

City of Kingsville, Texas

AGENDA CITY COMMISSION TUESDAY, DECEMBER 17, 2019 SPECIAL MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M.**

I. Preliminary Proceedings.

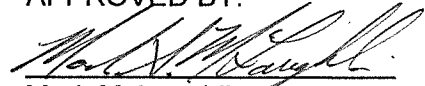
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- December 9, 2019

APPROVED BY:


Mark McLaughlin
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, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants 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 City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Building Code and removing Section 15-1-3. (Interim Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Existing Building Code. (Interim Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, adopting the 2018 Edition of the International Fire Code and revising the Permit Fee Schedule. (Interim Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).
5. Discussion on Parks regarding youth baseball and softball league. (Parks Director).
6. Consider a resolution authorizing the Mayor to enter into a Water Supply Contract between the City of Kingsville and Texas A&M University-Kingsville, (renewal). (City Attorney).
7. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).
8. Discuss and consider an Agreement for Water Resource Management and Infrastructure Investment for the City of Kingsville. (Mayor Fugate).

VII. Adjournment.

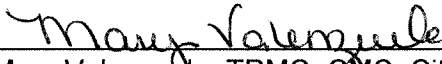
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended only with 5 affirmative Commission votes. The speaker must identify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

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

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

December 12, 2019 at 4:45 P.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)

DECEMBER 9, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 9, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Bill Donnell, Public Works Director
Cynthia Martin, Downtown Manager
Rudy Mora, City Engineer
Derek Williams, IT Department
Charlie Sosa, Purchasing Director
Courtney Alvarez, City Attorney
Adrian Garcia, Fire Chief
Ron Lee, Fire Marshall
Ricardo Torres, Police Chief
Joe Casillas, Water Production Supervisor
Diana Gonzales, HR Director
David Solis, Risk Manager
Janine Reyes, Tourism Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:05 p.m. with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- November 25, 2019

Motion made by Commissioner Lopez to approve the minutes of November 25, 2019 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

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

1. **Public Hearing to consider rezone of 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District), Mario Bazan, owner/applicant. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:07 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services reported that this property is near La Carpa. The requestor would like to rezone from R1 to R2. The difference between R1 and R2 is that one can build a duplex on the property rather than single family homes. The idea is to build a small duplex on a narrower lot.

Commissioner Hinojosa stated that Planning & Zoning Commission members voted 2 for and 2 against and asked for some background information on this, as there isn't enough information that was submitted for this item.

Mrs. Martin responded that those that were voting for it were for the development due to the lot being a narrower lot which would be restricted to a smaller duplex and under one roof. The Planning & Zoning Commission did not feel that it would affect the character of the neighborhood.

Mayor Fugate asked staff if they heard from residents that reside near this area.

Mrs. Martin stated that the residents that received notice, three called and one emailed to voice disapproval and one voiced approval. She further commented that they were on the negative side of this rezone.

Mayor Fugate asked if there were four against and one for? Mrs. Martin stated that this was correct. Mayor Fugate further asked City Attorney Courtney Alvarez that if the Planning & Zoning Commission voted 2 to 2 votes, would it require a supervote from the Commission.

Mrs. Alvarez responded that when this item comes back to the Commission for final approval, it would require a supermajority vote, or four fifths vote from the Commission.

Commissioner Lopez commented that she had the opportunity to drive this location and notice on the curb is a very high curb and asked where the parking for this would be for the residents.

Mrs. Martin responded that parking will be off the alley.

Commissioner Hinojosa asked if the residents would have a hard time coming in and out from the area where they will be parking. He further stated that the flow will not have enough space for the resident to go from the street to the alley.

Mrs. Martin responded that the requestor also owns the property located at 820, so one enters the front entrance and the other would enter off the back.

Commissioner Hinojosa further asked for number of parking spaces.

Mrs. Martin stated that they didn't get to talking number of parking spaces with the requestor, as they don't present a layout of this when making the initial request for a rezone.

Commissioner Hinojosa commented that for him it is hard to vote yes or no, as he does not have enough information on who was for it or who was against it.

Mayor Fugate commented as this is not an action item at this time, staff can get the additional information to the Commission members.

Commissioner Leubert asked if staff could provide more information on this request.

Mr. Mario Bazan, 821 E. Richard, commented that he can provide a drawing of the location to show how much parking there will be. He also commented that he owns most of the property both on Richard and Alice and further stated that there would be plenty of parking for the residents. He also commented that he doesn't see where there would be a problem as he has two other units in the area that park in the rear. He stated that it is hard to park in the front of the property as the curb is very high.

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

There being no further discussion, Mayor Fugate closed this public hearing at 5:15 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, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mayor Fugate introduced and welcomed new City Manager, Mr. Mark McLaughlin to the City of Kingsville.

Mr. McLaughlin reported that as he received a letter from Kooky Kingsville, he reached out to Ms. Ramos and mentioned to her that she has every right to have a Face Book page, which he has not problem with that. He stated that he did ask her if she could place a disclaimer on the front that states that this does not represent the official views of the government of the City of Kingsville. McLaughlin further commented that he doesn't want our city to be thought of as Kooky from a government point and he doesn't believe a third party has the right to say that this is the official stance of the City of Kingsville. Mr. McLaughlin further reported that he had a lengthy meeting with Kleberg County Judge Rudy Madrid today. At this meeting, several issues were discussed such as interlocal agreements that need to be addressed in the future as they are quite old. The JK Northway was also discussed, which was a subject that Judge Madrid brought up which Judge Madrid would like to meet with him later.

Commissioner Hinojosa commented that the City has not received a copy of the grant that was applied for the JK Northway.

Mr. McLaughlin commented that it was great to hear Judge Madrid's input, but he still has a lot of questions regarding the JK Northway and some of the interlocal agreement that are in place. Another subject that was discussed during the meeting with Judge Madrid is the Health Department. McLaughlin stated that he has looked into the Animal Shelter agreement and would like to discuss with Judge Madrid how the Health Director can have two bosses, which does not work. Mr. McLaughlin further stated that he attended the Kleberg County Commissioners' Court Meeting today regarding items on their agenda having to do with Aqui IV. McLaughlin stated that the County has had about two to three

months to review this agreement with Aquí IV and the city only having about 72 hours to review the agreement. He further commented that he is not saying no or yes but the City has to do its due diligence as the biggest thing is that if it sounds to good to be true, it probably is, but this could be good for the City. Mr. McLaughlin commented that he was clear with the County Judge that how ever this contract is written with the governmental agency that sponsors it, in the City's due diligence, we can not put the City at risk of having to cover a company's losses in water or whatever it is, as he doesn't know all the details of this agreement. Mr. McLaughlin further reported that the Parks Director is at a meeting tonight working with the Pony League on some issues that need to be looked into.

Mrs. Alvarez reported that there will be a Commission meeting on Tuesday, December 17th at 5:00 p.m. The next regular meeting for the new year is scheduled for January 13, 2020 with a deadline to staff to submit agenda items is January 3rd. Alvarez further stated that the Charter Review Committee has met for the last time on December 9th and voted on six proposals that will be coming before Commission in the first Commission meeting in January. Mrs. Alvarez also reported that the City received a contract from a third-party last week for a water resources management and infrastructure investment agreement. She stated that she has looked it over and have outside council with expertise in these types of agreements reviewing as well, and if anything can be worked out with that, there is a possibility that the agreement could be on the December 17th agenda.

IV. Public Comment on Agenda Items.³

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

Mr. Honorio Conchas, 311 E. Lee and he is here representing Alejandro Jose Zaragosa owners of El Tapatio Restaurant. He commented that he is here to speak about a petition that the city sent. He stated that the petition was described as a safety issue, when it hasn't been an issue for the past 18 years, until one day a member of this Board passed through this street and had some trouble driving by. He stated that the street he is speaking about is Santa Gertrudis and Wells Street which is off to the side of El Tapatio. He further commented that their main concern when they heard about this petition is how will it affect their establishment if this petition goes through. He stated that they are all residents of this city and have the same rights and obligations as they do. Some of the neighbors won't have the space to park their own cars which will have them parking on their yards or somewhere else which could make the city look trashy or they could receive a citation worth \$175. The petition that is being brought to the Commission it was to make the street into No Parking Zone from 7:00 a.m. to 5:00 p.m. He commented that he does not agree with this and he is here to represent the neighbors of this location as well as El Tapatio Restaurant. He stated that the employees will not have a parking space and sales will reduce eventually by not having the extra parking space. El Tapatio has served the community for over 18 years and their priority has been their customers. By the Commission approving this petition, El Tapatios cliental will reduce as there will be no area to park trailers and school buses that come in to visit the University or our City. As the University is about to inaugurate the newly built Music Building, El Tapatio has a lot of customers that come from all over Texas to visit Kingsville as it is a University. As visitors come to Kingsville, they usually ask where a good place is to eat, they are usually referred to El Tapatio.

