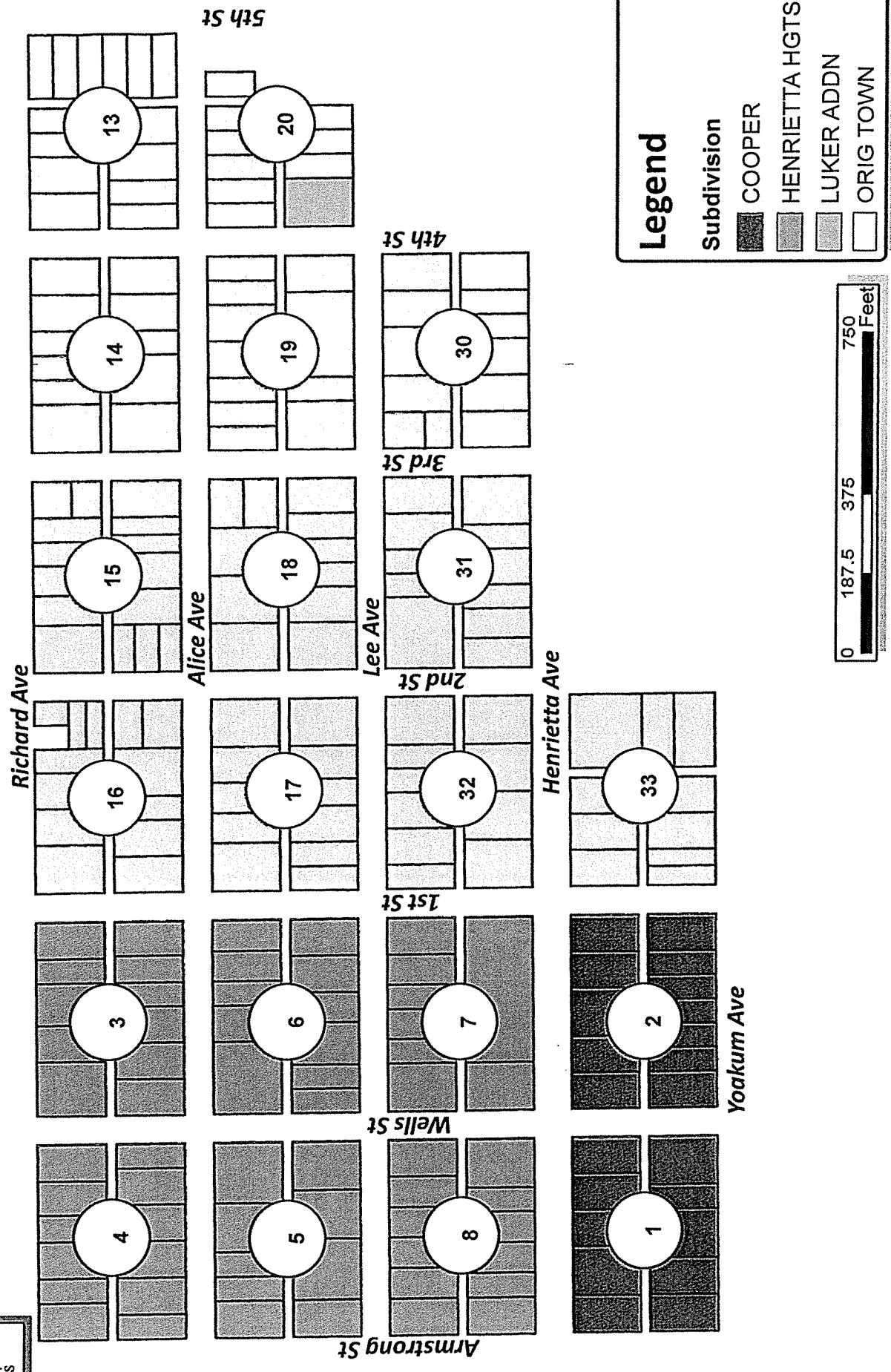
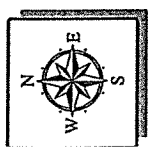
Thence due west along the centerline of the aforementioned Henrietta Avenue approximately one thousand thirty feet to a point that lies in the center of the intersection of Henrietta Avenue and 2nd Street;

Thence due south along the centerline of the aforementioned 2nd Street approximately four hundred thirty feet to a point that lies in the center of the intersection of 2nd Street and Yoakum Avenue;

Thence due west along the centerline of the aforementioned Yoakum Avenue approximately one thousand five hundred sixty-six feet to a point that lies in the center of the intersection of Yoakum Avenue and Armstrong Street;

Thence due north along the centerline of the aforementioned Armstrong Street approximately one thousand six hundred sixty-five feet to the "Point of Beginning".

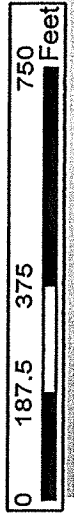
Rezoning Option 4 - Subdivision Detail



Legend

Subdivision

- COOPER
- HENRIETTA HGTS
- LUKER ADDN
- ORIG TOWN



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Drawn By: Engineering Department	Page 1/1
Last Update: 3/1/2018	
Note:	

DISCLAIMER
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 OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 400 W King Ave
 Kingsville, Texas 78363
 Office: 361-595-8007
 Fax: 361-595-8064

<p>Cooper COOPER, BLOCK Z-1, LOTS 1-32 AREA = 2.571 ACRES</p> <p>COOPER, BLOCK Z-2 LOTS 1-32 AREA = 2.571 ACRES</p>	<p>Henrietta Heights HENRIETTA HGTS, BLOCK 3 LOTS 1-32 AREA = 2.57 ACRES</p> <p>HENRIETTA HGTS, BLOCK 4 LOTS 1-32 AREA = 2.57 ACRES</p> <p>HENRIETTA HGTS, BLOCK 5 LOTS 1-32 AREA = 2.57 ACRES</p> <p>HENRIETTA HGTS, BLOCK 6 LOTS 1-32 AREA = 2.57 ACRES</p> <p>HENRIETTA HGTS, BLOCK 7 LOTS 1-32 AREA = 2.57 ACRES</p> <p>HENRIETTA HGTS, BLOCK 8 LOTS 1-32 AREA = 2.57 ACRES</p>
<p>Luker LUKER ADDN, LOTS 1-2 AREA = 0.3214 ACRES</p>	<p>Original Town ORIG TOWN, BLOCK 13 LOTS 1-32 AREA = 2.5023 ACRES</p> <p>ORIG TOWN, BLOCK 14 LOTS 1-32 AREA = 2.571</p> <p>ORIG TOWN, BLOCK 15 LOTS 1-32 AREA = 2.571</p> <p>ORIG TOWN, BLOCK 16 LOTS 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24, ACRES 0.3214 25-32 AREA = 2.4908 ACRES</p>

Original Town

ORIG TOWN, BLOCK 17

LOTS 1-32

AREA = 2.571

ORIG TOWN, BLOCK 18

LOTS 1-32

AREA = 2.571

ORIG TOWN, BLOCK 19

LOTS 1-32

AREA = 2.571

ORIG TOWN, BLOCK 20

LOTS 1-10,

W50' 11-14,

23-28

AREA = 1.400

ORIG TOWN, BLOCK 30

LOTS 1-32

AREA = 2.571

ORIG TOWN, BLOCK 31

LOTS 1-24

AREA = 2.571

ORIG TOWN, BLOCK 32

LOTS 1-32

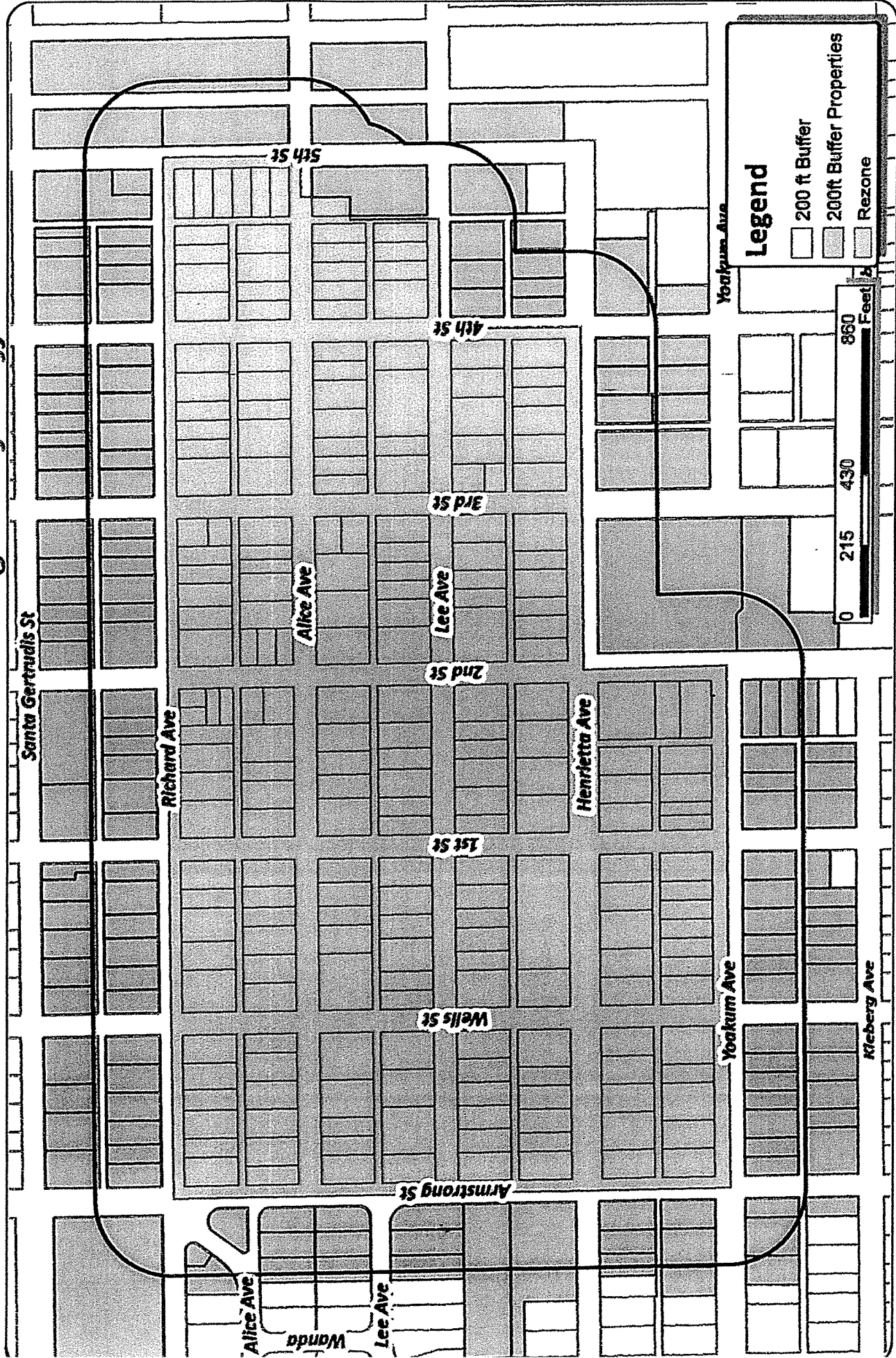
AREA = 2.571

ORIG TOWN, BLOCK 33

LOTS 1-24

AREA = 2.571

Historic District Rezoning - 200ft Buffer



<p>CITY OF KINGSVILLE ENGINEERING DEPARTMENT 400 W. King Ave Kingsville, Texas 78642 Office: 361.595-8907 Fax: 361.595-9954</p>	
<p>DISCLAIMER THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	
<p>Drawn By: Engineering Department</p>	<p>Page 1/1</p>
<p>Last Update: 3/5/2018</p>	<p>Notes:</p>

ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7369 ACRES OUT OF COOPER, BLOCK Z-1, LOTS 1-32; COOPER, BLOCK Z-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-2; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W50' 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-24; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-24 FROM R3 (MULTI-FAMILY) DISTRICT TO R1 (SINGLE-FAMILY) DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 21, 2018, during a meeting of the Planning & Zoning Commission and on Monday, March 26, 2018, during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the majority of the Planning Commission by a 0-0 vote to APPROVE/NOT APPROVE the requested rezone with _____ abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig

Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the 9th day of April, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