At this time, the three-minute time limit was reached. Mayor Fugate asked the Commission if there was any objection in allowing for Mr. Conchas to finish his commentes. No objections were made by the Commission, therefore additional time was granted to Mr. Conchas.

Mr. Conchas continued to comment that El Tapatio receives large groups of students that travel by bus that come to eat at the restaurant, and if the City agrees to make this area a no parking zone, it could reduce the number of customers coming into the restaurant. He further stated that their business and their families pay a lot of taxes every year as they are residents of the city. He asks the Commission to think about this prior to making their decision as it is not only going to affect their business, but it will also affect those residents that live on that street. He further stated that the original petition was from Richard to Ella, which they were talking about three blocks. The individual that did that petition no longer lives in the area, so it is not affecting her any longer. He stated that he understands that from time to time it does get busy and crowded at the restaurant, but the street is not even busy. He also stated that there has never been an incident where people that have parked there that has caused any accidents. He further asks the Commission to look into this and not hurt the small businesses. As the saying goes, Shop Local, and not give the business to a multi-million company such as Whataburger or McDonald's that have the parking space and El Tapatio doesn't, as there is a neighborhood is located behind the restaurant.

Mr. Chris Maher, 1514 Lewis, current publisher of the Kingsville Record gave an update on the Kingsville Record Newspaper. He stated that there was an article that was published in the Kingsville Record just last week informing everyone what has been happening and what is going to happen to the newspaper. He stated that the Mayor has been working tirelessly to find some way to continue the newspaper. The announcement was made that the Kingsville Record would be closing, but since then, some interested parties stepped forward and showed interest in continuing the paper. The King Ranch has been working hand-in-hand with these individuals in order to make it a smooth transition of transferring ownership to the Kingsville Area Industrial Foundation. This will be the last King Ranch Edition, Kingsville Record. Next week it will begin under the new ownership. They have selected some excellent leadership, Mr. Tim Acosta as the new publisher of the newspaper. They have also taken on four current staff members including both reporters to move forward with the new owners. The paper will still be housed out of the current location, until they find a new spot for the paper. Mr. Maher further thanked staff for a great relationship they carried with him and the Kingsville Record. He stated that he will be continuing with the King Ranch as Director of the Visitors Program for the King Ranch.

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 Pecos to approve the consent agenda items as presented, seconded by Commissioner Lopez. The motion was passed and

approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1400 S. 14th Street Block, also known as Rincon De Zapata, Lots A-D, for car wash use in C2-Retail District. (Interim Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance to rezone of Haggerton, Lot 3 (2.31 acres), also known as 2102 E. Trant Road, Kingsville, Texas, from C4 (Commercial District) to R1 (Single Family District). (Interim Director of Planning & Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance Section 15-6-21-Definitions to revise the definition for tiny homes. (Interim Director of Planning & Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance Chapter XV, Article 6-Zoning, Appendix B-Space Requirements, Section One-Space Requirements for Residential Use to add a maximum height for tiny homes. (Interim Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider appointment of Rev. Idotha Battle to the Planning & Zoning Commission for a two-year term. (Interim Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve the appointment of Rev. Idotha Battle to the Planning & Zoning Commission for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).

Mayor Fugate commented that having four residents in that neighborhood not wanting this and the vote from the Planning & Zoning Commission, makes it difficult for the Commission.

Introduction item.

7. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6-Traffic Control Devices, Section 2 Schedule II-Parking Restricted on Certain Streets; providing for the restriction of parking near the university from 7am to 5pm, Monday through Friday. (City Engineer).

Mr. Rudy Mora, City Engineer stated that he has provided letters to those individuals that reside within this area and ask them to voice their opinion. What was presented was from Richard to Nettie on Ella it was proposed no parking zones. He stated that he would like to clarify the extension of no parking zones in the area. Mr. Mora displayed

a map showing the location where no parking signs would be located. He stated that what this is for is for the placement of safety of citizens and motorists in providing no parking on streets to increase the visibility and safety.

Mayor Fugate asked if there have been significant accidents or any kind of problems in this area in the past.

Chief Torres stated that he has ran data for this area and the data shows that for the accidents for the last five years, there has only been three; one at the intersection of Santa Gertrudis and Wells, one at the intersection of Wells and Ella, and one on Wells and Corral.

Commissioner Hinojosa commented that it was mentioned that letters were sent out to the residents, but letters were sent to the property owners. He further stated that one letter was sent to the property owner in Alice. He stated that at a previous meeting, it was directed to staff that letters were to be sent out to residents that reside within this area. He further stated that at this point, he is ready to vote no on this item as he does not like the process that was done, as not all residents in the area were informed. He further asked if staff reached out to the President of Texas A&M University-Kingsville.

Mr. Mora responded that he did not reach out to Texas A&M University-Kingsville, but what he did do is sent the letters to the property owners, which were about 14 that were notified which some had address from out-of-town.

Commissioner Hinojosa asked if staff received any response from those that were mailed a letter.

Mr. Mora responded that he did not receive any responses.

Commissioner Hinojosa commented that the letter was dated November 7th and it was just received this past week.

Mr. Mora responded that the letter was dated November 27th and mailed out that same day which was right before the Thanksgiving Holiday. He further stated that the prior meeting was on Monday, November 25th and letters were mailed out two days later.

Commissioner Hinojosa commented that the letter was received until recently.

Commissioner Lopez commented that Mayor Fugate had asked staff to get in contact with the University, and further asked if staff had spoken to someone at the University.

Mr. Mora responded that he has not had the opportunity to speak with someone at the University.

Mayor Fugate commented that the information provided by Chief Torres is compelling enough.

Commissioner Leubert commented that she is the one that brought up this item as she is on this street quite often and see that accidents in this area have been very few within the past five years. But we didn't have a \$60 million-dollar Music Building of over 300 plus people going into that Music Building. The streets during school are very crowded. Someone put a no parking on their own property which helps with some of the congestion. She stated that people park all the way up to the curb and so when you try to turn onto the next street, you can't. She stated that this is an accident waiting to

happen. She stated that with El Tapatio now has a drive thru which they didn't, but they also increased their seating without increasing their parking. She further stated that with buses parking in the area and people walking the area, it makes it for an accident waiting to happen, otherwise she wouldn't have brought this up.

Mayor Fugate asked if staff has received any complaints regarding this from any of those individuals who live within this area. Mr. Mora responded no.

Commissioner Lopez commented that she knows that buses stop there during the day to allow students to eat at the restaurant. She further stated that this would affect El Tapatios business as they will have no where for their customers to park.

Commissioner Pecos commented that for many years the University had an enrollment of 6,000 students. Now they are up to 10,000 students enrolled which makes it a heavy traffic area. A lot of these student's park within these areas as they do not want to have to pay for a parking permit. There is a lot of space behind the University, but students don't want to park there as they don't want to pay the parking permit.

Commissioner Leubert stated that as for the buses, they used to park in Krueger's property, which is now not allowed due to congestion and how they were parking. She further state that when you have a restaurant or any type of business, you are to have adequate parking for that. She stated that when the restaurant expanded, they did not get additional parking spaces.

Commissioner Hinojosa commented that as he travels that area every other day, he has not noticed that many cars parked on Wells. And as for safety, the sidewalk has not been built which has caused a large hole where the sidewalk is to be placed. He is not sure if this is the city's responsibility or the property owners.

Motion made by Commissioner Pecos to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6-Traffic Control Devices, Section 2 Schedule II-Parking Restricted on Certain Streets; providing for the restriction of parking near the university from 7am to 5pm, Monday through Friday, seconded by Commissioner Leubert. The motion FAILED by the following vote: Pecos, Leubert voting "FOR". Lopez, Hinojosa, Fugate "AGAINST".

8. **Consider a resolution designating the authorized signatories for financial, health trust plan, and other items of City business from Interim City Manager to City Manager. (City Attorney).**

Motion made by Commissioner Lopez to approve the resolution designating the authorized signatories for financial, health trust plan, and other items of City business from Interim City Manager to City Manager, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

9. **Consider a resolution regarding a contract for the purpose of financing "Heavy Equipment" with Government Capital Corporation. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the city to approve a resolution with Government Capital Corporation for financing of heavy equipment.

Commissioner Hinojosa asked that more information be provided by staff when it comes to items like this.

Motion made by Commissioner Pecos to approve the resolution regarding a contract for the purpose of financing "Heavy Equipment" with Government Capital Corporation, seconded by Commission Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

10. Consider a resolution regarding a contract for the purpose of financing "Vehicles" with Government Capital Corporation. (Purchasing Manager).

Motion made by Commissioner Pecos to approve this resolution regarding a contract for the purpose of financing "Vehicles" with Government Capital Corporation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Building Code and removing Section 15-1-3. (Interim Director of Planning & Development Services).