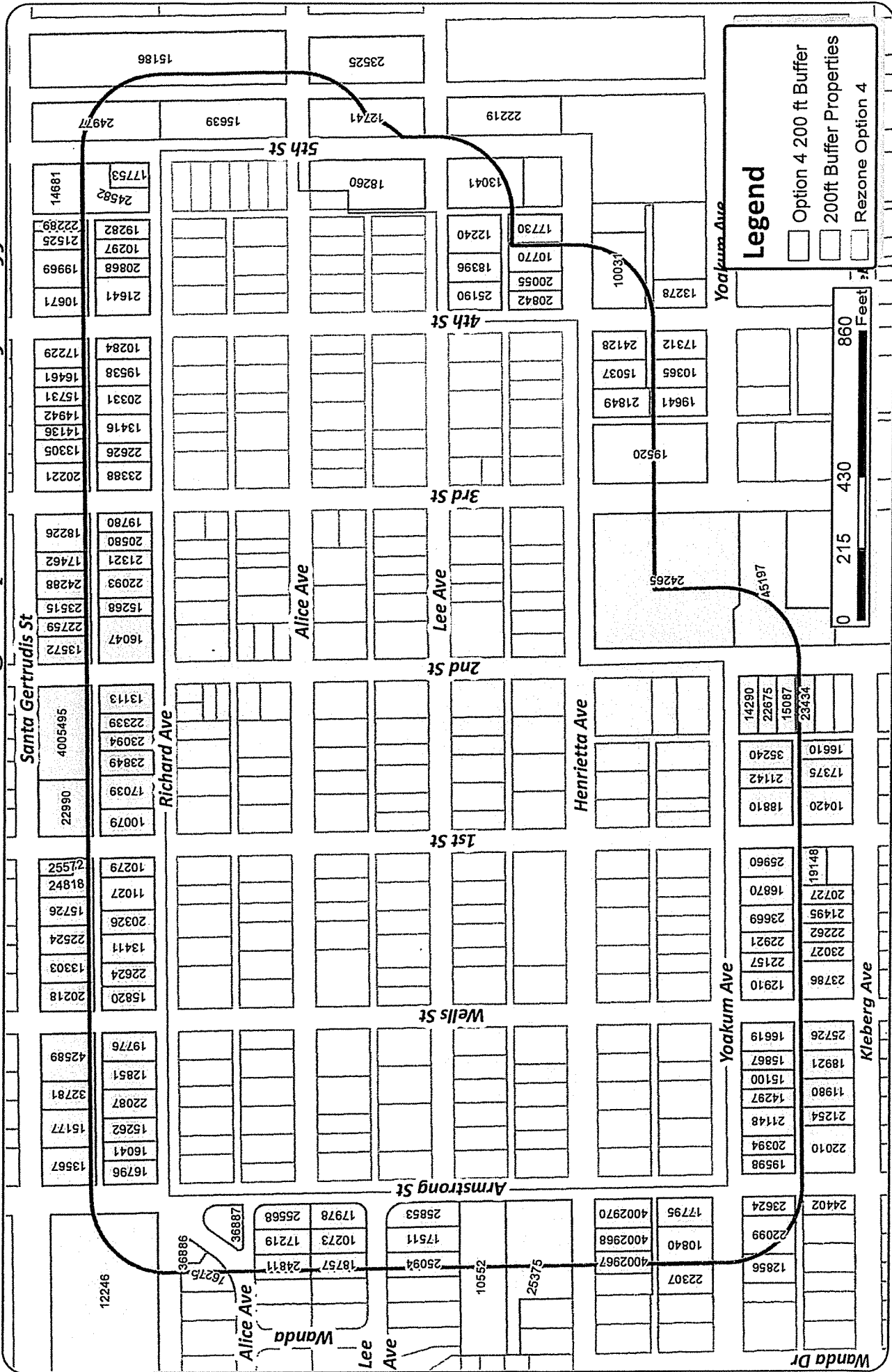
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

By: _____
Courtney Alvarez, City Attorney

Historic District Rezoning - Option 4 - 200ft Buffer



DISCLAIMER

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CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave
Kingsville, Texas 78363
Office: 361-595-6007
Fax: 361-595-6064

Drawn By: Engineering Department

Last Update: 2/22/2018

Note:

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H

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address Sec Ordinance Nearest Intersection _____
 (Proposed) Subdivision Name Cooper, Henrietta, Luker Addn, Orig town Lot _____ Block _____
 Legal Description: see ordinance
 Existing Zoning Designation R3 Future Land Use Plan Designation R1

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent City of kingsville Phone 361-595-8055 FAX _____
 Email Address (for project correspondence only): tginter@cityofkingsville.com
 Mailing Address P.O Box 1458 City kingsville State TX Zip 78364
 Property Owner see attachments Phone _____ FAX _____
 Email Address (for project correspondence only): tginter@cityofkingsville.com
 Mailing Address P.O Box 1458 City kingsville State TX Zip 78364

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

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

Please provide a basic description of the proposed project:

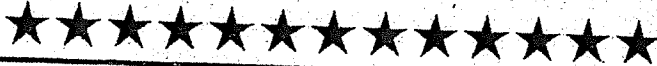
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature Ta Ginter Date: 2-27-18
 Property Owner's Signature _____ Date: _____
 Accepted by: _____ Date: _____

Precinct 3.

**PRIMARY ELECTIONS
TUESDAY MARCH 6.**
I appreciate your support.

I did my best, and I elected to be your next Republican JP candidate for the General election on Nov. 6, 2018, I will work diligently to meet the 4,000 or so that I was not able to meet this time around. Again, thank you!! Until we meet again.



*Respectfully,
JD Rubalcaba*

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 21, 2018, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard: **CITY OF KINGSVILLE, APPLICANT, REQUESTING BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7369 ACRES OUT OF COOPER, BLOCK Z-1, LOTS 1-32; COOPER Z-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-2; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W50' 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-24; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-24 FROM R3 (MULTI-FAMILY) TO R1 (SINGLE-FAMILY).**

The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, March 26, 2018 at 6:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

CITY OF KINGSVILLE, APPLICANT, REQUESTING BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7369 ACRES OUT OF COOPER, BLOCK Z-1, LOTS 1-32; COOPER Z-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-2; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-12, N/2 15-16, N/2 S/2 13-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W50' 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-24; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-24 FROM R3 (MULTI-FAMILY) TO R1 (SINGLE-FAMILY).

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

H

DIANA L GARZA
AND ROSALINDA PEREZ
629 W LEE AVE
KINGSVILLE, TX 78363-4331
#21242

KIMBERLY A NIELSEN WEBB
511 NATCHEZ
CONROE, TX 77302
#10451

JOYCE MOONEY
709 W RICHARD AVE
KINGSVILLE, TX 78363-4269
#21282

RICARDO A GARCIA
JUANITA GARCIA
13821 RIVER RIDGE DR
CORPUS CHRISTI, TX 78410-5248
#13887

RAJAB CHALLOO
ETUX LINDA
PO BOX 867
KINGSVILLE, TX 78364-0867
#19330

DENNIS P GREIF
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KINGSVILLE, TX 78363-4455
#19373

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AND ELENA E SALINAS
8203 S BRAESWOOD BLVD
HOUSTON, TX 77071
#15081

LETICIA GARCIA
607 W ALICE
KINGSVILLE, TX 78363
#10754

ROSANA MARIE RIOJAS
4910 JUNE DR
EDINGBURG, TX 78539
#23965

VERONICA V GONZALEZ
ETVIR HECTOR
1826 N BLUEBIRD LN
HARLIGEN, TX 78550
#11366

JACKY R WILLOUGHY
ETUX STACY B
629 W HENRIETTA
KINGSVILLE, TX 78363
#22394

SALVADOR FLORES JR
ETUX TERI
719 W RICHARD AVE
KINGSVILLE, TX 78363-4269
#11197

DEVON HAESE
21020 DONEGAL
MATHIS, TX 78368
#14432

AMADOR P VILLARREAL
& LORIE VILLARREAL
307 E COUNTY ROAD 1995
KINGSVILLE, TX 78363-2712
#23054

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ROGER ALLEN POLLARD
ETAL
412 E TRAND RD
KINGSVILLE, TX 78363
#13322

DIANA E GARZA
411 W RICHARD AVE
KINGSVILLE, TX 78363-4358
#24188

BEVERLY ANNE NIELSEN
REVOCABLE TRUST % RANDAL E
NIELSEN
403 S 6TH ST
KINGSVILLE, TX 78363
#13439

JOSE G ANDRADE
ETUX EMMA S (LIFE EST)
JOSE GILBERTO DELAGARZA
509 N 2ND ST
KINGSVILLE, TX 78363-4348
#25487

BRANDON A GREENWOOD
205 S PASADENA ST
KINGSVILLE, TX 78363-7010
#16723

ADELA F GUERRA
517 N 5TH ST
KINGSVILLE, TX 78363
#20172

STEPHEN MALLON
7715 PONOMA TRL
AUSTIN, TX 78749-2323
#20541

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WASHINGTON, DC 20009-6145
#12265

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#23806

ANDRES GARCIA JR
ETUX SHERRI GARCIA
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#14050

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#14285

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APT 3
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#10004

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LYFORD, TX 78569
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ETUX ROSIE
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#10052

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#15545

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% PATRICIA TRISTAN
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ETUX SARAH
1403 W AILSIE AVE
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#25171

STANLEY D ANDERSON
ETUX JANETTE
519 N 3RD ST
KINGSVILLE, TX 78363
#25716

JUAN MACARENO
MARGARET MACARENO
508 N 2ND ST
KINGSVILLE, TX 78363
#23535

LYNN V GUTIERREZ
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#21204

JOSE ROBERTO SILGUERO
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KINGSVILLE, TX 78363-3815
#14553

SANDRA D CISNEROS
AKA SANDRA D RHONE
211 W FAIRVIEW DR
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#16882

PAUL J LONEY JR
1004 GIBSON DR
ALICE, TX 78332-3612
#23082

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221 W RICHARD AVE
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#17830

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ETUX JUDY M DE LA GARZA
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JENNIFER L BERNAL
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#24152

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0725
#21836

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CYNTHIA ANN SALINAS
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#15342

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KINGSVILLE, TX 78363-3630
#17631

CHARLES TANDY JR
ETUX LEA
213 N 2ND ST
KINGSVILLE, TX 78363
#25889

KENNY R CONTRERAS
718 W YOAKUM AVE
KINGSVILLE, TX 78363-4253
#24248

RODOLFO DOMINGO CHAVEZ III
CRYSTAL CASSANDRA LOPEZ
219 W RICHARD AVE
KINGSVILLE, TX 78363-4471
#18612

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#24439

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ETUX LINDA
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#19131

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ETUX CHRISTINA
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#24800

SEAN CAVNESS
511 W ALICE AVE
KINGSVILLE, TX 78363-4354
#21434

JEFFREY LEMASTER
2401 LAZY HOLLOW DR APT
140A
HOUSTON, TX 77063-2537
#13754

RUBEN V AMADOR
219 W ALICE AVE
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#16126

DIANA GARCIA
323 W LEE AVE
KINGSVILLE, TX 78363-4435
#24988

MUNDY WAYNE WEEKS
208 N ARMSTRONG AVE
KINGSVILLE, TX 78363-4204
#10463

HERLINDA GARZA
710 W YOAKUM AVE
KINGSVILLE, TX 78363-4253
#23484

KENNY R CONTRERAS
718 W YOAKUM AVE
KINGSVILLE, TX 78363-4253
#24248

HERLINDA GARZA
710 W YOAKUM AVE
KINGSVILLE, TX 78363-4253
#23484

IBREY JAMES NUNEZ
PO BOX 603
KINGSVILLE, TX 78364-0603
#21950

US BANK NATIONAL
ASSOCIATION
4801 FREDERICA ST
OWENSBORO, KY 42301
#25548

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ETUX SYLVIA A
624 W YOAKUM AVE
KINGSVILLE, TX 78363-4343
#24789

JUAN CARLOS MEJIA
ETUX MELINDA MEJIA
620 W YOAKUM AVE
KINGSVILLE, TX 78363-4343
#24020

HUMBERTO VILLARREAL
ETUX AMMA T
616 W YOAKUM
KINGSVILLE, TX 78363
#23264

JOE DEREK MIRELES
614 W YOAKUM AVE
KINGSVILLE, TX 78363-4343
#22500

DAVID L RHODE
410 CHARLESTON DR
VICTORIA, TX 77904-3815
#21739

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ETUX DAWN
602 W YOAKUM AVE
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#22675

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#17730

JONATHAN ORTIZ
722 ALEXANDER AVE
KINGSVILLE, TX 78363
#10840

DAVID BELTRAN
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KINGSVILLE, TX 78363
#17312

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COMMUNITY CENTER
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#13278

EPISCOPAL CHURCH CORP IN
WEST TEXAS
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SAN ANTONIO, TX 78209-0885
#15037

ARTURO RAMIREZ
6122 JAKES WAKE RUN
CORPUS CHRISTI, TX 78414-6346
#20842

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STE 2600
FORT WORTH, TX 76102-3134
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ETUX DEBRA LEE
812 W LEE AVE
KINGSVILLE, TX 78363-4231
#18757

MANJUT SETHI
ETVIR RAJAT
7425 VAQUERO DR
CORPUS CHRISTI, TX 78414-5767
#24811

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ETUX RITA C
716 W RICHARD AVE
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#22087

LUIS R BENAVIDES
630 W RICHARD AVE
KINGSVILLE, TX 78363-4363
#15820

FABRIZO M MARTORELLO
614 W RICHARD AVE
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#20326

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#19641

SAN JUANITA BUENTELLO
920 N 9TH ST
KINGSVILLE, TX 78363-3829
#24128

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ALICIA CALDERON
221 W LEE AVE
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#25190

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#22624

RANDY J KELL
ETUX
703 BILOXI CT
CONROE, TX 77302-3806
#11027

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SAN ANTONIO, TX 78209-0885
#21849

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#10031

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ETUX ALICIA H
11630 FLAGSTONE CREEK DR
CORPUS CHRISTI, TX 78410
#18396

SAMANTHA EDLIN
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ISMAEL H ESQUIVEL
ETUX LISA
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ETUX NOELIA
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ETUX MARTHA V
3411 S BRAHMA BLVD
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#10297

DANELL FLEMING
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ETUX MARIA OLGA
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#19282

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#17462

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ATTN: SYSTEM REAL ESTATE
301 TARROW STREET, 6TH FLOOR
COLLEGE STATION, TX 77840-7896
#12246

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#21525

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3362 FOREST LAND APT 308
DALLAS, TX 75234
#24288

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ETUX ANNETTE Y
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ETUX COURTNEY G
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NORMA L ESCUDERO
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#4002970

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K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#24265

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: February 16, 2018

Subject: Agenda items information related to the rezoning in the Historical Development District

I discussed at the last meeting because of the two events, in the last 6 months, the approval of a multi-family structure at 531 W. Alice and a rumored multi family structure at 702 W. Henrietta there is a desire to protect some of the single family homes. Due to a portion of the area already zoned R3 there is a desire to rezone some of the area to R1. From the discussion that we had at the last meeting it was determined that while there is an area that needs to be protected, there is also area that can be left at R3. While the entire Historical Development District is rather large, we are only looking at the area between Armstrong on the west, 6th Street on the east, Santa Gertrudis on the north and Yoakum to the south. Staff did the following before putting the options maps together:

1. Did a drive through in the area that is currently zoned R3. The area is the one that I outlined in the above paragraph.
2. Reviewed policy statements on development in the Comprehensive Plan 2008, to give us additional guidance. Consequently we have come up with the following option maps:

Option 1: The green dots on the map reflect multi family structures on that lot. The magenta squares are 531 W. Alice and 702 W. Henrietta. As you can see there are a good number of multifamily structures south of Santa Gertrudis. Also reviewing policy statements, high traffic streets, (Santa Gertrudis) should be geared toward multifamily, since R1 homes are unlikely to be built on Santa Gertrudis. In addition to its direct access to TAMUK lends itself for student apartment living.

Option 2: Much like Option 1, but it only goes 1 block south from Santa Gertrudis and it stops at 3rd going east.

Option 3: Shows the entire area that is under discussion.

Summary of documents:

1. Map of entire Historical Development District
2. Option map 1
3. Option map 2

4. Option map 3
5. Email from Tamara Brennan who lives in HDD
6. Email from Daniel Canales who is also a resident of the HDD
7. General policy statements from Comp Plan 2008. I believe 3, 4, 5,9,10 and 13 are relevant to this issue.

Recommendation:

Staff recommends Option 1 for you to recommend to the City Commission. We believe that this option best protects the single family homes and also provides housing options. It should also be noted that the Planning and Zoning Commission can come up with a map of their own if they desire.

To: Planning and Zoning Commission Members

From: Tom Ginter, Director

Date: March 14, 2018

Subject: Rezoning of area in Historical Development District from R3 to R1

The City Commission reviewed your Option 4 – Rezoning Map and was in agreement with the area chosen by the Planning and zoning commission. Since that meeting staff has started the rezoning process to have it ready for your March 21st meeting. On the March 21st agenda there will be a public hearing and an action item concerning the rezoning.

Since the letters have been mailed out I have spoken to a number of citizens who are either in the rezoning area or in the buffer. Essentially the callers are in favor of the area chosen and agree with the block south of Santa Gertrudis to kept R3. One caller inquired about the north side of Santa Gertrudis and its zoning which is R3 and some C2. I told the caller that the desire for the rezoning came from property owners further south which is why we stopped at Santa Gertrudis. At this point there hasn't been a negative phone call. The other category of phone calls has been from individuals who own the multifamily property and what happens to them. I tell them that their use is grandfathered in and can stay that way until the use changes or the structure is removed due to being substandard. I believe they understand that our goal is to protect the value of the homes that are there and at the same time allow multifamily development in a location that fits the area.

Attachment

- A. Option 4 Rezoning Map
- B. Memo to City Commission for February 21st meeting
- C. Legal description of Historic District Rezoning
- D. Subdivision Detail of Rezoning Map
- E. Map used to determine lots within the rezone area and the buffer, this was included with a letter
- F. Draft ordinance
- G. Map showing property lot numbers in buffer
- H. List of property owners sent letters in area and buffer

Recommended Action:

Recommend approval of rezoning the area as submitted from R3 to R1.

Election

held for 38 years by Romeo Lomas, who resigned in December 2016 and passed away in April of last year, following an automobile accident. Lomas' daughter, Crystal Runyon, was appointed to fill his unexpired term and has served on the court since January.

Runyon has filed for election to the office, along with fellow candidates David Garcia, Manuel Salazar Jr. and Zaragoza "Shorty" Salinas Jr. One Republican, Rene Lomas Bazar, has also filed for the Pct. 4 County Commissioner position and is unopposed on the Primary ballot.

The Democratic ballot also features a contested race for the Pct. 4 Justice of the Peace spot. Incumbent Cheque De La Paz has two challengers, Ofelia "Ofie" Gutierrez and Maria C. "Tina" Lopez-Galvan.

If a candidate in either of those races does not receive at least 50.01 percent of the vote, the top two vote getters will face each other in a run-off election on May 22.

The Pct. 3 Kleberg County Justice of the Peace race includes four candidates. On the Republican side, incumbent Christopher Lee is challenged by John David Rubalcaba Sr. On the Democrats' side, Joe "Pepe" Figueroa faces off against Robert Zavala.

Election results will be posted to KingsvilleRecord.com Tuesday night as they become available.

Polling locations by precinct

Precinct	Polling Location	Polling Address
11	Wild Horse Mall	1601 S. Hwy 77, Kingsville
12	Kleberg County Precinct 1 Building	1910 E. Trant Rd., Kingsville
13, 14	Law Enforcement Center, Courthouse A	1500 E. King, Kingsville
21	Kleberg Elementary School	900 N. 6th St. at Nettie Ave., Kingsville
22, 23	University Baptist Church - Rear Building	1324 N. Armstrong, Kingsville
24	Santa Gertrudis School	803 Santa Rosa, Kingsville
31	Knights of Columbus Hall Council 3389	320 General Cavazos, Kingsville
32	St. Paul's AME Church	529 E. Warren, Kingsville
33, 34	Riviera County Building	103 N. 7th St., Riviera
35	Ricardo Senior Center	109 N. Nix St., Ricardo
41, 42	Gillett School	900 N. 17th St., Kingsville
43	Early Voting Annex Office	720 E. King at 12th St., Kingsville
44	KISD Administration Bldg. - Rear Building	207 N. 3rd St., Kingsville
45	St. Martin's Parish Church Hall	504 E. Ella, Kingsville

Plea

In the case previously reached an agreement in March 2017 that would have capped a prison term at 10 years.

After testimony from several witnesses - including a Kingsville Police Department detective, employees of the bank at the time of the robbery and an ex-girlfriend of Martinez's - that lasted nearly two hours, Pulcher stopped the hearing and said he was unable to support the plea deal's prison sentence cap.

Both tellers testified that they suffered

emotional distress because of the incident, with one stating that she was later diagnosed with depression and post-traumatic stress disorder.

Security video from the robbery showed a man clad in black and wearing a motorcycle helmet jumping onto the tellers' counter and brandishing a black handgun.

Bank officials testified in 2017 that a little more than \$51,000 was stolen at the time of the robbery, though some of that was later recovered in an alley behind the bank

and is still being held as evidence.

IBC Bank was never reimbursed for the money that was stolen through insurance, bank officials said during the 2017 hearing, and the remainder of the missing cash has not been recovered.

A co-defendant in the case, Joanna Cantu, is still set to go to trial on felony charges of aggravated robbery. Cantu was an employee of the bank at the time and is accused of helping Martinez carry out the crime.

Visit us at KingsvilleRecord.com



ELECT JD RUBALCABA

Kleberg County Justice of the Peace, Pct. 3

I would like to thank everyone who has supported me during the primary election cycle that I began on Oct. 11, 2017 for 2018. To the 75 people that showed up to vote in the primary election and to the 100 people that supported my campaign with donations that added to a total of \$1,500.00, I am very grateful and I thank you for your support. In the 2018 Primary Election, I was able to win 45% of the vote and I am looking forward to serving the community. I am a hard worker and I am committed to the community. I am a hard worker and I am committed to the community. I am a hard worker and I am committed to the community.

God Bless America, God Bless our Troops and God Bless Kleberg County Precinct 3.

PRIMARY ELECTIONS
TUESDAY MARCH 6
I appreciate your support.

Respectfully,
JD Rubalcaba

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Kingsville, Texas 78363

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, March 21, 2018, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

CITY OF KINGSVILLE, APPLICANT, REQUESTING BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7169 ACRES OUT OF COOPER, BLOCK 2-1, LOTS 1-32; COOPER 2-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, BLOCK 9, LOTS 1-32; ORIG TOWN, BLOCK 10, LOTS 1-32; ORIG TOWN, BLOCK 11, LOTS 1-32; ORIG TOWN, BLOCK 12, LOTS 1-32; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-32; ORIG TOWN, BLOCK 21, LOTS 1-32; ORIG TOWN, BLOCK 22, LOTS 1-32; ORIG TOWN, BLOCK 23, LOTS 1-32; ORIG TOWN, BLOCK 24, LOTS 1-32; ORIG TOWN, BLOCK 25, LOTS 1-32; ORIG TOWN, BLOCK 26, LOTS 1-32; ORIG TOWN, BLOCK 27, LOTS 1-32; ORIG TOWN, BLOCK 28, LOTS 1-32; ORIG TOWN, BLOCK 29, LOTS 1-32; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-32; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-32; ORIG TOWN, BLOCK 34, LOTS 1-32; ORIG TOWN, BLOCK 35, LOTS 1-32; ORIG TOWN, BLOCK 36, LOTS 1-32; ORIG TOWN, BLOCK 37, LOTS 1-32; ORIG TOWN, BLOCK 38, LOTS 1-32; ORIG TOWN, BLOCK 39, LOTS 1-32; ORIG TOWN, BLOCK 40, LOTS 1-32; ORIG TOWN, BLOCK 41, LOTS 1-32; ORIG TOWN, BLOCK 42, LOTS 1-32; ORIG TOWN, BLOCK 43, LOTS 1-32; ORIG TOWN, BLOCK 44, LOTS 1-32; ORIG TOWN, BLOCK 45, LOTS 1-32; ORIG TOWN, BLOCK 46, LOTS 1-32; ORIG TOWN, BLOCK 47, LOTS 1-32; ORIG TOWN, BLOCK 48, LOTS 1-32; ORIG TOWN, BLOCK 49, LOTS 1-32; ORIG TOWN, BLOCK 50, LOTS 1-32; ORIG TOWN, BLOCK 51, LOTS 1-32; ORIG TOWN, BLOCK 52, LOTS 1-32; ORIG TOWN, BLOCK 53, LOTS 1-32; ORIG TOWN, BLOCK 54, LOTS 1-32; ORIG TOWN, BLOCK 55, LOTS 1-32; ORIG TOWN, BLOCK 56, LOTS 1-32; ORIG TOWN, BLOCK 57, LOTS 1-32; ORIG TOWN, BLOCK 58, LOTS 1-32; ORIG TOWN, BLOCK 59, LOTS 1-32; ORIG TOWN, BLOCK 60, LOTS 1-32; 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ORDINANCE #2018-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 50.7369 ACRES OUT OF COOPER, BLOCK Z-1, LOTS 1-32; COOPER, BLOCK Z-2, LOTS 1-32; HENRIETTA HGTS, BLOCK 3, LOTS 1-32; HENRIETTA HGHTS, BLOCK 4, LOTS 1-32; HENRIETTA HGTS, BLOCK 5, LOTS 1-32; HENRIETTA HGHTS, BLOCK 6, LOTS 1-32; HENRIETTA HGTS, BLOCK 7, LOTS 1-32; HENRIETTA HGTS, BLOCK 8, LOTS 1-32; LUKER ADDN, LOTS 1-2; ORIG TOWN, BLOCK 13, LOTS 1-32; ORIG TOWN, BLOCK 14, LOTS 1-32; ORIG TOWN, BLOCK 15, LOTS 1-32; ORIG TOWN, BLOCK 16, LOTS 1-12, N/2 15-16, N/2 S/2 15-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 ACRES 0.3214, 25-32; ORIG TOWN, BLOCK 17, LOTS 1-32; ORIG TOWN, BLOCK 18, LOTS 1-32; ORIG TOWN, BLOCK 19, LOTS 1-32; ORIG TOWN, BLOCK 20, LOTS 1-10, W50' 11-14, 23-28; ORIG TOWN, BLOCK 30, LOTS 1-32; ORIG TOWN, BLOCK 31, LOTS 1-24; ORIG TOWN, BLOCK 32, LOTS 1-32; ORIG TOWN, BLOCK 33, LOTS 1-24 FROM R3 (MULTI-FAMILY) DISTRICT TO R1 (SINGLE-FAMILY) DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, March 21, 2018, during a meeting of the Planning & Zoning Commission and on Monday, March 26, 2018, during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the majority of the Planning Commission by a 7-0 vote to APPROVE the requested rezone with no abstentions; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 50.7369 Acres out of Cooper, Block Z-1, Lots 1-32; Cooper, Block Z-2, Lots 1-32; Henrietta Hgts, Block 3, Lots 1-32; Henrietta Hgts, Block 4, Lots 1-32; Henrietta Hgts, Block 5, Lots 1-32; Henrietta Hgts, Block 6, Lots 1-32; Henrietta Hgts, Block 7, Lots 1-32; Henrietta Hgts, Block 8, Lots 1-32; Luker Addn, Lots 1-2; Orig

Town, Block 13, Lots 1-32; Orig Town, Block 14, Lots 1-32; Orig Town, Block 15, Lots 1-32; Orig Town, Block 16, Lots 1-12, N/2 15-16, N/2 S/2 15-16, S/2 S/2 13-16, N60' 17-20, S80' 17-20, 21-24 Acres 0.3214, 25-32; Orig Town, Block 17, Lots 1-32; Orig Town, Block 18, Lots 1-32; Orig Town, Block 19, Lots 1-32; Orig Town, Block 20, Lots 1-10, W50' 11-14, 23-28; Orig Town, Block 30, Lots 1-32; Orig Town, Block 31, Lots 1-24; Orig Town, Block 32, Lots 1-32; Orig Town, Block 33, Lots 1-24 from R3 (Multi-Family) District To R1 (Single-Family) District as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the 9th day of April, 2018.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

By: _____
Courtney Alvarez, City Attorney

AGENDA ITEM #6

RESOLUTION #2018-_____

A RESOLUTION APPOINTING ELECTION JUDGES AND THE EARLY VOTING BALLOT BOARD JUDGE FOR THE CITY OF KINGSVILLE GENERAL ELECTION ON MAY 5, 2018.