Mrs. Martin stated that this is to update codes to the most current codes.

Introduction item.

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Existing Building Code. (Interim Director of Planning & Development Services).

Introduction item.

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, adopting the 2018 Edition of the International Fire Code and revising the Permit Fee Schedule. (Interim Director of Planning & Development Services).

Mr. Adrian Garcia, Fire Chief stated that this item authorizes the amendment of the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, to adopt the 2018 version of the International Fire Code, make related changes to City code and adopt an update fee schedule.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:50 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Planning and Dev. Services Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: Nov. 26, 2019

SUBJECT: Adoption of 2018 Version of the International Building Code and 2018 Version of the Existing Building Code

Summary: This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 version of the International Building Code and the 2018 version of the Existing Building Code.

Background: In 2010, the City of Kingsville adopted the 2009 version of the International Building Code and in 2012, the City adopted the 2009 version of the Existing Building Code. Updating these building codes to the 2018 versions provides two benefits. One, by going with the 2018 versions of these two codes, the City's building codes will be in sync with the proposed adoption by the City of the 2018 version of the International Fire Code. Secondly, as the 2018 version of the International Building Code includes energy codes, the City will be in sync with the efforts of the State of Texas regarding energy cost savings for the state. In 2016, the State of Texas adopted the most recent edition of the International Energy Efficiency Code (IECC) for commercial buildings. For residential buildings, Texas Governor Greg Abbott signed HB 1736 in 2016 moving the state's single-family residential code from the 2009 to the 2015 International Residential Code. According to the State Comptroller's Office, energy cost savings for Texas resulting from the state updating its commercial and residential building energy codes are significant, estimated to be on the order of nearly \$1 billion annually by 2030.

As it is proposed to adopt the 2018 versions of the International Building Code and the Existing Building Codes in their entirety, it is recommended to remove Sec. 15-1-3 Additions and Amendments to International Building Code.



City of Kingsville
Planning and Dev. Services Department

Financial Impact: It is expected that the adoption of the 2018 version of the International Building Code to include energy codes will increase the cost of new construction. There should be long term energy savings to offset.

Recommendation: It is being recommended to adopt the 2018 version of the International Building Code and the 2018 version of the Existing Building Code and to strike Sec. 15-1-3 Additions and Amendments to the International Building Code of the City of Kingsville Code of Ordinances



ORDINANCE NO. 2019-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE AND REMOVING SECTION 15-1-3; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, in 2010 the City of Kingsville adopted the 2009 version of the International Building Code and now desires to adopt the 2018 version;

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

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

I.

THAT Sections 15-1-2, 15-1-3, & 15-1-12 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-2 ADOPTION BY REFERENCE.

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of buildings within the city. All such construction, alteration and modification of buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Building Code 2009 2018* Edition, approved and adopted by the Southern Building Code Congress International with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Building Code, 2009 2018* Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

~~§ 15-1-3 ADDITIONS AND AMENDMENTS TO INTERNATIONAL BUILDING CODE.~~

~~—The *International Building Code, 2009* Edition; is hereby modified and changed in the following particulars:~~

~~—(A) The *International Building Code*, 2009 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:~~

~~It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.~~

~~—(B) Chapter 11, § 1103.2.2 (Existing Buildings) shall be amended by adding the following:~~

~~Section 3411 — Accessibility for the physically disabled and/or handicapped shall not be required or applied to existing buildings with the exception of major repairs or alterations or changes in occupancy class. In no case may any repair or alteration reduce the degree of compliance with Section, 3411 Appendix E, or other regulations governing handicapped access. Reduction or lessening the number of handicapped facilities or degree of access shall not be permitted unless compliance with Section 3411 and Appendix E is maintained.~~

~~—(C) Chapter 1, §113, entitled "Board of Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *International Building Code*, 2009 Edition.~~

~~—(D) Chapter 1, § 113.1, entitled "Appointment," shall hereby be amended to read:~~

~~There shall hereby be a Board of Adjustment as defined in Title XI, Chapter 6, Section 7, entitled "Board of Adjustment," of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.~~

~~—(E) Sanitation shall be created by adding the following:~~

~~Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and~~

~~subdivision of the building. Food service businesses with a floor area larger than five hundred square feet in area must possess full public restroom for both sexes. Reserved.~~

...

§ 15-1-6 SCHEDULE OF PERMIT FEES.

(A) On all repairs or alterations to existing buildings or on construction of other than buildings, fees will be based on a flat fee as restated in subdivision (B)(1) hereof shall apply.

(B) The permit fee for all new buildings or additions to existing buildings where the floor area is increased, shall be as follows:

(1) (a) Permit fees for remodeling, repair, or alterations to existing buildings will be charged on a flat fee basis. A project with one inspection or more, if necessary, (that is not a re-inspection) will be charged a flat fee of \$100.00 dollars. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. Permit fees for roof repairs shall be charged a permit fee of \$0.06 per square foot. When the work performed does not meet the code requirements and a reinspection is required, a reinspection fee of \$25.00 will be charged for each reinspection.

(b) Permit fees; new buildings and additions.

1. All buildings shall be charged a permit fee of \$0.16 per square foot. The minimum fee shall be \$10. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. A Construction Site Office shall be charged a permit fee of \$30.00

2. In applying paragraph 1. of this subdivision (b), square footage shall be determined by including each floor level including basements and cellars, mechanical rooms, storage areas, lofts, balconies, porches, sun decks, covered patios, breezeways, carports, garages, sheds and other similar areas.

3. *Moved buildings or structures.* A fee of \$0.10 per square foot shall be charged for the issuance of any permit for a moved building or structure.

(2) *Moving buildings or structures.* A fee of \$110.00 shall be charged for the issuance of any permit for the moving of a building or structure.

(3) *Demolition of building or structure.* A fee of \$75.00 shall be charged for issuing a permit for the demolition of any building or structure.

(4) *Plan-checking fee.* A plan-checking fee shall be paid at the time of submitting plans and specifications for review of commercial projects. The plan-checking fee shall be equal to one-half of the building permit fee as set forth in §107.3 of the *International Building Code*. Such plan-checking fee is in addition to the building permit fee. A Plan Update or Revision fee shall be charged equal to 50% of the original Plan Review fee and shall be payable upon submission of update or revision.

(5) *Starting work without permit.* Where work for which a permit is required by this code is started or proceeded with prior to obtaining the permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(6) *Investigation fee.* The fee for any investigation required for building construction is equal to the cost of the building.

(7) *After hours inspection fee.* The cost of performing and inspection after regular business hours is equal to \$25.00 per hour with a 2 hour minimum charge.

(8) *Reinspection fee.* When the work performed does not meet the code requirements and a reinspection is required, a fee of \$25.00 will be charged for each reinspection.

(9) *Refunds on permits.* No refund will be granted on individual permit fees assessed at the minimum fee amount for a specific type of permit. Refunds of permit fees greater than minimum fee amounts may be made at a rate not to exceed 75% of that portion of the fee in excess of the minimum fee amount provided: (a) no work has commenced, (b) no inspections have been made, and the refund claim is submitted within 180 days after the issuance of the permit. Refund claims must be submitted in writing with a copy of the permit receipt.

...

§ 15-1-12 FAILURE TO COMPLY.

It shall be unlawful for any person to commence any work on a building or structure before obtaining the necessary permit, or otherwise fail to comply with any provision of the *International Building Code*, ~~2009~~ 2018 Edition, or any provision of this subarticle.

II.

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

III.

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

IV.

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

Effective Date: _____

INTRODUCED on this the 9th day of December, 2019.

PASSED AND APPROVED on this the _____ day of _____, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

Intl. Existing
Building Code

**City of Kingsville
Planning and Dev. Services Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: Nov. 26, 2019

SUBJECT: Adoption of 2018 Version of the International Building Code and 2018 Version of the Existing Building Code

Summary: This item authorizes the amendment of the Kingsville Code of Ordinances, Chapter XV, Article 1 Building Regulations to adopt the 2018 version of the International Building Code and the 2018 version of the Existing Building Code.

Background: In 2010, the City of Kingsville adopted the 2009 version of the International Building Code and in 2012, the City adopted the 2009 version of the Existing Building Code. Updating these building codes to the 2018 versions provides two benefits. One, by going with the 2018 versions of these two codes, the City's building codes will be in sync with the proposed adoption by the City of the 2018 version of the International Fire Code. Secondly, as the 2018 version of the International Building Code includes energy codes, the City will be in sync with the efforts of the State of Texas regarding energy cost savings for the state. In 2016, the State of Texas adopted the most recent edition of the International Energy Efficiency Code (IECC) for commercial buildings. For residential buildings, Texas Governor Greg Abbott signed HB 1736 in 2016 moving the state's single-family residential code from the 2009 to the 2015 International Residential Code. According to the State Comptroller's Office, energy cost savings for Texas resulting from the state updating its commercial and residential building energy codes are significant, estimated to be on the order of nearly \$1 billion annually by 2030.