BE IT RESOLVED, by the City Commission of the City of Kingsville (City) that the following named persons are hereby appointed as Election Judges for the City Election to be conducted on Saturday, May 5, 2018.

<u>CITY POLLING PLACE</u>	<u>PRESIDING JUDGE</u>	<u>ALTERNATE JUDGE</u>
1 - McRoberts Elementary School	Velma Reyes	Esther Bernal
2 - KISD Administration Bldg.	Julie Flores	Bonnie Gonzales
3 - Kleberg County Annex Bldg.	Laura Garza-Trebotich	Fe Oballo
4 - Gillett Intermediate School	Deeann Esquivel	Sonya Reyna
5 - Harvey Elementary School	Frances Garcia	Dalilah Caldera
6 - H.M. King High School	Sylvia Martinez	Anna Ramirez

BE IT FURTHER RESOLVED that each Presiding Judge is authorized to appoint one clerk to assist him/her with the election and that each Presiding Judge and each Alternate Judge shall be compensated twelve dollars (\$12.00) per hour for each hour worked and that the judge delivering the election returns and supplies to the central counting station shall be compensated an additional twenty-five dollars (\$25.00) for that service, and that Clerks shall be compensated ten dollars (\$10.00) per hour for each hour worked.

BE IT FURTHER RESOLVED that Connie Cashen be appointed as the Presiding Judge of the Early Voting Ballot Board. That said Presiding Judge is authorized to appoint two clerks to assist him/her and the members shall be paid the same wage as regular election judges. If the Board concludes its work in less than 10 hours, the compensation paid may exceed that regularly payable for the amount of time worked, but cannot exceed the amount payable for ten hours' work.

PASSED AND APPROVED by the majority vote of the City Commission of the City of Kingsville, Texas this the 9th day of April, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

RESOLUCIÓN #2018-_____

UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE QUE SE LLEVARÁN A CABO EL 5 DE MAYO DE 2018.

SE HA RESUELTO, por parte de la Comisión Municipal de la Ciudad de Kingsville (Ciudad) que las personas mencionadas a continuación sean nombradas como Jueces Electorales para las Elecciones que se realizarán el sábado 5 de mayo de 2018.

SITIO DE VOTACIÓN EN LA CIUDAD

JUEZ PRESIDENTE

JUEZ SUPLENTE

1 - Escuela Primaria McRoberts
2 - Edificio de Administración del KISD
3 - Edificio anexo del condado de Kleberg
4 - Escuela Intermedia Gillett
5 - Escuela Primaria Harvey
6 - Escuela H.M. King High School

Velma Reyes
Julie Flores
Laura Garza-Trebotich
Deeann Esquivel
Frances Caldera
Sylvia Martinez

Esther Bernal
Bonnie Gonzales
Fe Oballo
Sonya Reyna
Dalilah Caldera
Anna Ramirez

SE RESUELVE ADEMÁS QUE: Cada Juez Presidente está autorizado para nombrar un secretario que le ayudará en las elecciones, y que cada Juez Presidente y cada Juez Suplente deberán recibir un pago de doce dólares (\$12.00) por hora, por cada hora trabajada, y que el juez que entrega los resultados electorales y los materiales de las elecciones a la estación central de conteo debe recibir un pago adicional de veinticinco dólares (\$25.00) por ese servicio, y que los Secretarios deben recibir un pago de diez dólares (\$10.00) por hora, por cada hora trabajada.

SE RESUELVE ADEMÁS QUE: Connie Cashen es nombrado Juez Presidente de la Junta de Votación Anticipada. Que dicho Juez Presidente está autorizado para nombrar dos secretarios que le ayudarán, y que los miembros deberán recibir el mismo pago que los jueces electorales regulares. Si la Junta termina su trabajo en menos de 10 horas, la remuneración pagada puede exceder la remuneración pagada regularmente por la cantidad de tiempo trabajado, pero no puede sobrepasar la suma pagada por diez horas de trabajo.

APROBADA por voto mayoritario de la Comisión Municipal de la Ciudad de Kingsville, Texas, este día 9, de abril de 2018.

Sam R. Fugate, Alcalde

DA FE:

Mary Valenzuela, Secretaria Municipal

APROBADA RESPECTO A FORMA:

Courtney Álvarez, Abogado Municipal

REGULAR AGENDA

AGENDA ITEM #7

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: March 28, 2018

SUBJECT: Agenda Request – Receipt of \$30 donation from the Woman’s Club of Kingsville
- Flair Department

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$30 donation from the Woman’s Club of Kingsville – Flair Department. These funds would be used to support our recreational opportunities and programs.

Background:

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

Financial Impact:

The donation of \$30 will help support recreational opportunities and programs for the citizens of our community.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$30 from the Woman’s Club of Kingsville – Flair Department, and amend the budget to record the acceptance of these funds into the parks budget.



AGENDA ITEM #8

**City of Kingsville
Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Susan Ivy, Parks Manager

DATE: March 28, 2018

SUBJECT: Agenda Request – Receipt of \$30 donation from the Woman’s Club of Kingsville
- Flair Department

Summary:

The Parks & Recreation Department would like approval from City Commission to receive a \$30 donation from the Woman’s Club of Kingsville – Flair Department. These funds would be used to support our recreational opportunities and programs.

Background:

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

Financial Impact:

The donation of \$30 will help support recreational opportunities and programs for the citizens of our community.

Recommendation:

We recommend that City Commission authorize the receipt of this donation in the amount of \$30 from the Woman’s Club of Kingsville – Flair Department, and amend the budget to record the acceptance of these funds into the parks budget.



ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO ACCEPT AND EXPEND PARK DONATION FROM WOMEN'S CLUB-FLAIR DEPARTMENT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Revenues					
4-4513	Parks-Recreation	Park Donations	58003	30.00	
Expenses					
5-4513	Parks-Recreation	Recreational Programs	31499	30.00	

[To amend the City of Kingsville FY 17-18 Budget to accept and expend a park donation from the Woman's Club of Kingsville – Flair Department as per the attached memo from the Parks Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 9th day of April, 2018.

PASSED AND APPROVED on this the __ day of _____, 2018.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Adrian Garcia, Fire Chief / EMC
DATE: April 9th, 2017
SUBJECT: Kingsville FD Donation – Orville & Diane Schonefeld

Summary:

The Kingsville Fire Department is requesting approval to accept a \$500.00 donation from Orville & Diane Schonefeld for our response to a large grass fire on their property.

Background:

The Kingsville FD responded on a mutual aid request from the Kleberg County FD to assist with a large grass on January 9, 2017, located at FM 772 & CR 2250 in Kleberg County. Our Department assisted by providing a brush truck and personnel.

Financial Impact:

If approved, the donation will be deposited into account 001-5-2200-31400 Professional Services to assist in offsetting promotional testing costs. No other financial impacts identified.

Recommendation:

Our recommendation is that the Commission approve the request and accept the following donation.



Orville and Diane Schonefeld

[REDACTED]
[REDACTED] - home/ - [REDACTED] cell

February 1, 2018

Kingsville Fire Department
PO Box 1458
Kingsville, TX 78364

In response to your Fire Department helping contain a large grass fire, on our property on, January 9, 2017 - at FM 772 and between County Road 2250 and County Road 2240 in Kleberg County.

We apologize for taking so long to respond. We were hoping to have a settlement from the Insurance Company in order to help with this donation.

At this time we are still involved in a Law Suit with the Insurance Company.

Please accept this donation in thanks for your help with the grass fire on our property.

Sincerely,



Orville and Diane Schonefeld

AGENDA ITEM #10

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: April 9th, 2017

SUBJECT: Kingsville FD Donation – Orville & Diane Schonefeld

Summary:

The Kingsville Fire Department is requesting approval to accept a \$500.00 donation from Orville & Diane Schonefeld for our response to a large grass fire on their property.

Background:

The Kingsville FD responded on a mutual aid request from the Kleberg County FD to assist with a large grass on January 9, 2017, located at FM 772 & CR 2250 in Kleberg County. Our Department assisted by providing a brush truck and personnel.

Financial Impact:

If approved, the donation will be deposited into account 001-5-2200-31400 Professional Services to assist in offsetting promotional testing costs. No other financial impacts identified.

Recommendation:

Our recommendation is that the Commission approve the request and accept the following donation.



Orville and Diane Schonefeld

[REDACTED]
[REDACTED] - home/ [REDACTED] cell

February 1, 2018

Kingsville Fire Department
PO Box 1458
Kingsville, TX 78364

In response to your Fire Department helping contain a large grass fire, on our property on, January 9, 2017 - at FM 772 and between County Road 2250 and County Road 2240 in Kleberg County.

We apologize for taking so long to respond. We were hoping to have a settlement from the Insurance Company in order to help with this donation.

At this time we are still involved in a Law Suit with the Insurance Company.

Please accept this donation in thanks for your help with the grass fire on our property.

Sincerely,



Orville and Diane Schonefeld

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-18 BUDGET TO ACCEPT AND EXPEND A FIRE DEPARTMENT DONATION.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Revenue					
4-0000		Donations	72030	\$ 500.00	
Expenses					
5-2200		Professional Services	31400	\$ 500.00	

[To amend the City of Kingsville FY 17-18 budget to accept and expend a donation to the Kingsville Fire Department from Orville & Diane Schonefeld as per the attached memo from the Fire Chief.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 9th day of April, 2018.

PASSED AND APPROVED on this the ____ day of _____, 2018.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Sosa, Purchasing Manager

DATE: March 20, 2018

SUBJECT: Budget Amendment Wastewater Collections Division for Engineering Services

Summary:

This budget amendment allocates funding to the current year wastewater collections budget. The Wastewater Collections Division is needing additional engineering services to evaluate flow options.

Background:

The capacity analysis completed in 2017 by Kimley Horn revealed the South Plant WWTP was at approximately 70% of capacity. Additional engineering services are required to evaluate options to reduce flow at the South Plant. After releasing and awarding RFQ#18-09, the City has negotiated a master Professional Services Agreement for engineering services for wastewater system improvements. Task Order No.1 under that agreement would provide for the evaluation of options to reduce capacity at the South Plant. These services would be provided for \$25,000.00.

Financial Impact:

\$25,000. This budget amendment for the Wastewater Collections Division will reallocate funding of \$25,000 from Unrestricted Utility Fund Balance to 051-5-7003-31400 Professional Services.

Recommendation:

Staff recommends authorization of this budget amendment to the FY 17-18 budget to cover the engineering professional services needed under Task Order No. 1 for wastewater system improvements.



City of Kingsville- Engineering Professional Consulting Services

TASK ORDER NO. 1

Report for Flow Transfer

City of Kingsville, Texas

AND

LNV, Inc.

This Task Order is issued by the OWNER and accepted by the ENGINEER pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the ____ day _____, 20__, in connection with City of Kingsville, (OWNER) Wastewater System Improvements Program (RFQ No. 18-09).

PURPOSE

The purpose of this Task Order is to set forth the requirements, schedule, and payment associated with the ENGINEER's tasks in accordance with the Agreement between OWNER and ENGINEER.

ENGINEER'S SERVICES

General: ENGINEER's services to be provided under this Task Order include Basic and Additional Services outlined below:

Basic Services:

- Prepare a report for flow transfer in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the City, to include preliminary layouts, sketches and cost estimates.
- Report will evaluate three (3) options: 1. Redirect/transfer flow (approx. 0.2 MGD) from an existing LS to the NWWTP collection system or directly to the NWWTP. 2. Transfer flow (approx. 0.2 MGD) from the SWWTP to the NWWTP., and 3. Expand capacity of the SWWTP
- Transfer options should include a new lift station and force main, reusing an existing lift station, and/or tying into an existing force main.
- All options shall consider potential negative impacts on the collection system condition and capacity.
- Report shall also include recommendations and cost estimates for critical items that may need repair at both wastewater treatment plants.
- Report shall be signed and sealed by a Texas Licensed Professional Engineer.

Additional Services

- N/A

TIME OF PERFORMANCE

Time is of the essence. All work in this Task Order shall be completed by the ENGINEER on or before the dates indicated in the following table.

Task	Completion Date
BASIC	October 2018
ADDITIONAL	N/A

PAYMENT

Payment to ENGINEER will be made in accordance with the following:

Payment for Basic Services: OWNER will pay ENGINEER a fee for providing for all "Basic Services" authorized, in accordance with the following table. The fees for Basic Services will not exceed those identified in the table below and will be full and total compensation for all services outlined in this Task Order under "Basic Services." ENGINEER invoicing shall comply with the provisions of the Agreement between OWNER and ENGINEER. OWNER reserves the right to pay ENGINEER a fixed fee for Basic Services at OWNER'S discretion.

Fee for Additional Services: Fees for Additional Services shown in the following table are an allowance for potential services to be provided as part of the project, and are subject to modification by the OWNER based on the actual needs of the project. Work will not begin on any Additional Services until requested in writing by the ENGINEER, and until written authorization to proceed with the additional services is provided by the OWNER. Additional Services shall be itemized in sufficient detail by line-item, category, services to be performed and cost. OWNER reserves the right to pay ENGINEER a fixed fee for Additional Services at OWNER'S discretion.

FEE BREAKDOWN FOR SERVICES BY ENGINEER	
	FEE
BASIC SERVICES	
Report for Flow Transfer	\$25,000
SUBTOTAL BASIC SERVICES:	\$25,000
ADDITIONAL SERVICES	N/A
SUBTOTAL ADDITIONAL SERVICES:	N/A
TOTAL FEE:	\$25,000

EFFECTIVE DATE

This Task Order No. ____ is effective as of the ____ day of _____, 20__.

IN WITNESS WHEREOF, duly authorized representatives of the OWNER and of the ENGINEER have executed this Task Order No. 1 evidencing its issuance by OWNER and acceptance by ENGINEER.

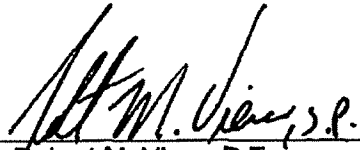
City of Kingsville, Texas

LVN, Inc.

By: _____

Sam R. Fugate, Mayor
City of Kingsville
400 W. King Avenue
Kingsville, Texas 78363

By: _____


Robert M. Viera, P.E.
Vice President
LVN, Inc.
801 Navigation, Suite 300
Corpus Christi, Texas 78408

City of Kingsville - South WWTP Re-Route Report - MANHOUR ESTIMATE

LNV Inc.		Project Principal		Project Mgr.		Engineer I		Designer III		Survey (2-Man Crew)		Expenses		TOTALS	
Task	Description	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Sub-total		Total Hrs.	Total Fee
1	Coordinate with City Staff on Record Info	2	\$ 400.00	2	\$ 400.00	4	\$ 600.00	0	\$ -	0	\$ -			8	\$ 1,400.00
2	Review Record Info		\$ -	12	\$ 2,400.00	16	\$ 2,400.00	0	\$ -	0	\$ -			28	\$ 4,800.00
3	Evaluate Alternatives for Options 1 & 2		\$ -	8	\$ 1,600.00	40	\$ 6,000.00	0	\$ -	0	\$ -			48	\$ 7,600.00
4	Finalize Option Choices & Prepare Exhibits		\$ -	2	\$ 400.00	8	\$ 1,200.00	16	\$ 1,680.00	0	\$ -			26	\$ 3,280.00
5	Prepare Cost Estimates of Options		\$ -	2	\$ 400.00	16	\$ 2,400.00	0	\$ -	0	\$ -			18	\$ 2,800.00
6	Prepare and Submit Report		\$ -	4	\$ 800.00	16	\$ 2,400.00	0	\$ -	0	\$ -			20	\$ 3,200.00
7	Coordinate Review with City Staff	2	\$ 400.00	4	\$ 800.00	4	\$ 600.00	0	\$ -	0	\$ -			10	\$ 1,800.00
8	Revise Report per City Comments		\$ -	2	\$ 400.00	8	\$ 1,200.00	4	\$ 420.00	0	\$ -			14	\$ 2,020.00
9	Prepare and Submit Final Sealed Report to City		\$ -	1	\$ 200.00	1	\$ 150.00	0	\$ -	0	\$ -			2	\$ 350.00
	Sub-totals	4	\$ 800.00	37	\$ 7,400.00	113	\$ 16,950.00	20	\$ 2,100.00	0	\$ -	\$ -	\$ -	174	\$ 27,250.00

TOTAL FEE = \$ 27,250.00

ORDINANCE NO. 2018-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2017-2018 BUDGET TO INCLUDE ADDITIONAL ENGINEERING SERVICES FOR THE WASTEWATER SYSTEM.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2017-2018 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051-Utility Fund					
Equity					
2		Unrestricted Fund Balance	61004		\$ 25,000
Expenses					
5-7003		Professional Services	31400	\$ 25,000	

[To amend the City of Kingsville FY 17-18 Utility Fund Budget to include additional engineering services for the Waste Water Collections Division as per the attached memo from the Purchasing Manager.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 26th day of March, 2018.

PASSED AND APPROVED on this the __ day of _____, 2018.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #12

City of Kingsville- Engineering Professional Consulting Services

TASK ORDER NO. 1

Report for Flow Transfer

City of Kingsville, Texas

AND

LNV, Inc.

This Task Order is issued by the OWNER and accepted by the ENGINEER pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the ____ day _____, 20__, in connection with City of Kingsville, (OWNER) Wastewater System Improvements Program (RFQ No. 18-09).

PURPOSE

The purpose of this Task Order is to set forth the requirements, schedule, and payment associated with the ENGINEER's tasks in accordance with the Agreement between OWNER and ENGINEER.

ENGINEER'S SERVICES

General: ENGINEER's services to be provided under this Task Order include Basic and Additional Services outlined below:

Basic Services:

- Prepare a report for flow transfer in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the City, to include preliminary layouts, sketches and cost estimates.
- Report will evaluate three (3) options: 1. Redirect/transfer flow (approx. 0.2 MGD) from an existing LS to the NWWTP collection system or directly to the NWWTP. 2. Transfer flow (approx. 0.2 MGD) from the SWWTP to the NWWTP., and 3. Expand capacity of the SWWTP
- Transfer options should include a new lift station and force main, reusing an existing lift station, and/or tying into an existing force main.
- All options shall consider potential negative impacts on the collection system condition and capacity.
- Report shall also include recommendations and cost estimates for critical items that may need repair at both wastewater treatment plants.
- Report shall be signed and sealed by a Texas Licensed Professional Engineer.

Additional Services

- N/A

TIME OF PERFORMANCE

Time is of the essence. All work in this Task Order shall be completed by the ENGINEER on or before the dates indicated in the following table.

Task	Completion Date
BASIC	October 2018
ADDITIONAL	N/A

PAYMENT

Payment to ENGINEER will be made in accordance with the following:

Payment for Basic Services: OWNER will pay ENGINEER a fee for providing for all "Basic Services" authorized, in accordance with the following table. The fees for Basic Services will not exceed those identified in the table below and will be full and total compensation for all services outlined in this Task Order under "Basic Services." ENGINEER invoicing shall comply with the provisions of the Agreement between OWNER and ENGINEER. OWNER reserves the right to pay ENGINEER a fixed fee for Basic Services at OWNER'S discretion.

Fee for Additional Services: Fees for Additional Services shown in the following table are an allowance for potential services to be provided as part of the project, and are subject to modification by the OWNER based on the actual needs of the project. Work will not begin on any Additional Services until requested in writing by the ENGINEER, and until written authorization to proceed with the additional services is provided by the OWNER. Additional Services shall be itemized in sufficient detail by line-item, category, services to be performed and cost. OWNER reserves the right to pay ENGINEER a fixed fee for Additional Services at OWNER'S discretion.

FEE BREAKDOWN FOR SERVICES BY ENGINEER	
	FEE
BASIC SERVICES	
Report for Flow Transfer	\$25,000
SUBTOTAL BASIC SERVICES:	\$25,000
ADDITIONAL SERVICES	N/A
SUBTOTAL ADDITIONAL SERVICES:	N/A
TOTAL FEE:	\$25,000

EFFECTIVE DATE

This Task Order No. ____ is effective as of the ____ day of _____, 20__.

IN WITNESS WHEREOF, duly authorized representatives of the OWNER and of the ENGINEER have executed this Task Order No. 1 evidencing its issuance by OWNER and acceptance by ENGINEER.


City of Kingsville, Texas

LVN, Inc.

By: _____

Sam R. Fugate, Mayor
City of Kingsville
400 W. King Avenue
Kingsville, Texas 78363

By: _____


Robert M. Viera, P.E.
Vice President
LVN, Inc.
801 Navigation, Suite 300
Corpus Christi, Texas 78408

City of Kingsville - South WWTP Re-Route Report - MANHOUR ESTIMATE

Task	Description	Project Principal		Project Mgr.		Engineer I		Designer III		Survey (2-Man Crew)		Expenses		TOTALS	
		Hrs.	Sub-total	Hrs.	Sub-total	Hrs.	Sub-total	Hrs.	Sub-total	Hrs.	Sub-total	Sub-total	Sub-total	Total Hrs.	Total Fee
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$		
1	Coordinate with City Staff on Record Info	2	\$ 400.00	2	\$ 400.00	4	\$ 600.00	0	\$ -	0	\$ -			8	\$ 1,400.00
2	Review Record Info		\$ -	12	\$ 2,400.00	16	\$ 2,400.00	0	\$ -	0	\$ -			28	\$ 4,800.00
3	Evaluate Alternatives for Options 1 & 2		\$ -	8	\$ 1,600.00	40	\$ 6,000.00	0	\$ -	0	\$ -			48	\$ 7,600.00
4	Finalize Option Choices & Prepare Exhibits		\$ -	2	\$ 400.00	8	\$ 1,200.00	16	\$ 1,680.00	0	\$ -			26	\$ 3,280.00
5	Prepare Cost Estimates of Options		\$ -	2	\$ 400.00	16	\$ 2,400.00	0	\$ -	0	\$ -			18	\$ 2,800.00
6	Prepare and Submit Report		\$ -	4	\$ 800.00	16	\$ 2,400.00	0	\$ -	0	\$ -			20	\$ 3,200.00
7	Coordinate Review with City Staff	2	\$ 400.00	4	\$ 800.00	4	\$ 600.00	0	\$ -	0	\$ -			10	\$ 1,800.00
8	Revise Report per City Comments		\$ -	2	\$ 400.00	8	\$ 1,200.00	4	\$ 420.00	0	\$ -			14	\$ 2,020.00
9	Prepare and Submit Final Sealed Report to City		\$ -	1	\$ 200.00	1	\$ 150.00	0	\$ -	0	\$ -			2	\$ 350.00
	Sub-totals	4	\$ 800.00	37	\$ 7,400.00	113	\$ 16,950.00	20	\$ 2,100.00	0	\$ -	\$ -	\$ -	174	\$ 27,250.00

TOTAL FEE = \$ 27,250.00

RESOLUTION #2018-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO TASK ORDER NO. 1 UNDER MASTER PROFESSIONAL SERVICES AGREEMENT BETWEEN LNV ENGINEERING, INC. AND THE CITY OF KINGSVILLE FOR WASTEWATER SYSTEM IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville went out for RFQ's for engineering services for wastewater system improvements, awarded a bid, and on March 26, 2018 via Resolution #2018-22 approved a master Agreement for Professional Services with LNV Engineering, Inc. for wastewater system improvements, and

WHEREAS, the parties have negotiated the first project under this agreement as detailed in Task Order No.1 for recommendations and options to reduce flow at the South Wastewater Treatment Plant;

WHEREAS, the City and LNV have worked to prepare Task Order No.1 under the Agreement for Professional Services for wastewater system improvements.

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into Task Order No.1 under the Agreement for Professional Services (Master Agreement) between LNV Engineering, Inc. and the City of Kingsville for Professional Engineering Services relating to Wastewater System Improvements, which provides for the use of task orders as needed and agreed to by the parties to engage engineering services, in accordance with Exhibit A hereto.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the _____ 9th day of April, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #13

City of Kingsville Downtown

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: March 26, 2018
SUBJECT: Request for City Support for the Festival de la Lotería

Summary:

The City Commission has a tradition of granting support for community events that are held downtown. This is a new event this year so was not included in the annual listing of parades and events brought forth yearly for a waiver of fees. The festival will be held April 28th 10 am - 8 pm.

Background:

This festival is a partnership between Kingsville Main Street and the Kingsville Historic Downtown District Association (KHDDA). The festival is a free event that provides residents and visitors with a family-oriented spring festival that includes activities for kids, booths, music and food. Money raised from booth fees and merchandise sales will go to KHDDA to be used for downtown improvements. City ordinances require a fee to be paid for the requisite street closure and require that City be reimbursed any actual costs and expenses incurred by them in support of the event. Ordinances also allow the City Commission to waive these requirements. The event must still must comply with all City ordinances and state laws with regards to health and safety issues.

Financial Impact:

The fees for event would be \$150 street closing fee, \$210 for trash services and \$300 for building up and tearing down the barricades – a total of \$660.

Recommendation:

It is recommended that street closing fees be waived and the services provided by the City in support of this event be considered as an in-kind sponsorship.



Festival de la Lotería Budget

Expenses:

Port-a-potties 4@ \$65 ea. = \$ 260

Tent rental 20' x 40' \$460

Lighting for tent six 25' strands globe lighting @ \$35 ea. = \$210

Decorations \$300

Signage (directional) \$300

Prizes for Lotería \$500

Sound & DJ Mark Cortez \$500

Band – Blue Experiment Jazz Band \$300

Other bands \$1,000

Facebook boosts \$50

Total \$3,880

Donations of goods & services:

Tables & chairs, A-frame signs – borrow from Parks & Rec

Stage – borrow from TAMUK

Event shirts and koozies printed with sponsor names– KHDDA

Marketing - Kingsville Record & Bishop News (\$1,000 of print advertising), Tourism, KHDDA

Printing (promotional materials) – Downtown, Tourism

Children's activities & piñatas – Parks & Rec

Entertainment (free) – Mariachi Nueva Vida, Ballet Folklorico, Low-Rider Car Show

Trophies for car show – private donation

Cash income:

Booth fees @ \$25 or \$50 ea.

BBQ cook-off entry fee @\$100 ea.

Event t-shirt sales @ \$12- \$18

HEB sponsorship - \$1,000

Booth & entry fees go to KHDDA

HEB sponsorship to go to BBQ cook-off prizes

AGENDA ITEM #14

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: March 28, 2018

SUBJECT: Texas Conversion to the National Incident-Based Reporting System (NIBRS), Third Round Funding Announcement, Office of the Governor, Criminal Justice Division

Summary:

We request a resolution designating the City Manager as the grantee's Authorized Official to allow his designee, the Chief of Police to apply for, accept, reject, alter or terminate the grant on behalf of the application agency for the NIBRS Grant thru the Office of the Governor, Criminal Justice Division.