As it is proposed to adopt the 2018 versions of the International Building Code and the Existing Building Codes in their entirety, it is recommended to remove Sec. 15-1-3 Additions and Amendments to International Building Code.



City of Kingsville
Planning and Dev. Services Department

Financial Impact: It is expected that the adoption of the 2018 version of the International Building Code to include energy codes will increase the cost of new construction. There should be long term energy savings to offset.

Recommendation: It is being recommended to adopt the 2018 version of the International Building Code and the 2018 version of the Existing Building Code and to strike Sec. 15-1-3 Additions and Amendments to the International Building Code of the City of Kingsville Code of Ordinances



ORDINANCE NO.2019-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2018 VERSION OF THE INTERNATIONAL EXISTING BUILDING CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, in 2012, the City adopted the 2009 International Existing Building Code via Ordinance #2012-10 on March 8, 2012;

WHEREAS, the City is updating other building codes and desires to adopt the 2018 version of the International Existing Building Code, as published by the International Code Council;

WHEREAS, the International Existing Building Code is adopted for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas;

WHEREAS, staff will have a copy of the 2018 version of this code prior to the effective date of this ordinance;

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 15-1-502 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-502 ADOPTION BY REFERENCE.

The purpose of this subarticle is for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas. All such repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Existing Building Code 2018* 2009 Edition, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail.

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.

V.

THAT nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

INTRODUCED on this the 9th day of December, 2019.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Effective Date: _____, 20____

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 Dev. Services Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Cynthia Martin, Interim Director of Planning and Dev. Services

DATE: Nov. 26, 2019

SUBJECT: Adoption of 2018 Version of the International Fire Code, related ordinance changes and updated fee schedule

Summary: This item authorizes the amendment of the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, to adopt the 2018 version of the International Fire Code, make related changes to City code and adopt an updated fee schedule.

Background: In 2011, the City of Kingsville adopted the 2009 version of the International Fire Code. It is time to update the International Fire Code to the 2018 version. Best practice is to be using a version of the fire code that is not over five years old. This policy has a positive impact on a City's ISO fire rating that in turn lowers insurance rates on commercial and residential properties. By going with the 2018 version of this code, the City's fire code will be in sync with the proposed adoption by the City of the 2018 versions of both the International Building Code and the Existing Building Code.

To make the 2018 version of the International Fire Code better fit with our ordinances, the following changes are recommended:

- **Sec. 9-5-13 Permits and Certificates** should be removed as it is not consistent with the 2018 Edition. All of these items are covered in the new edition. It was originally passed in 2004 prior to the adoption of the 2009 Edition.
- **Sec. 9-5-14 Kingsville fire department** needs to be changed to an updated fee schedule, attached, to be consistent with the 2018 Edition.
- **Sec. 9-5-14 (A) (1)** the \$25.00 special handling fee should be increased to \$50.00.
- **Sec. 9-5-14 (A) (2)** should be removed. It is covered in the attached proposed fee schedule
- **Sec. 9-5-14 (B)** should be removed. It is addressed in the attached proposed fee schedule



City of Kingsville
Planning and Dev. Services Department

In recommending changes to the current fire permit fee schedule found in **Sec. 9-5-14 (A) Permit Fees**, the Fire Chief and Fire Marshal scoured through the permitting fees of over forty other cities in Texas that had populations ranging from 15,000-50,000. They found that the fees varied greatly from jurisdiction to jurisdiction. Being unable to really find any one City whose fee schedule stood out in its entirety, the proposed fee schedule was based on the following criteria:

- 1) Will the fee recover the costs of services rendered?
- 2) Affordability to the business owners of our City.
- 3) Consideration the average prices of fees from other cities like ours.
- 4) Are the fees consistent with the permitting codes of the International Fire Code?

Financial Impact: There will be increased revenue from fees to the City to help offset expenses related to costs of services rendered. There may be an increase to the cost of doing business in the City but there will be a positive impact on insurance rates for business and home owners.

Recommendation: It is being recommended to adopt the 2018 version of the International Fire Code, the related code changes suggested and the updated fee schedule.



Proposed Fire Permit Fee Schedule
for the City of Kingsville

Permit Type	Amount
105.6.1 Aerosol Products	100.00 Annually
105.6.2 Amusement Buildings	100.00 Annually
105.6.3 Aviation Facilities	100.00 Annually
105.6.4 Carnivals and Fairs	150.00 Annually
105.6.5 Cellulose Nitrate Film	75.00 Annually
105.6.6 Combustible Dust-Producing Operations	100.00 Annually
105.6.7 Combustible Fibers	100.00 Annually
105.6.8 Compressed Gases	100.00 Annually
105.6.9 Covered Mall Buildings	50.00 Each Display Annually
105.6.10 Cryogenic Fluids	100.00 Annually
105.6.11 Cutting and Welding	75.00 Annually
105.6.12 Dry Cleaning Plants	70.00 Annually
105.6.13 Exhibits and Trade Shows	150.00 Per Day
105.6.14 Explosives	100.00 Annually
105.6.15 Fire Hydrants and Valves	20.00 Per Hydrant Annually
105.6.16 Flammable and Combustible Liquids	80.00 Annually
105.6.17 Floor Finishings	80.00 Annually
105.6.18 Fruit and Crop Ripening	100.00 Annually
105.6.19 Fumigation and Thermal Insecticidal Fogging	50.00 Per Application
105.6.20 Hazardous Materials	100.00 Annually
105.6.21 HPM Facilities	100.00 Annually
105.6.22 High Piles Storage	100.00 Annually
105.6.23 Hot Work Operations	50.00 Per Site
105.6.24 Industrial Ovens	100.00 Annually
105.6.25 Lumber Yards and Wood Working Plants	100.00 Annually
105.6.26 Liquid or Gas Fuel Vehicles or Equipment in Assembly Buildings	25.00 Per Vehicle Annually
105.6.27 LP Gas	100.00 Annually
105.6.28 Magnesium	100.00 Annually
105.6.29 Miscellaneous Combustible Storage	100.00 Annually
105.6.30 Mobile Food Preparation Vehicles	75.00 Annually
105.6.32 Open Burning	100.00 Annually
Ceremonial Fire Permit (Bonfires)	150.00 Annually

Proposed Fire Permit Fee Schedule
for the City of Kingsville

105.6.33 Open Flames and Torches	100.00 Annually
105.6.34 Open Flames and Candles	50.00 Annually
105.6.35 Organic Coatings	100.00 Annually
105.6.36 Outdoor Assembly Event (exceeding 1000 persons)	100.00 Per Event
105.6.37 Places of Assembly	100.00 Annually
NOTE: Places of Worship Are Exempt from Annual Assembly Fee.	
105.6.38 Plant Extraction Systems	100.00 Annually
105.6.39 Private Fire Hydrants	100.00 System
105.6.40 Pyrotechnic Special Effects Material (Fire Works Displays)	150.00 per hour (1 hour min.)
105.6.41 Pyroxilin Plastics	100.00 Annually
105.6.42 Refrigeration Equipment	100.00 Annually
105.6.43 Repair Garages and Motor Fuel Dispensing Facilities	100.00 Annually
105.6.44 Rooftop Heliports	100.00 Annually
105.6.45 Spraying or Dipping	100.00 Annually
105.6.46 Storage of Scrap Tires and Tire By Products	100.00 Annually
105.6.47 Temporary Membrane Structures and Tents	100.00 Annually
105.6.48 Tire Rebuilding Plants	100.00 Annually
105.6.49 Waste Handling	100.00 Annually
105.6.50 Wood Products	100.00 Annually
Group I Occupancy (Hospitals, Nursing Homes)	2.00 per bed (200.00 min.)
Group R1 occupancy (Residential Hote/Motel)	
Less than 4 Floors	100.00 Annually
Four Floors or More	150.00 Annually
Group R2 Occupancy (Residential Apartments)	10.00 Per Unit Annually
Large Day Care Facilities	75.00 Annually
Small Home Day Care Facilities	50.00 Annually
Underground and Above Ground Storage Tanks	100.00 Per Vessel
Group E Occupancies (includes Public and Private Schools)	40.00 Per Building
Construction Permits: (Includes Removal and Modifications)	
105.7.1 Automatic Extinguishing Equipment (Installation or Modification)	125.00 Base Fee
Each Sprinkler Head	0.50 Per Head
105.7.2 Battery Systems	100.00
105.7.3 Capacitor Energy Storage Systems	100.00