Background:

The State of Texas is soliciting applications for projects that enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting (UCR) Incident Based System (NIBRS), particularly solutions that support the subsequent submission of incident data to the National Data Exchange (NDEx). This program is a partnership between the Office of the Governor, Criminal Justice Division (CJD), and the Texas Department of Public Safety (DPS).

Financial Impact:

The City of Kingsville Police Department would like to utilize this grant to apply for a NIBRS compliant Records Management System to include the Records Management System, Computer-Aided Dispatch and Mobile Records Software. We have requested interface capabilities with the Kingsville Fire Departments ERS System, emergency 911 and for the Incode/Brazostech software for the City of Kingsville Municipal Court.

EFORCE has provided a quote of \$336,985.60 for all the software, software interfaces and hardware for the Texas Conversion to the National Incident-Based Reporting System (NIBRS).

This grant if awarded in whole or in part would reimburse the City of Kingsville 100% of the costs with no cash match for items awarded.

Recommendation:



**City of Kingsville
Police Department**

We respectfully request approval of the Resolution designating the City Manager as the grantee's Authorized Official to allow his designee, the Chief of Police to apply for, accept, reject, alter or terminate the grant on behalf of the application agency for the NIBRS Grant thru the Office of the Governor, Criminal Justice Division.



Kingsville Police Department

Date: 3/27/2018

To: Ricardo Torres

1700 East King Avenue
Kingsville, TX 78363

Summary

Total: \$336,985.60

Quantity	Product
1	CAD Implementation 1-20 Users Includes several services necessary for contract fulfillment.
1	CAD Onsite: 11-20 users This onsite session educates end users on how to operate the system to perform their daily duties relevant to the software.
1	CAD Server License License for server hosting software. Click here to view the CAD brochure.
17	CAD User License Provides user full CAD functionality including, call taking, dispatching, and resource allocation.
1	CAD Mapping eFORCE CAD Mapping allows your agency to display units, calls, and other map layers.
\$54,979.42	
1	iOS Mobile Implementation with Queries The implementation Includes several services necessary for contract fulfillment. The queries allow (qualified) users to query the state system from one or all of the following eFORCE applications: CAD, Mobile, and/or RMS. Each device must meet CJIS compliancy.
37	iOS Mobile Module Package iOS Mobile Module Package contains a Silent Dispatch User, CAD View User, AVL User with mapping, and eCitations User for the eFORCE iOS Mobile application. Includes: reports, rolodex, tracking vehicle or person location with iPad or iPhone.
\$65,315.00	

2nd Year Forward: Annual License and Support Fee Base	
Annual License and Support Fees for year 2. Years 3+ will be based year 2 fees + a 3% annual increase.	\$33,698.27

Terms and Conditions

- All upgrades and feature releases for purchased licenses are included in the annual license and support fees
- Annual license and support fees are due on the 13 month from contract date and are recurring annually
- Pricing valid for 90 days from quote date above
- No other services, applications or hardware are included
- Third party products and hardware warranties are the sole responsibility of the manufacturer
- eFORCE® Does not warrantee third party products or services

Accepted By: _____ Date: _____



Office of the Governor

Criminal Justice Division

Funding Announcement:

***Texas Conversion to the National
Incident-Based Reporting System (NIBRS),
Third-Round Funding Announcement***

February 1, 2018

Opportunity Snapshot

Below is a high-level overview. Full information is in the funding announcement that follows.

Purpose

The purpose of this announcement is to solicit applications for projects that enable local law enforcement agencies to upgrade their technology infrastructure to allow for and support the submission of data to the Uniform Crime Reporting (UCR) Incident Based System (NIBRS), particularly solutions that support the subsequent submission of incident data to the National Data Exchange (N-DEx). This program is a partnership between the Office of the Governor, Criminal Justice Division (CJD), and the Texas Department of Public Safety (DPS).

New Eligible Activities and Costs

The purchase of full RMS systems is no longer limited to border-region agencies. Grantees under prior funding rounds who were not eligible for full RMS systems may apply under this announcement.

Eligible Purpose Areas

Projects under this funding announcement are classified as: General Criminal Justice System Support – General Operational Support.

Organizational Eligibility

Applications may be submitted by units of governments or other entities operating law enforcement agencies – including state law enforcement agencies – that collect crime data for submission to DPS.

Project Periods

Projects must have an end date prior to April 30, 2019.

Budget

The minimum allowed under this program is \$5,000 and there is no funding cap.

Match

There is no match requirement under this program.

Process

Applications under this funding announcement must be submitted in eGrants at: eGrants.gov.texas.gov.

Timelines

Action	Date
Funding Announcement Release	02/01/2018
Online System Opening Date	02/01/2018
Final Date to Submit an Application	04/02/2018 at 5:00PM CST
Earliest Project Start Date	06/01/2018
Latest Project Start Date	09/01/2018

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

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Texas Conversion to the National Incident-Based Reporting System (NIBRS), Third-Round Funding Announcement

Overview of Application Process

Applicants should carefully review the application process as outlined below. CJD will not consider applications that fail to adequately address the application requirements and prompts.

☐ **Step 1 – Review eligibility and requirements:**

- The Eligibility section outlines who may apply, which purpose areas will be considered, and the expenses and activities eligible to be included.
- The Program-Specific Details section has information on timelines, reporting, and funding.
- The Standard CJD Requirements section addresses application and project requirements.

☐ **Step 2 – Develop your project:** Special, abbreviated application procedures apply to this program. See the Special Application Procedures section for more information.

☐ **Step 3 - Apply in eGrants:** Compile and submit your grant application via eGrants, at <http://eGrants.gov.texas.gov>. For more instructions and information, see *How to Apply for a CJD Grant*, available at <https://gov.texas.gov/organization/cjd/resources>.

☐ **Step 4 - Funding Decisions and Grant Acceptance:** Await the funding decision, which is provided through a grant award or other notice from CJD. If you receive an award, complete the acceptance process to access funds.

Application Resources

CJD has published several resources to assist applicants in understanding and applying for funding, all of which can be found at <https://gov.texas.gov/organization/cjd/resources>

- *Guide to Grants:* CJD policies and guidance on common grant issues.
- *Grantee Conditions and Responsibilities:* A compendium of CJD and Homeland Security Grants Division policies for all grantees.
- *Standard Certifications and Requirements:* CJD's standard requirements that the Authorized Official must certify upon applying for a grant.

See the Special Application Procedures section for special application instructions under this funding announcement.

Eligibility

Eligible Organizations

Applications may be submitted by units of governments or other entities operating law enforcement agencies – or state law enforcement agencies – that collect crime data for submission to DPS.

Agencies that are eligible to receive, or have applied to receive, funding through the BJS NCS-x project will also receive consideration for state funding; however, applications from these agencies will be evaluated based on their overall need, response to the solicitation and availability of funding.

Organizations that received funding under the previous NIBRS announcement are eligible for grants under this announcement. However, those organizations must detail under the Problem Statement field of the Narrative tab in eGrants why additional funds are required to achieve program objectives and may receive lower priority than first-time applicants.

Organizations that perform records management or reporting services for other jurisdictions are eligible to apply for costs associated with upgrading those services to allow the reporting of NIBRS data.

Eligible Activities and Costs

Funds may be used for activities that further the reporting of NIBRS data to DPS. Such activities include, but are not limited to, technology upgrades to existing infrastructure or the purchase of new technology that would allow for the reporting of NIBRS data. The procurement of a complete Records Management System (RMS) is eligible under this announcement.

Eligible costs include purchase of technology to upgrade existing infrastructure and other reasonable directly related hardware/software costs that furthers the agency's effort to move to a NIBRS reporting agency.

Grant funds may not be used to support the services, activities, and costs designated as unallowed in the CJD *Guide to Grants* (<https://gov.texas.gov/organization/cjd/resources>) and the following:

1. General incident-based reporting training (contact should be made with the Texas Department of Public Safety for inquiries related to additional funding opportunities for NIBRS related training);
2. Equipment for government agencies that are for general agency use that is not in direct support of transmitting NIBRS (or TTIC, for border region agencies) information from an agency database to DPS;
3. Purchase of vehicles and other vehicle related equipment, i.e. computers, that could be used for the data entry of crime information;
4. Salaries;
5. Indirect costs; and
6. Any other prohibition imposed by federal, state or local law or regulation.

Eligible Purpose Areas

Projects under this funding announcement are classified under the General Criminal Justice System Support – General Operational Support purpose area.

Program-Specific Details

Timeline

Action	Date
Funding Announcement Release	02/01/2018
Online System Opening Date	02/01/2018
Final Date to Submit an Application	03/31/2018 at 5:00PM CST
Earliest Project Start Date	06/01/2018
Latest Project Start Date	09/01/2018

Funding and Reporting Details

Category	Detail
Funds Available	Up to \$11 million ¹
Budget Minimum	\$5,000
Budget Maximum	None
Match Requirement	None
Project Period	May <i>not</i> extend beyond 4/30/2019
Program Income Method	N/a
Funding Source	Funds are authorized by the Texas Legislature
Financial Reporting	At least quarterly, submitted via Financial Status Reports in eGrants
Financing Method	Reimbursement-for-costs basis
Progress Reporting	Quarterly (see below)

1) Awards are dependent on funds remaining from the original legislative appropriation for this program.

Special Application Procedures

Program-Specific Questions

The eGrants system will provide additional information about the requirements of the application.

Applicants will need to answer these questions:

1. What is the agency's jurisdictional population?
2. Does your agency provide access to other agencies for a shared solution; wherein, the host agency is responsible for the submission of NIBRS data for other hosted agencies?
 - If yes, provide the total jurisdictional population of the area to be covered, including that of the applicant agency.
 - If yes, please list the hosted agencies and their individual jurisdictional populations and upload to the documents tab any inter-local agreements between agencies regarding UCR data reporting.

3. How does your agency currently submit Uniform Crime Reporting data to the State? (SRS or IBR)
4. How often does your agency submit data and what process do you use to submit?
5. Has your agency completed the NCS-X NIBRS Readiness Assessment or similar readiness self-assessment? (Available here: http://www.bjs.gov/content/pub/pdf/NCS-X_ASA_COTS_Feb2016.pdf)
 - If yes, upload a copy of the readiness assessment to eGrants.
6. Does your agency use a third party vendor for the submission of UCR data to the State?
 - If yes, please provide the following information regarding that vendor:
 - Business name;
 - Software being used, to include version;
 - If a NIBRS vendor, a listing of other states or agencies, either within or outside of the state of Texas, that use their IBR reporting product/tool; and,
 - Demonstrable experience with compilation and submission of IBR data according to FBI Technical Specification document.

Project Narrative

On the Narrative tab within eGrants, applicants should follow these instructions in filling out the Project Narrative:

Project Abstract. Provide a brief summary of the proposed project. Do not share new information here that you do not include in the questions below. This abstract is a description of your project and intended for the public and policy makers. Be sure that the summary is easy to understand by a person not familiar with your project. (Limit to 1500 characters.)

Problem Statement. Explain why your agency needs this funding. If your agency received funding under the prior NIBRS announcement, you must provide detail why additional funds are required to achieve the program objectives.

Supporting Data. Enter N/A.

Project Approach & Activities. Provide an understanding of the approach that the agency will take to implement the project including the solution(s) selected, the project management method and the people involved in it, and a timeline or project plan for project implementation. (If you would prefer to upload the project plan portion of this section, simply reference the document in this section and upload it to eGrants).

Capacity & Capabilities. Enter N/A

Performance Management. Provide an understanding of how the applicant organization will measure success for this project.

Data Management. Provide an understanding of how the applicant organization plans to track and maintain the data needed to measure success as stated above.

Target Group. Enter N/A

Evidence-Based Practices. Explain here whether the solution that the agency is procuring is in operation anywhere else in the state and any other pertinent information about why the agency selected this particular solution.

Program-Specific Requirements

Technology Requirements

Funds must be used for solutions that upgrade the agency's technology infrastructure to allow for and support incident-based reporting to the Texas Department of Public Safety (DPS) and TTIC (applicable agencies only) as well as maximize the automation of the data submission.

1. Technology purchases must employ national data standards for NIBRS data submissions. N-DEx and NIBRS data may be submitted to DPS in the N-DEx Information Exchange Packet Documentation (IEPD) format or via a flat file submission in order to participate in the NIBRS program. Submission of data via the N-DEx IEPD is preferred, as it ensures a single submission not only to the state's UCR system but also to the DPS Texas Data Exchange program, and eventually to the FBI's National Data Exchange.
2. Agencies must obtain a written certification from a vendor prior to purchase and implementation of the system that their product can and will comply with all technical and submission standards and requirements identified in this funding announcement.
3. Agencies must only utilize systems that adhere to the NIBRS and TIBRS data specification guides for proper formatting included in the following links:
 - a. National Incident-Based Reporting System (NIBRS) Technical Specification (Version 2.1) (<https://www.fbi.gov/about-us/cjis/ucr/nibrs-techspec-v2-1.pdf>)
 - b. National Incident-Based Reporting System (NIBRS) Technical Specification (Version 3.0) (deadline for implementation is 2021). (<https://www.fbi.gov/about-us/cjis/ucr/technical-specifications>)
 - c. National Incident-Based Reporting System (NIBRS) XML IEPD Technical Specification (<https://www.fbi.gov/about-us/cjis/ucr/nibrs/nibrs-xml-iepd>) (zip)
 - d. National Incident-Based Reporting System (NIBRS) XML IEPD Technical Specification version 4.0 (<http://www.txdps.state.tx.us/ucr/indexnibrs.htm>) (zip)
 - e. Cargo Theft Technical Specification (https://www.fbi.gov/about-us/cjis/ucr/cargo_theft_technical_specification_version_2.0_final_05-25-2012.pdf)
 - f. Conversion of National Incident-Based Reporting System (NIBRS) Data to Cargo Theft Data

- (<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-cargo-theft-data.pdf>)
- g. Conversion of National Incident-Based Reporting System (NIBRS) Data to Hate Crime Data (<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-hate-crime-data.pdf>)
 - h. Conversion of National Incident-Based Reporting System (NIBRS) Data to Summary Reporting System (SRS) Data
(<https://www.fbi.gov/about-us/cjis/ucr/conversion-of-nibrs-data-to-srs.pdf>)
 - i. Hate Crime Technical Specification (<https://www.fbi.gov/about-us/cjis/ucr/hate-crime-technical-specification-version-1.1-pdf>)
 - j. Texas Incident-Based Reporting Training and Reference Manual (Version 3.1)
(<http://www.txdps.state.tx.us/ucr/tibrsManual.pdf>)
 - k. Edits for Texas-centric data, as supplied in the Texas Incident-Based reporting Training and Reference Manual, must be included in the software solution. (See <http://www.txdps.state.tx.us/ucr/indexnibrs.htm> .) Data edits must be performed within the local agency application prior to the submission to DPS to ensure that data is submitted error free.
- 4. As changes, such as, but not limited to, new data elements and/or changes within the data formats are announced, agencies must perform these changes quickly, in order to, keep systems up to date.
 - 5. System implementation funded by these grants must support reporting to DPS no less than monthly, but with a goal of near real-time reporting of data.
 - 6. Systems must also have the capability to flag records that are subject to a court ordered expunction to ensure an automated removal of the record from the TDex and NDEx systems.

Financial and Progress Reports.

At the end of each quarter of the state fiscal year during the one-year grant period, grantees will be required to submit a financial status report via eGrants and a progress report to the Department of Public Safety in a format required by the Department and CJD.

CJD and DPS reserve the right to monitor the agency and their vendors to ensure completion of the project, according to the agency's submitted project plan, budget, and that all work done and money expended is in compliance with the grant solicitation and award.

TXGANG Criminal Gang Database Reporting.

All law enforcement agencies receiving an award under this announcement must agree to comply with TXGANG reporting requirements relating to criminal combinations and criminal street gang activity, as required by Sec. 61.02, Code of Criminal Procedure. Generally, these are law enforcement agencies in municipalities with populations of 50,000 or more or in counties with populations of 100,000 or more.

For more information on this requirement, contact Michelle Farris at Michelle.Farris@dps.texas.gov or (512) 424-7659 at DPS.

Background

Uniform Crime Reporting gathers crime data from law enforcement agencies for statistical analysis. Currently, there are two distinct methods for reporting data: the original model built in 1927, known as Summary Reporting System (SRS) and Incident Reporting, known as National Incident-Based Reporting System (NIBRS). In comparing the two data collection methodologies, it is readily apparent that NIBRS provides a deeper, richer data set. Summary Reporting tallies eight offenses, also known as the index crimes, homicide, rape, robbery, aggravated assault, burglary, etc., as well as arrests made and property stolen. Incident Reporting collects data on 24 offense types comprised of 52 distinct offenses and agencies report based upon the specific incident that includes data related not only to offenses and arrests, but also to location, victim and offender data, etc.

House Bill 11 of the 84th Regular Session introduced the requirement for the state to begin a transition from primarily a Summary Reporting System (SRS) state to a National Incident Based Reporting (NIBRS) state, by setting a goal for transition to NIBRS by September 1, 2019. Both NIBRS and N-DEx share the same data source and share many of the same data elements that are already being collected by the local agency's system.

House Bill 11 also established new requirements (now incorporated in Sec. 362.005(c), Local Government Code) for border region law enforcement agencies to contribute intelligence data to the Texas Transnational Intelligence Center (TTIC):

“Each law enforcement agency in a county located along the Texas-Mexico border or in a county that contains a federal checkpoint shall report to the Texas Transnational Intelligence Center intelligence regarding criminal activity in the law enforcement agency's jurisdiction, including details on kidnappings, home invasions, and incidents of impersonation of law enforcement officers.”

The TTIC is then required to share that data across the state. This statewide sharing can be accomplished by automating and updating the local agency RMS/JMS to submit local agency incident, arrest, and intelligence data to the Department through the Texas Data Exchange (TDEx), which would then forward the data to the National Data Exchange (N-DEx), making it available for view.

This expanded solicitation seeks to fund agencies for a single data submission that will meet the data submission standards and requirements for N-DEx and NIBRS.

Standard CJD Requirements

When accepting an award under this funding announcement, the grantee agrees to comply with a variety of state and federal laws and regulations, including requirements related to Uniform Crime Reports, criminal history reporting, and immigration and customs enforcement requests. For more information see the following documents, available at <https://gov.texas.gov/organization/cjd/resources>.

- Standard Certifications and Requirements
- Grantee Conditions and Responsibilities
- Guide to Grants

Selection Process

Project-Specific. DPS will screen all applications to ensure that they meet the program-specific requirements included above. Applications that meet those requirements will move forward to the merit review phase during which a panel of experts from DPS will review those applications for quality and rank by priority. Organizations applying will be subjected to various selection criteria by the Department in an effort to prioritize funding. These criteria may include, but are not limited to:

- Geographical location
- Jurisdictional population covered by and benefitting from proposed solution
- Submissions by one jurisdiction that supports NIBRS data submissions from many hosted agencies
- NCS-X NIBRS Readiness Assessment or similar readiness assessment of agency applying
- Proposed solutions that have vendors with demonstrable experience in NIBRS reporting and have deployed their solution to other similarly sized agencies
- NIBRS file submissions that can be initiated with little to no human intervention, ensuring a near real time or more frequent than monthly file submission
- XML/IEPD submissions to the state that allow for TDEx/N-DEx data contribution
- Frequency in file submissions
- Whether or not the agency is eligible for other federal or state funding sources

Overall. DPS will provide CJD with the outcomes of the merit review, which will form the core decision making factor. However, CJD will review all applications for quality, capability, and past performance and may consider other factors in determining which programs to fund such as (but not limited to) geographic distribution, fairness among different sizes of population areas, need based on crime rate or other similar factors, including economic factors. If the interest in grant funds exceeds available funding, CJD may not fund all applications or may only award part of the amount requested. Preference may be given to organizations who have not received a prior NIBRS grant from CJD.

Announcements

After CJD makes final funding decisions, each applicant will receive either an unfunded notice or a preliminary decision notification or final grant award. The award will provide all of the conditions and requirements of the grant. Release of final grant awards are always contingent on availability of the funds and CJD cannot release or guarantee funding to any applicant until a determination that adequate funding is available.

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD will make over \$275 million in funding available to hundreds of organizations during state fiscal year 2018 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.

RESOLUTION NO. 2018-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION FOR TEXAS CONVERSION TO THE NATIONAL INCIDENT-BASED REPORTING SYSTEM, THIRD-ROUND FUNDING ANNOUNCEMENT FOR THE PURPOSE OF REQUESTING GRANT FUNDING ON BEHALF OF THE CITY FOR RMS AND CAD EQUIPMENT FOR LAW ENFORCEMENT PURPOSES FOR THE KINGSVILLE POLICE DEPARTMENT WITH NO ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the Office of the Governor Criminal Justice Division Texas Conversion to the National Incident-Based Reporting System (NIBRS) Third-Round Funding Application for RMS & CAD system equipment and software for law enforcement telecommunications in the 2018 funding cycle; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Criminal Justice Division Texas Conversion to NIBRS Grant Program grant application; and

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

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

I.

THAT the City Commission of the City of Kingsville approves the submission of the grant application for the Criminal Justice Division Texas Conversion to NIBRS Grant Program for RMS & CAD system equipment and software, and other equipment for law enforcement personnel to the Office of the Governor.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 9th day of April, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #15

City of Kingsville Fire Department

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: April 9th, 2017

SUBJECT: Brycer, LLC "The Compliance Engine" Service Level Agreement

Summary:

The Kingsville Fire Department is requesting approval to enter into a service level agreement with Brycer, LLC to utilize the "The Compliance Engine" internet based tool to track and drive code compliance within our City. The service level agreement will be for an initial three (3) years at no cost to the City of Kingsville or Fire Department.

Background:

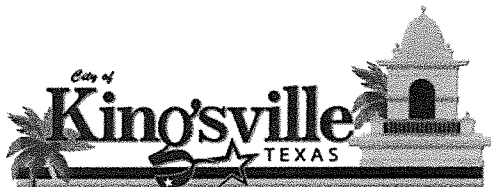
The Compliance Engine is a simple, internet based tool to be utilized by our Fire Marshal's Office to track and drive code compliance, reduce false alarms, and provide a safer community for our residents. The solution will provide a secure cloud environment in which third-party contractors that inspect, test, and maintain fire protections systems, can submit their reports via the Brycer's web portal directly to the Fire Marshal's Office.

By doing so it will facilitate a more efficient review, tracking, and follow-up process with occupants to correct deficiencies and maintain systems. In addition, Brycer will provide a proactive service, that includes hard and soft copy notifications to help increase testing and maintenance activity within our jurisdiction. The result is a comprehensive and accurate aggregation of data identifying which occupancies have fire protection systems, when they were last tested, and if there are any open deficiencies that could jeopardize their successful activation in the event of an incident.

Lastly, "The Compliance Engine", will better equip our department to do more with less in our mission to drive 100% fire code compliance within our City.

Financial Impact:

If approved, the City will not pay any fees for the use of the solution and all fees will be collected by Brycer and payable by the third-party inspectors. In addition, the City will continue to collect fire permit fees through the permitting process.



City of Kingsville Fire Department

Recommendation:

The following request supports the goals set forth by the Kingsville Fire Marshal's Office to ensure continued fire code compliance within our City and operational effectiveness of our department. Our recommendation is that the Commission approve the request and implement "The Compliance Engine" solution into our daily operations.



RESOLUTION #2018-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICE LEVEL AGREEMENT WITH BRYCER, LLC FOR THE COMPLIANCE ENGINE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville is looking for more efficient options to manage its fire code compliance program for the Fire Department and Brycer, LLC provides a Service Level Agreement for a program called "the Compliance Engine", which could help with such service needs; and

WHEREAS, Brycer, LLC is a provider of a web-based service for Fire Prevention Bureaus to track and drive code compliance and to provide safer communities through third party inspection reporting and maintenance; and

WHEREAS, the parties have worked on a Service Level Agreement for the Compliance Engine, which would not result in any expense to the City and would provide a secure cloud environment in which third-party contractors that inspect, test, and maintain fire protection systems to submit their reports via Brycer's web portal directly to the City Fire Marshal's Office; and

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

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Service Level Agreement for the Compliance Engine between the City of Kingsville and Brycer, LLC in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 9th day of April, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

BRYCER, LLC
4355 Weaver Parkway
Suite 330
Warrenville, IL 60555

March 28th, 2018

City of Kingsville Fire Department
119 N 10th St
Kingsville, TX 78363

Attn: Fire Chief Adrian Garcia

Re: “The Compliance Engine”

Dear: Chief Garcia

We look forward to providing you with “The Compliance Engine” (the “Solution”). The Compliance Engine is a simple, web-based service for Fire Prevention Bureaus to track and drive code compliance, reduce false alarm activity, and provide safer communities through third party inspection reporting and maintenance. This proposal letter provides the basic terms by which Brycer, LLC (“Brycer”) will provide you, City of Kingsville Fire Department (“Client”), with the Solution. The use of the Solution and all matters between Brycer and Client will be subject to the standard “Terms and Conditions” attached to this proposal as Exhibit A. The basic terms are as follows:

1. **Term:** Brycer will provide Client with the Solution for three years, commencing May 1st, 2018 (the “Initial Term”). Thereafter, the Term shall automatically renew for successive three year period unless terminated by Brycer or Client in writing at least 90 days prior to the expiration of the then current Term (each, a “Renewal Term” and together with the Initial Term, the “Term”). Following the expiration or termination of the Term (as provided in the Terms and Conditions), Client shall stop using the Solution; provided, however, Brycer shall make available, and Client shall have the right to download, Client’s data from the Solution for a period of 60 days after the expiration or termination of the Term. Client shall have the right to terminate this agreement upon giving 90 days written notice to Brycer.

2. **Fees:** Client shall not pay any fees for use of the Solution. Brycer will collect all fees due and payable by third party inspectors in connection with activities relating to the Solution. Client will collect all fees due by third party inspectors or its constituents when applying for permits. Brycer will not collect any fees due for permits.

3. **Brycer Responsibilities:** During the Term, Brycer shall be responsible for the following in connection with Client’s use of the Solution:

- **Availability.** Brycer shall make the Solution available to Client as set forth on Exhibit B. The maintenance schedule and minimum service levels for the Solution are set forth on Exhibit B.
- **Service Level.** Brycer shall provide commercially reasonable levels of customer service with respect to the Solution to all third parties who transact business with Client and access the Solution.

- ***Backup.*** Brycer shall backup the database used in connection with the Solution to a separate server located within the same web hosting firm which the Solution is being hosted on a real time basis. Upon request by Client or made prior to or within 60 days after the effective date of termination of the Term, Brycer will make available to Client a complete and secure (i.e. encrypted and appropriately authenticated) download file of Client data in XML format including all schema and attachments in their native format. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client data. Brycer shall not (a) modify Client data or (b) disclose Client data except as required by law.
- ***Retention of Information.*** Brycer will maintain all information entered into the database by third party inspectors for at least five (5) years from the time such information is entered into the database.
- ***Notices.*** Brycer will be responsible for generating and delivering the following notices to third parties in connection with the Solution: (a) reminders of upcoming inspections that are due; (b) notices that an inspection is past due; and (c) notices of completed inspection reports which contain one or more deficiencies.
- ***Call Center*** Phone calls by Brycer on behalf of the Client to the property for EACH life-safety system overdue for service based on dates automatically tracked within the TCE database. Brycer is not an agent of the Client and all scripts for the overdue calls will be approved by the Client.
- ***Updates and Enhancements.*** In the event Brycer releases any updates, corrections, or enhancements to the Solution during the Term, Brycer shall promptly provide such updates or corrections to Client free of any charge or fee.