Proposed Fire Permit Fee Schedule
for the City of Kingsville

105.7.4 Compressed Gasses (Construction or Removal)	100.00 Per Vessel
105.7.5 Cryogenic Fluids	100.00 Per Vessel
105.7.6 Emergency Responder Radio Coverage	100.00
105.7.7 Fire Alarm Detection Systems (Installation or Modification)	125.00 Base Fee
Each Additional Panel	5.00
Each Additional Sensor	5.00
105.7.8 Fire Pumps	100.00 Per Pump
105.7.9 Flammable and Combustible Liquids	100.00 Per Vessel
105.7.10 Fuel Cell Power Systems	100.00
105.7.11 Gas Detection Systems	100.00
105.7.12 Gates and Barracades Across Fire Apparatus Access Roads	100.00
105.7.13 Hazardous Materials	100.00
105.7.14 High Piles Combustible Storage	100.00
105.7.15 Industrial Ovens	100.00
105.7.16 LP Gas	100.00 Per Tank
105.7.17 Motor Vehicle Repair Rooms and Booths	100.00
105.7.18 Plant Extraction Systems	100.00
105.7.19 Private Fire Hydrants	100.00
105.7.20 Smoke Control or Smoke Exhaust Systems	100.00
105.7.21 Solar Photovoltaic Power Systems	100.00
105.7.22 Special Event Structures	100.00
105.7.23 Spraying or Dipping (Paint Booths)	100.00
105.7.24 Standpipe Systems	100.00 Per System
105.7.25 Temporary Membrane Structures and Tents	100.00 Per Tent
If a site does not meet requirements for the issuance of a permit after two inspections, the applicant must submit a new application and pay a permit fee before any subsequent inspections are conducted.	
Plan Review Fees:	
Fire Prevention Plan Reviews (for first \$1000 of construction value)	50.00
(for each additional \$1000 of value)	5.00
Annual Inspection Fees:	
Annual Overall Fire and Life Safety Inspection	Free
First Reinspection	Free

Proposed Fire Permit Fee Schedule
for the City of Kingsville

Second Reinspection	50.00 Per Hour (1 Hour Min.)
Fire Alarm Systems	75.00 Per Zone
Automatic Sprinkler Systems	75.00 Per Riser
Fixed Extinguishing Systems	75.00 Per System
False Alarm Fees:	
First False Alarm	Free
All subsequent false alarms in any calendar year	40.00 Per Response
After Hours and Special Handeling Fees:	
After Hours Inspection Fee	47.00 Per Hour (1 hour min.)
Special Handeling Fee	50.00

ORDINANCE NO. 2019-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER IX, ARTICLE 5, FIRE PREVENTION AND PROTECTION, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE AND REVISING THE PERMIT FEE SCHEDULE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, in 2011 the City of Kingsville adopted the 2009 version of the International Fire Code via ordinance #2011-11 on April 5, 2011 and now desires to adopt the 2018 version;

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 9-5-10, 13, & 14 of Article 5: Fire Prevention and Protection of Chapter IX, General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 9-5-10 ADOPTION.

There is hereby adopted the fire prevention regulations of the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion. The *International Fire Code*, 2009 2018 Edition, as approved by the International Code Council, is hereby adopted in its entirety except to the extent as herein amended or when in conflict with locally adopted ordinances dealing with administration and personnel.

....

~~§ 9-5-13 Permits and Certificates.~~

~~(A) Permits by use.~~

~~(1) Airports, heliports and helistops.~~

~~(a) No person shall use any building, shed or enclosure as an aircraft hangar, or for the purpose of servicing or repairing any aircraft, without a permit.~~

~~(b) No person shall operate an aircraft refueler unless a valid permit has been issued for such vehicle.~~

~~(2) Combustible fibers. Storing or handling combustible fibers in quantities in excess of 100 cubic feet shall require a permit.~~

~~(3) Compressed gas. A permit shall be required for the storage, handling or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas.~~

~~(4) Cryogenic fluids. Except when regulated by federal or state regulations a permit shall be obtained for:~~

~~(a) Production, storage or sale of cryogenic fluids.~~

~~(b) Transportation on the highway of flammable cryogenic fluids in excess of 120 gallons.~~

~~(c) Transportation on the highway of liquefied oxygen or cryogenic oxidizers in excess of 120 gallons.~~

~~(d) Storage and transportation of nonflammable, nontoxic cryogenic fluids in excess of 500 gallons.~~

~~(e) Storage or use of more than 10 gallons of liquefied oxygen, flammable cryogenic fluids or cryogenic oxidizers.~~

~~(5) Day care facilities. A permit shall be required to operate a day care facility.~~

~~(6) Dry cleaning plants.~~

~~(a) No person shall engage in the business of dry cleaning without a permit. Such permit shall prescribe the type of system to be used.~~

~~(b) No change shall be made in the solvent used in the equipment to a solvent in a more hazardous class unless permission for such change shall first have been obtained from the Fire Official and a new permit issued.~~

~~(7) Explosive materials shall not be permitted within the city limits except those being transported on US Highway 77 Bypass.~~

~~(8) Flammable and combustible liquids. A permit shall be obtained for the following:~~

~~(a) Storage, handling or use of Class I flammable liquids as defined by the current International Fire Code in excess of three gallons in any dwelling or other place of human habitation, or in excess of six gallons in any other building or other occupancy, or in excess of ten gallons outside of any building.~~

~~(b) Exceptions:~~

~~1. The storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant.~~

~~2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.~~

~~3. Storage, handling or use of Class II or III liquids as defined by the current International Fire Code in excess of 25 gallons in a building; or in excess of 60 gallons outside a building, except for fuel oil used in connection with oil burning equipment.~~

~~4. For the manufacturing, processing, blending, or refining of flammable or combustible liquids. Applications for a permit shall be accompanied by plans showing the topography of the proposed site, the proximity of the plant to places of assembly, residential, or mercantile occupancies, and adequacy of water supply for fire control.~~

~~5. Installation or removal of an underground or aboveground flammable/ combustible liquid storage tanks.~~

~~(c) No person shall install or remove an underground or aboveground flammable/combustible liquid storage tank without a permit.~~

~~(9) Reserved.~~

~~(10) Fumigation and thermal insecticide fogging.~~

~~(a) No person shall engage in the business of fumigation or thermal insecticidal fogging is to begin.~~

~~(b) Fumigators and thermal insecticidal foggers shall pay an annual permit fee in the amount of \$315.00.~~

~~(c) Annual permit holders must call at least 24 hours before the fumigation is to begin.~~

~~(d) The Fire Marshal is to be notified at least 24 hours before any building or structure is to be closed in connection with the use of any toxic or flammable fumigant and at the time the building or structure is released for occupancy.~~

~~(11) Hazardous chemicals.~~

~~(a) No person, firm or corporation shall store, dispense, use or handle hazardous materials in excess of those quantities specified in Table 2703.1.1(1) unless a valid permit has been issued. No person, firm, or corporation shall abandon, remove, place temporarily out of service, close, or substantially modify a storage or processing facility, or other area regulated by this code until a permit has been issued by the Fire Official.~~

~~(b) A permit shall be obtained from the Fire Marshal for the storage, dispensing, use, or handling of hazardous materials in excess of those quantities listed herein.~~

~~(c) A permit shall be required to store, handle or use hazardous production materials regulated by Chapter 27 of the International Fire Code.~~

~~(12) High piled combustible stock. No person shall use any building or portion of a building, exceeding 2,500 square feet for the storage of high piled combustible stock without first obtaining a permit from the Fire Official. A floor plan showing the dimensions and location of stock piles and aisles shall be submitted upon application for a permit.~~

~~(13) Liquefied and compressed natural gas. No person shall construct or operate a facility within the scope of Chapters 30 and 38 of the current International Fire Code without a permit or other appropriate authorization.~~

~~(14) Liquefied petroleum gas.~~

~~(a) No person shall install or maintain any LP gas container, or operate any tank vehicle which is used for the transportation of LP gas without a permit. Where a single container or the aggregate of interconnected containers is over 2,000-gallon water capacity, the installer shall submit plans to the Fire Marshal. A permit shall not be required for the installation or maintenance of less than 120-gallon water capacity.~~

~~(b) Installers shall maintain a record of all installations for which a permit is not required by Chapter 38 of the current International Fire Code and have it available for inspection by the Fire Marshal.~~

~~(c) Exception: Installation of gas burning appliances and replacing of portable cylinders.~~

~~(15) Lumber storage. No person shall store in excess of 100,000 board feet of lumber without a permit.~~

~~(16) Mechanical refrigeration. No person shall install or operate a refrigeration unit or system containing in excess of 20 pounds of refrigerant other than air or water without a permit.~~

~~Exception: Air conditioning units or systems.~~

~~(17) Organic coatings. A permit shall be required for any organic coating manufacturing operation making more than one gallon of an organic coating on any working day.~~

~~(18) Repair garages. No person shall use any building, shed or enclosure as a place of business for the purpose of repairing any motor vehicle therein, without a permit as allowed by § 15-6-19.~~

~~(19) Tank vehicles for flammable and combustible liquids. No person shall engage in the business of delivering flammable or combustible liquids from tank vehicles without a permit.~~

~~(20) Tents and air supported structures. No person shall erect, operate or maintain a tent or air supported structure covering an area in excess of 120 square feet without a permit.~~
~~Exception: Tents used exclusively for camping purposes.~~

~~(21) Tire rebuilding plant. No person shall operate or maintain any tire recapping or rebuilding plant without a permit.~~

~~(22) Places of assembly. No place of assembly as defined in Chapter 2 of the current International Fire Code shall be maintained, operated or used as such without a permit. The permit shall not be issued unless all seats, stands, and structures conform to the requirements of the city.~~

~~(23) Wrecking yard, junk yard or waste handling plant. No person shall conduct or maintain any wrecking yard, junk yard or waste material handling plant without a permit.~~

~~(24) Day care facilities. A permit shall be required to operate a day care facility.~~

~~(25) Fireworks. No person shall conduct an indoor display or outdoor display which utilizes fireworks without a permit and provide a surety bond or public liability insurance for a minimum of \$100,000.00 as noted in Chapter 33 of the current International Fire Code.~~

~~(26) Foster homes/group homes. A permit shall be required to operate a foster home or a group home.~~

~~(27) High rise life safety systems. No person shall install, enlarge or extend a high rise life safety system without a permit from the Fire Official.~~

~~(28) Hospitals and nursing homes. A permit shall be required to operate a hospital or nursing home.~~

~~(29) Restaurants. A permit shall be required to operate a restaurant.~~

~~(30) Underground and aboveground fuel tanks. No person shall install or remove underground and aboveground fuel storage tanks without a permit.~~

~~(31) Unvented portable fuel burning heaters. No person shall sell, purchase or use an unvented portable fuel burning heater within the city limits without a permit.~~

~~(Ord. 2002-27, passed 10-14-02; Ord. 2004-24, passed 8-23-04)~~

Reserved.

§ 9-5-14. - Kingsville Fire Department.

(A) *Permit fees.* Applications for permits shall be accompanied by the payment of fees in accordance with the Kingsville Fire Prevention Permit Fee Schedule, as follows:

FIRE PREVENTION CODE PERMIT <u>FEE</u> SCHEDULE	
Permit Type	Fee
Airports, Heliports and Helistops	\$ 59.00 annually
Assembly, A-1 or A-2	—70.00 annually
Bowling pin and bowling alley resurfacing and refinishing	—62.00 per insp.
Cellulose nitrate motion picture film	—52.50 annually
Cellulose nitrate plastic (pyroxylin)	—52.50 annually
Churches (one time fee — no day care facility on premises)	—67.00
Combustible fibers (storage and handling)	—87.00 annually

Compressed gas	—64.00 annually
Cryogenic fluids	—64.00 annually
Dry cleaning plants	—70.00 annually
Explosives, blasting agents and ammunition	—93.00 annually
Fire/arson reports	—4.00 (per page)
Fire alarm systems (required 15,000 sq. ft. zones)	—37.00 (per zone)
Flammable and combustible liquids	—71.00 annually
Flammable finishes	—70.00 annually
Foster homes/group homes	—40.00 annually
Fumigation and thermal insecticide fogging	—315.00 annually
Hazardous chemicals	—87.00 annually
High piled combustible stock (>12' high)	—63.00 annually
High rise life safety system (testing before issuance of C. of O.)	—166.00 (per test)

Liquefied natural gas	— 63.00 annually
Liquefied petroleum gas	— 63.00 annually
Lumber storage	— 63.00 annually
Magnesium	— 25.00 annually
Mechanical refrigeration	— 30.00 annually
Organic coatings	— 63.00 annually
Ovens	— 32.50 annually
Places of assembly	— 58.00 annually
Pressure test	— 56.00 (per visit)
Pulverized particles (dust)	— 22.50 annually
Repair garages	— 60.00 annually
Restaurants (facilities that accommodate 100 or less occupants)	— 40.00 annually
Tank vehicles for flammable and combustible liquids	— 40.00 annually

Tents and air supported structures	—70.00 annually
Tire rebuilding plant	—40.00 annually
Underground/aboveground fuel tanks (installation and/or removal)	—56.00 (per insp.)
Wrecking yard, junkyard or waste handling	—40.00 annually
Fireworks display (aerial)	—185.00 (per display)
Fireworks display (Non aerial)	—109.00 (per display)
Open burning (See 3 below)	—93.00 per day
Automatic sprinklers, standpipes and fire lines (testing) per riser	—55.00 annually
Extinguishing systems per system	—44.00 annually
Fire alarms systems (per floor)	—37.00 per floor
Hospital and nursing homes	—1.20 (per bed)
Day care facilities (or similar short term occupancies)	—40.00 annually

105.6.1 Aerosol Products	100.00 Annually
105.6.2 Amusement Buildings	100.00 Annually
105.6.3 Aviation Facilities	100.00 Annually
105.6.4 Carnivals and Fairs	150.00 Annually
105.6.5 Cellulose Nitrate Film	75.00 Annually
105.6.6 Combustible Dust-Producing Operations	100.00 Annually
105.6.7 Combustible Fibers	100.00 Annually
105.6.8 Compressed Gasses	100.00 Annually
105.6.9 Covered Mall Buildings (kiosks & stages)	50.00 Each Display Annually
105.6.10 Cryogenic Fluids	100.00 Annually
105.6.11 Cutting and Welding	75.00 Annually
105.6.12 Dry Cleaning Plants	75.00 Annually
105.6.13 Exhibits and Trade Shows	150.00 Per Day
105.6.14 Explosives	100.00 Annually
105.6.15 Fire Hydrants and Valves	20.00 Per Hydrant Annually
105.6.16 Flammable and Combustible Liquids	80.00 Annually
105.6.17 Floor Finishings	80.00 Annually
105.6.18 Fruit and Crop Ripening	100.00 Annually
105.6.19 Fumigation and Thermal Insecticidal Fogging	50.00 Per Application
105.6.20 Hazardous Materials	100.00 Annually
105.6.21 HPM Facilities	100.00 Annually
105.6.22 High Piles Storage	100.00 Annually
105.6.23 Hot Work Operations	50.00 Per Site
105.6.24 Industrial Ovens	100.00 Annually
105.6.25 Lumber Yards and Wood Working Plants	100.00 Annually
105.6.26 Liquid or Gas Fueled Vehicles or Equipment in Assembly Buildings	25.00 For Each Annually
105.6.27 LP Gas	100.00 Annually
105.6.28 Magnesium	100.00 Annually
105.6.29 Miscellaneous Combustible Storage	100.00 Annually
105.6.30 Mobile Food Preparation Vehicles	75.00 Per Vehicle Annually
105.6.31 Motor Fuel Dispensing Facilities	75.00 Annually
105.6.32 Open Burning	100.00 Annually
105.6.32.1 Ceremonial Fire Permit (Bonfires)	150.00 Annually
105.6.33 Open Flames and Torches	100.00 Annually
105.6.34 Open Flames and Candles	50.00 Annually

105.6.35 Organic Coatings	100.00 Annually
105.6.36 Outdoor Assembly Event (exceeding 1,000 persons)	100.00 Per Event
105.6.37 Places of Assembly	100.00 Annually
105.6.38 Plant Extraction Systems	100.00 Annually
105.6.39 Private Fire Hydrants	25.00 Per Hydrant
105.6.40 Pyrotechnic Special Effects Material (Fire Works Displays)	150.00 Per Hour (1 Hour Minimum)
105.6.41 Pyroxilin Plastics	100.00 Annually
105.6.42 Refrigeration Equipment	100.00 Annually
105.6.43 Repair Garages and Motor Fuel Dispensing Facilities	100.00 Annually
105.6.44 Rooftop Heliports	100.00 Annually
105.6.45 Spraying or Dipping	100.00 Annually
105.6.46 Storage of Scrap Tires and Tire By-Products	100.00 Annually
105.6.47 Temporary Membrane Structures and Tents	100.00 Annually
105.6.48 Tire Rebuilding Plants	100.00 Annually
105.6.49 Waste Handling	100.00 Annually
105.6.50 Wood Products	100.00 Annually
Group I Occupancy (Hospitals, Nursing Homes)	2.00 Per Bed (200.00 Minimum)
Group R1 Occupancy (Residential Hotel/Motel)	
Less than 4 Floors	100.00 Annually
Four Floors or More	150.00 Annually
Group R2 Occupancy (Residential Apartments)	10.00 Per Unit Annually
Large Day Care Facilities	75.00 Annually
Small Home Day Care Facilities	50.00 Annually
Underground and Above Ground Storage Tanks	100.00 Per Vessel
Group E Occupancies (includes Public and Private Schools)	40.00 Per Building
Construction Permits: (Includes Removal and Modifications)	
105.7.1 Automatic Extinguishing Equipment (Installation or Modification)	125.00 Base Fee
Each Sprinkler Head	0.50 Per Head
105.7.2 Battery Systems	100.00
105.7.3 Capacitor Energy Storage Systems	100.00
105.7.4 Compressed Gasses	100.00 Per Vessel