4. **Client Responsibilities:** During the Term, Client shall be responsible for the following in connection with Client's use of the Solution:

- ***Operating System.*** Client shall be solely responsible for providing a proper operating environment, including computer hardware or other equipment and software, for any portion of the Solution installed on the Client's equipment (the "Client Access Software") and for the installation of network connections to the Internet. In addition to any other Client Access Software requirements, Client must use version Internet Explorer 11.0, Edge, Firefox version 37, Chrome 40 or Safari 7.1 (or more recent versions), in addition to having a .pdf reader installed on machines to view attachments.
- ***Training.*** Client shall allow Brycer at Client's facilities to train all applicable personnel of Client on the use of the Solution.
- ***Information.*** Client shall promptly provide Brycer with all appropriate information necessary for Brycer to create the database for the Solution, including without limitation: (a) all commercial building addresses within **[jurisdiction]** for Brycer's initial upload; and (b) quarterly updates to in a format acceptable to Brycer in its discretion.
- ***Enforcement.*** Client shall take all actions necessary to require in writing (e.g. resolution, ordinance, fire policy, code amendment) the use of the Solution by third party inspection companies.
- ***Reports.*** Client will require all compliant and deficient test results to be submitted.

5. **Ownership of Data.** Client owns all the data provided by Client and received from third party contractors for Client. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client's data.

Please acknowledge your acceptance of this proposal and our standard Terms and Conditions by counter-signing this proposal below. We look forward to a long-term and mutually beneficial relationship with you.

Brycer, LLC

By: _____
Its: _____

Acknowledged and Agreed to this
____ day of _____, 20 ____:

[CLIENT]

By: _____
Its: _____

Exhibit A

Terms and Conditions

Any capitalized terms not defined in these Terms and Conditions shall have the meaning assigned to it in that certain Letter Agreement attached hereto by and between Brycer, LLC and Client (the "Agreement").

1. Restrictions on Use. Client shall not copy, distribute, create derivative works of or modify the Solution in any way. Client agrees that: (a) it shall only permit its officers and employees (collectively, the "Authorized Users") to use the Solution for the benefit of Client; (b) it shall use commercially reasonable efforts to prevent the unauthorized use or disclosure of the Solution; (c) it shall not sell, resell, rent or lease the Solution; (d) it shall not use the Solution to store or transmit infringing or otherwise unlawful or tortious material, or to store or transmit material in violation of third party rights; (e) it shall not interfere with or disrupt the integrity or performance of the Solution or third-party data contained therein; and (f) it shall not reverse engineer, translate, disassemble, decompile or otherwise attempt to create any source code which is derived from the Solution. Client is responsible for all actions taken by the Authorized Users in connection with the Solution.
2. Proprietary Rights. All right, title and interest in and to the Solution and any and all derivative works or modifications thereof (the "Derivative Works"), and any accompanying documentation, manuals or other materials used or supplied under this Agreement or with respect to the Solution or Derivative Works (the "Documentation"), and any reproductions works made thereof, remain with Brycer. Client shall not remove any product identification or notices of such proprietary rights from the Solution. Client acknowledges and agrees that, except for the limited use rights established hereunder, Client has no right, title or interest in the Solution, the Derivative Works or the Documentation.
3. Independent Contractor. Nothing in the Agreement may be construed or interpreted as constituting either party hereto as the agent, principal, employee or joint venturer of the other. Each of Client and Brycer is an independent contractor. Neither may assume, either directly or indirectly, any liability of or for the other party. Neither party has the authority to bind or obligate the other party and neither party may represent that it has such authority.
4. Reservation of Rights. Brycer reserves the right, in its sole discretion and with prior notice to Client, to discontinue, add, adapt, or otherwise modify any design or specification of the Solution and/or Brycer's policies, procedures, and requirements specified or related hereto. All rights not expressly granted to Client are reserved to Brycer, including the right to provide all or any part of the Solution to other parties.
5. Use of Logos. During the term of this Agreement, Brycer shall have the right to use Client's logos for the purpose of providing the Solution to Client.
6. Confidential Information. Brycer and Client acknowledge and agree that in providing the Solution, Brycer and Client, as the case may be, may disclose to the other party certain confidential, proprietary trade secret information ("Confidential Information"). Confidential Information may include, but is not limited to, the Solution, computer programs, flowcharts, diagrams, manuals, schematics, development tools, specifications, design documents, marketing information, financial information or business plans. Each party agrees that it will not, without the express prior written consent of the other party, disclose any Confidential Information or any part thereof to any third party. Confidential Information excludes information: (a) that is or becomes generally available to the public through no fault of the receiving party; (b) that is rightfully received by the receiving party from a third party without limitation as to its use; or (c) that is independently developed by receiving party without use of any Confidential Information. At the termination of this Agreement, each party will return the other party all Confidential Information of the other party. Each party also agrees that it shall not duplicate, translate, modify, copy, printout, disassemble, decompile or otherwise tamper with any Confidential Information of the other party or any firmware, circuit board or software provided therewith. Notwithstanding the foregoing, the parties acknowledge that Client shall be permitted to comply with any all federal and state laws concerning disclosure.
7. Brycer Warranty. Brycer represents and warrants to Client that Brycer has all rights necessary in and to any patent, copyright, trademark, service mark or other intellectual property right used in, or associated with, the Solution, and that Brycer is duly authorized to enter into this Agreement and provide the Solution to Client pursuant to this Agreement.
8. Disclaimer. All information entered into Brycer's database is produced by third party inspectors and their agents. **THEREFORE, BRYCER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION ENTERED INTO BRYCER'S DATABASE BY EITHER CLIENT OR THIRD PARTY INSPECTORS. EXCEPT AS SET FORTH IN SECTION 7, BRYCER MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SOLUTION OR ANY OTHER INFORMATION AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. BRYCER'S SOLE LIABILITY FOR BREACH OF THE REPRESENTATION AND WARRANTY SET FORTH IN SECTION 7, AND CLIENT'S SOLE REMEDY, SHALL BE THAT BRYCER SHALL INDEMNIFY AND HOLD RECIPIENT HARMLESS FROM AND AGAINST ANY LOSS, SUIT, DAMAGE, CLAIM OR DEFENSE ARISING OUT OF BREACH OF THE REPRESENTATION AND WARRANTY.**
9. LIMITATION ON DAMAGES. **EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IN NO EVENT SHALL BRYCER BE LIABLE FOR OR OBLIGATED IN ANY MANNER FOR SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFITS OR SYSTEM DOWNTIME. CLIENT ACKNOWLEDGES AND AGREES THAT IN NO CASE SHALL BRYCER'S LIABILITY FOR ANY LOSS OF DATA OR DATA INTEGRITY EXCEED THE REPLACEMENT COST OF THE MEDIA ON WHICH THE DATA WAS STORED.**
10. Risks Inherent to Internet. Client acknowledges that: (a) the Internet is a worldwide network of computers, (b) communication on the Internet may not be secure, (c) the Internet is beyond the control of Brycer, and (d) Brycer does not own, operate or manage the Internet. Client also acknowledges that there are inherent risks associated with using the Solution, including but not limited to the risk of breach of security, the risk of exposure to computer viruses and the risk of interception, distortion, or loss of communications. Client assumes these risks knowingly and voluntarily and indemnifies and holds Brycer harmless from all liability from all such risks. Not in limitation of the foregoing, Client hereby assumes the risk, and

- Brycer shall have no responsibility or liability of any kind hereunder, for: (1) errors in the Solution resulting from misuse, negligence, revision, modification, or improper use of all or any part of the Solution by any entity other than Brycer or its authorized representatives; (2) any version of the Solution other than the then-current unmodified version provided to Client; (3) Client's failure to timely or correctly install any updates to the Client Access Software; (4) problems caused by connecting or failure to connect to the Internet; (5) failure to provide and maintain the technical and connectivity configurations for the use and operation of the Solution that meet Brycer's recommended requirements; (6) nonconformities resulting from or problems to or caused by non-Brycer products or services; or (7) data or data input, output, accuracy, and suitability, which shall be deemed under Client's exclusive control.
11. Indemnity. Each party (the "Indemnifying Party") will defend and indemnify the non-indemnifying party against any damages, losses, liabilities, causes of action, costs or expenses (including reasonable attorneys' fees) arising from the Indemnifying Party's breach of this Agreement, gross negligence or intentional misconduct. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees), claims, demands, suits or proceedings made or brought against Brycer by a third party in connection with Client's or an Authorized User's use of the Solution, or any action or inaction taken by a third party, including, but not limited to, third party inspectors, in connection with such third party providing services for Client or otherwise at Client's or an Authorized User's request or direction
 12. Breach. Brycer shall have the right to terminate or suspend this Agreement, and all of Client's rights hereunder, immediately upon delivering written notice to Client detailing Client's breach of any provision of this Agreement. If Client cures such breach within 5 days of receiving written notice thereof, Brycer shall restore the Solution and Client shall pay any fees or costs incurred by Brycer in connection with the restoration of the Solution.
 13. Illegal Payments. Client acknowledges and agrees that it has not received or been offered any illegal or improper bribe, kickback, payment, gift or anything of value from any employee or agent of Brycer in connection with the Agreement.
 14. Beneficiaries. There are no third party beneficiaries to the Agreement.
 15. Force Majeure. Neither party shall be responsible for any failure to perform due to unforeseen, non-commercial circumstances beyond its reasonable control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, earthquakes, blackouts, accidents, or strikes. In the event of any such delay, any applicable period of time for action by said party may be deferred for a period of time equal to the time of such delay, except that a party's failure to make any payment when due hereunder shall not be so excused.
 16. Notices. All notices required in the Agreement shall be effective: (a) if given personally, upon receipt; (b) if given by facsimile or electronic mail, when such notice is transmitted and confirmation of receipt obtained; (c) if mailed by certified mail, postage prepaid, to the last known address of each party, three business days after mailing; or (d) if delivered to a nationally recognized overnight courier service, one business day after delivery.
 17. Assignment. The Agreement may not be assigned or transferred by Client without the prior written consent of Brycer and any purported transfer in violation of this section shall be null and void. The Agreement shall be binding upon and inure to the benefit of the parties thereto and their respective successors and representatives.
 18. JURISDICTION AND VENUE. THE AGREEMENT SHALL BE GOVERNED BY, CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, AND ENFORCEABLE UNDER, THE LAWS OF THE STATE IN WHICH CLIENT EXISTS APPLICABLE TO CONTRACTS MADE IN SUCH STATE AND THAT ARE TO BE WHOLLY PERFORMED IN SUCH STATE WITHOUT REFERENCE TO THE CHOICE-OF-LAW PRINCIPLES OF SUCH STATE. THE PARTIES IRREVOCABLY AGREE THAT ALL ACTIONS OR PROCEEDINGS IN ANY WAY, MANNER OR RESPECT ARISING OUT OF OR FROM OR RELATED TO THE AGREEMENT SHALL BE LITIGATED ONLY IN COURTS LOCATED WITHIN THE STATE IN WHICH CLIENT EXISTS. THE PARTIES HEREBY CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN SAID STATE. THE PARTIES HEREBY WAIVE ANY RIGHTS THEY MAY HAVE TO TRANSFER OR CHANGE VENUE OF ANY SUCH ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY ON ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THE AGREEMENT, AND AGREE THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A COURT AND NOT BEFORE A JURY.
 19. Attorneys' Fees. The prevailing party in any proceeding in connection with the Agreement shall be entitled to recover from the non-prevailing party all costs and expenses, including without limitation, reasonable attorneys' and paralegals' fees and costs incurred by such party in connection with any such proceeding.
 20. Entire Agreement. The Agreement sets out the entire agreement between the parties relative to the subject matter hereof and supersedes all prior or contemporaneous agreements or representations, oral or written.
 21. Amendment. The Agreement may not be altered or modified, except by written amendment which expressly refers to the Agreement and which is duly executed by authorized representatives of both parties. The waiver or failure by either party to exercise or enforce any right provided for in the Agreement shall not be deemed a waiver of any further right under the Agreement. Any provision of the Agreement held to be invalid under applicable law shall not render the Agreement invalid as a whole, and in such an event, such provision shall be interpreted so as to best accomplish the intent of the parties within the limits of applicable law. The Agreement may be executed by facsimile and in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
 22. Expiration. The rights and obligations contained in these Terms and Conditions shall survive any expiration or termination of the Agreement.

Exhibit B

Maintenance Schedule and Minimum Service Levels

1. **Uptime and Maintenance.**

The Solution shall be available 24 hours per day during the term of this Agreement. The Solution shall be fully functional, timely and accessible by Client at least 99.5% of the time or better and Brycer shall use reasonable efforts to provide Client with advance notice of any unscheduled downtime.

2. **Response Time.**

Brycer shall respond to telephone calls from Client within two hours of the call and/or message and all emails from Client within two hours of the receipt of the email.

3. **Customer Support**

Customer support hours are 24/7/365. The toll free number is 1-855-279-2371

Brycer will assign client a dedicated customer representative with direct access to their email and work number.

AGENDA ITEM #16

AGENDA ITEM #17

AGENDA ITEM #18