(Construction or Removal)	
105.7.5 Cryogenic Fluids	100.00 Per Vessel
105.7.6 Emergency Responder Radio Coverage	100.00
105.7.7 Fire Alarm Detection Systems (Installation or Modification)	125.00 Base Fee
Each Additional Panel	5.00 Each
Each Additional Sensor	5.00 Each
105.7.8 Fire Pumps	100.00 Per Pump
105.7.9 Flammable and Combustible Liquids	100.00 Per Vessel
105.7.10 Fuel Cell Power Systems	100.00
105.7.11 Gas Detection Systems	100.00
105.7.12 Gates and Barricades Across Fire Apparatus Access Roads	100.00
105.7.13 Hazardous Materials	100.00
105.7.14 High Piles Combustible Storage	100.00
105.7.15 Industrial Ovens	100.00
105.7.16 LP Gas	100.00 Per Tank
105.7.17 Motor Vehicle Repair Rooms and Booths	100.00
105.7.18 Plant Extract Systems	100.00
105.7.19 Private Fire Hydrants	100.00
105.7.20 Smoke Control or Smoke Exhaust Systems	100.00
105.7.21 Solar Photovoltaic Power Systems	100.00
105.7.22 Special Event Structures	100.00
105.7.23 Spraying or Dipping (Paint Booths)	100.00
105.7.24 Standpipe Systems	100.00 Per System
105.7.25 Temporary Membrane Structures and Tents	100.00 Per Tent
If a site does not meet requirements for the issuance of permit after two inspections, the applicant must submit a new application and pay a permit fee before any subsequent inspections are conducted.	
Plan Review Fees:	
Fire Prevention Plan Reviews (for first hour)	50.00 (1 Hour Minimum)
(for each additional hour)	50.00

Annual Inspection Fees:	
Annual Overall Fire and Life Safety Inspection	Free
First Reinspection	Free
Second Reinspection	50.00 Per Hour (1 Hour Minimum)
Fire Alarm Systems	75.00 Per Zone
Automatic Sprinkler Systems	75.00 Per Riser
Fixed Extinguishing Systems	75.00 Per System
False Alarm Fees:	
First False Alarm	Free
All subsequent false alarms in any calendar year	40.00 Per Response
After Hours and Special Handling Fees:	
After Hours Inspection Fee	47.00 Per Hour (1 Hour Minimum)
Special Handling Fee	50.00

(1) A special ~~\$25.00~~ 50.00 special handling fee is required if an inspector must handle the permit inspection in such a way as to interfere with his regular scheduled duties or if less than 24 hours notice is given for an inspection.

(2) ~~Churches that do not have a day care facility must pay a one-time fee for an assembly occupancy.~~

(3) If a site does not meet the standards for issuance of a permit after two inspections, the applicant must submit a new application and pay a permit fee before any subsequent inspections will be conducted.

(B) ~~Applications and fee required for failure to pass inspection. If a site does not meet the standards for issuance of a permit after two inspections, the applicant must submit a new application and pay a permit fee before any subsequent inspections will be conducted.~~

(C) ~~Burning permits.~~ Burning permits will not be issued unless the Fire Department approves the material to be burned as recommended by the Texas Commission on Environmental Quality (TCEQ).

(Ord. 2002-27, passed 10-14-02; Ord. 2004-24, passed 8-23-04; Ord. 2005-24, passed 7-11-05)

...

II.

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

III.

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

IV.

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

Effective Date: _____

INTRODUCED on this the 9th day of December, 2019.

PASSED AND APPROVED on this the _____ day of _____, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

**City of Kingsville
Department**

TO: Mayor and City Commissioners

CC: City Manager, Mark McLaughlin

FROM: Interim Director of Planning & Dev. Services, Cynthia Martin

DATE: December 5, 2019

SUBJECT: Rezoning request from Mario Bazan to rezone 828 E Alice from R1 Single-Family to R2 Two-Family

Summary: Mario Bazan, owner and applicant would like to rezone his property at 828 E Alice from R1 Single-Family to R2 Two-family so that he can build a duplex on the lot.

Background: He is planning to build a small duplex – two one bedroom, one bath units on the lot. The lot is a currently vacant and is 37.5 ft. wide and 140 ft. deep so there is room for a small duplex. The surrounding properties are zoned either R1 Single- Family or C1 Neighborhood Commercial except for the property at 820 E Alice (also owned by Mr. Bazan) which is zoned R2 Two-Family but has only a single-family residence on it. The houses in the area are single-family residences.

Given that the lot would remain residential and the small scale of the duplex planned for the lot, rezoning this lot to R2 would not be incompatible with the neighborhood. However, there are concerns from neighbors that the rezone would set a precedent as the area from that property south, east and west in zoned R1 Single-Family Residential and negatively affect the historic character of the neighborhood. Of those residents receiving notification of the pending rezoning, three called and/or emailed to voice disapproval and one to voice approval.

Financial Impact: As there will be new construction on this lot, there will be increased property tax revenue. It would be difficult to estimate how much more revenue, if any, a small duplex would create versus a potentially similar sized single-family residence would create.

Recommendation: The Planning and Zoning Commission met with five members present and voted two to approve and two to deny with one abstention citing the arguments stated above under background.



To: Planning and Zoning Commission Members

From: Cynthia Martin, Interim Director Planning & Dev. Services

Date: November 27, 2019

Subject: Rezoning request from Mario Bazan to rezone 828 E Alice from R1 Single-Family to R2 Two-Family

Mario Bazan, owner and applicant would like to rezone his property at 828 E Alice from R1 Single-Family to R2 Two-family so that he can build a duplex on the lot. He is planning to build a small duplex – two one bedroom, one bath units. The lot is 37.5 ft. wide and 140 ft. deep so there is room for a small duplex. The surrounding properties are zoned either R1 Single-Family or C1 Neighborhood Commercial except for the property at 820 E Alice (also owned by Mr. Bazan) which is zoned R2. The houses in the area are single-family residences.

Given that the lot would remain residential and the small scale of the duplex planned for the lot, rezoning this lot to R2 would not be incompatible the neighborhood.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 825 E. Alice Nearest Intersection East Alice + N. 13th

(Proposed) Subdivision Name 3 Rd Block 20 Lot 20, 21
Block 20 Block W/ 18, 19

Legal Description: _____

Existing Zoning Designation Single Family Future Land Use Plan Designation R 2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Mario A. Bazzan Phone 361-455-6087 FAX _____

Email Address (for project correspondence only): mabazzan2002@yahoo.com

Mailing Address 821 E. Richardson City Kingsville State TX Zip 78363

Property Owner Same as Applicant Phone _____ FAX _____

Email Address (for project correspondence only): Same as Applicant

Mailing Address Same as Applicant City _____ State _____ Zip _____

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

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

Please provide a basic description of the proposed project:

Add TWO one-bedroom one bath units to property

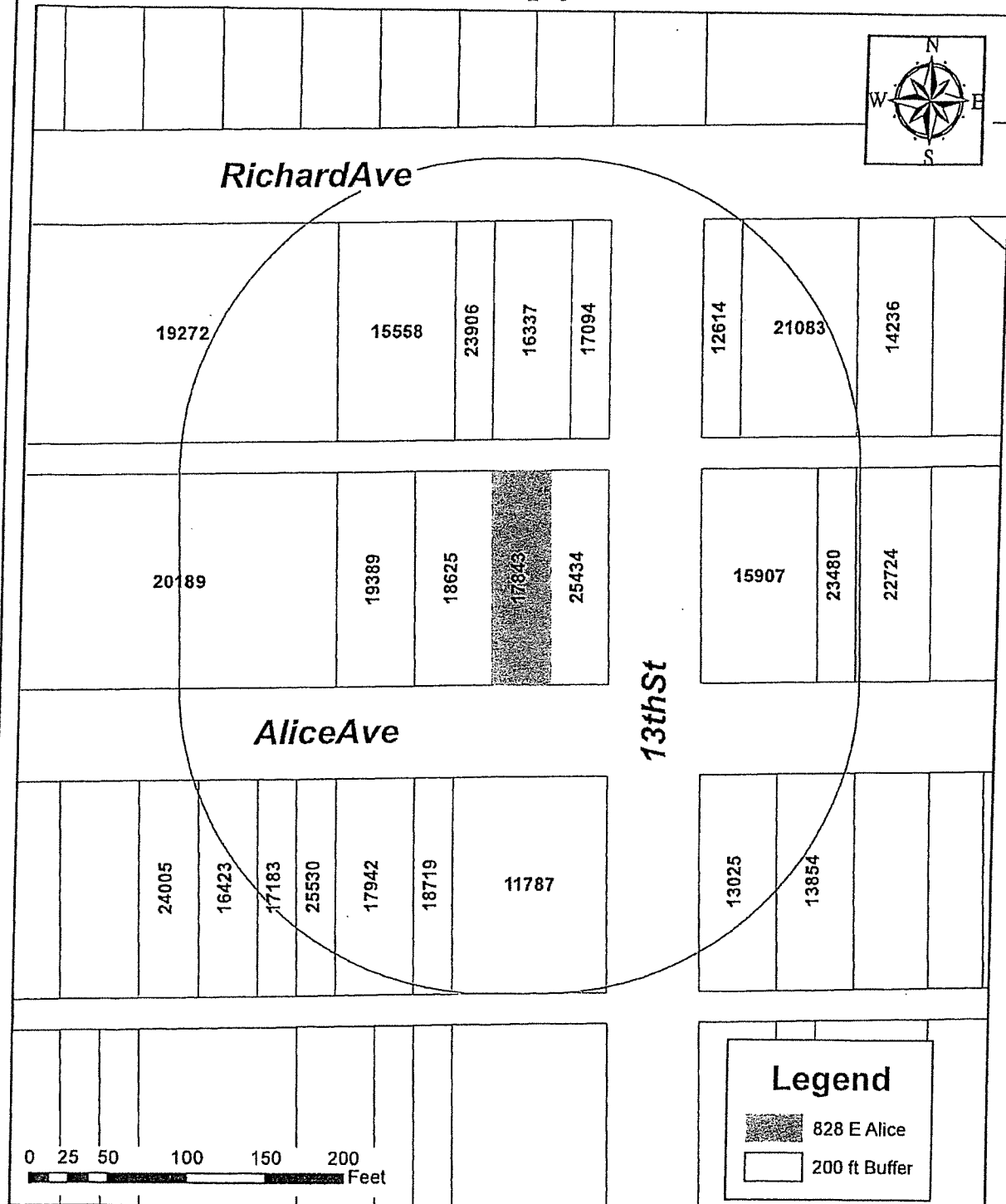
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature Mario Bazzan Date: 10/30/19

Property Owner's Signature Mario Bazzan Date: 10/30/19

Accepted by: _____ Date: _____

200 ft Buffer Map for 828 E Alice



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\Buffer Map.mxd

1 / 1 Page	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>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 PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 11/18/2019		
	Note:		

MARIO BAZAN
821 E RICHARD AVE
KINGSVILLE, TX 78363-4611
#19272, 15558, 20189, 19389,
18625

ROBERTO RODRIGUEZ
AND HERMINIA GONZALES
831 E RICHARD AVE
KINGSVILLE, TX 78363-4611
#17094

RUFINA H NAJERA
% FRANCISCO N NAJERA
910 E ALICE AVE
KINGSVILLE, TX 78363-4642
#23480

LUCAS SAMUEL GARZA
706 W AMADA
HEBBRONVILLE, TX 78361
#16423

MICHAEL GUTIERREZ
821 E ALICE
KINGSVILLE, TX 78363-4639
#18719

TADEO REYNA JR
TMR RENTAL PROPERTIES
1325 MICHAEL ST
KINGSVILLE, TX 78363-6952
#13854

PETRA BAZAN EST
827 E RICHARD AVE
KINGSVILLE, TX 78363-4611
#23906

ANNA L AKRIDGE
AMELIA JUAREZ
1117 E FORDYCE
KINGSVILLE, TX 78363
#25434

LINDA PENA
910 E ALICE AVE
KINGSVILLE, TX 78363-4642
#22724

DIEGO VASQUEZ
817 E ALICE AVE
KINGSVILLE, TX 78363-4639
#17183, 25530

OSCAR G GARZA JR
711 E RICHARD AVE
KINGSVILLE, TX 78363-4609
#11787

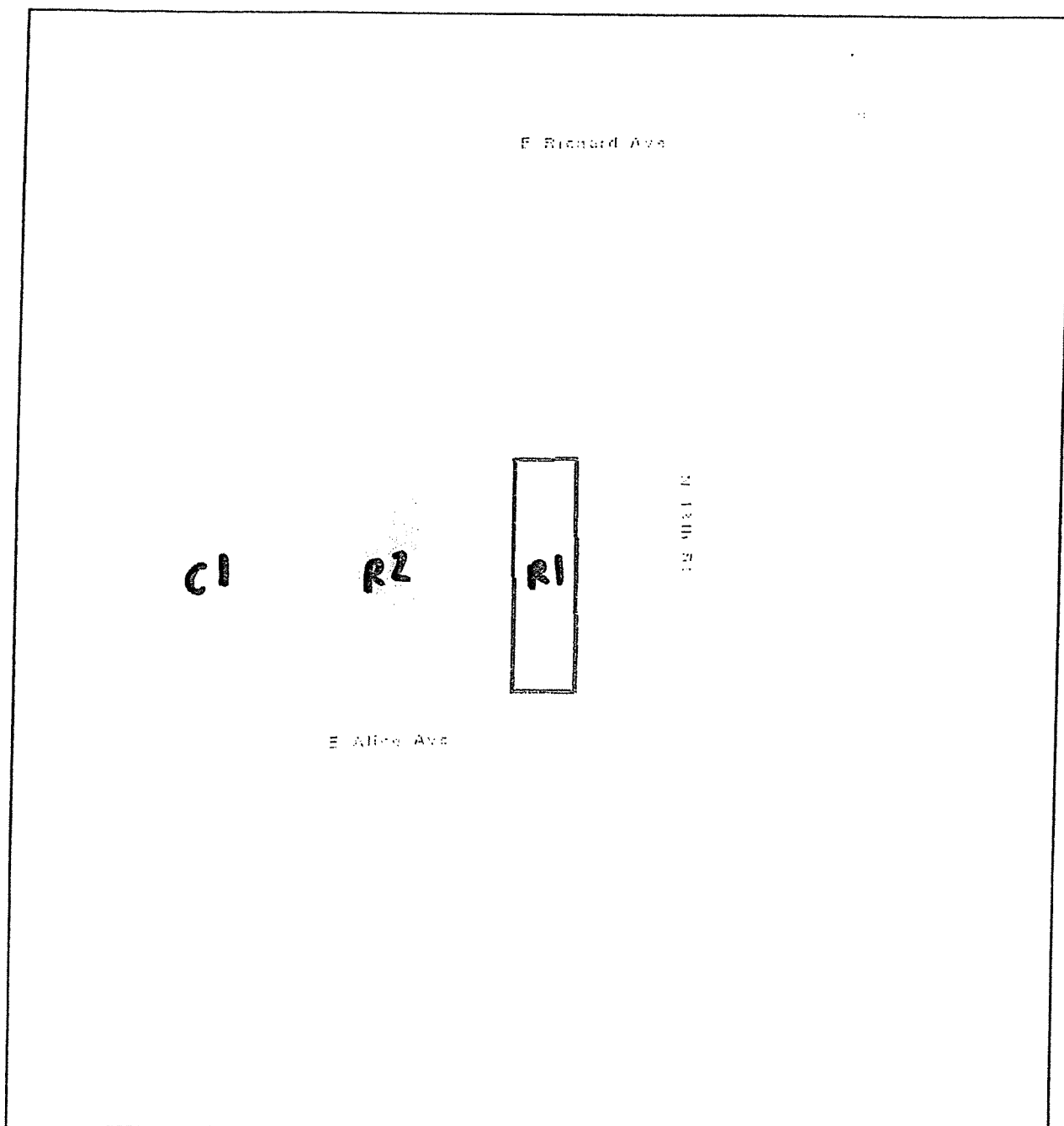
EVARISTO ALFARO JR
ETUX VERONICA
413 W AVE D
KINGSVILLE, TX 78363
#16337

THELMA A DAVIS
104 RED HAWK POINTE
KATHLEEN, GA 31047
#15907

JUAN PENA EST
711 E LEE AVE
KINGSVILLE, TX 78363-4658
#24005

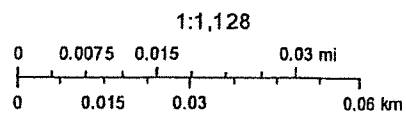
LINDA A RODRIGUEZ
819 E ALICE AVE
KINGSVILLE, TX 78363-4639
#17942

EDELMIRA GONZALEZ
% IRMA LERMA
506 FOX XING
BURNET, TX 78611
#13025



November 27, 2019

C1- Neighborhood service
R2- Two family
R1- single family



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Kleberg CAD

Property Search > 17843 BAZAN MARIO for Year 2019

Tax Year: 2019

Property

Account

Property ID: 17843 Legal Description: 3RD, BLOCK 20, LOT W/2 18, 19
 Geographic ID: 100502018000192 Zoning:
 Type: Real Agent Code:
 Property Use Code:
 Property Use Description:

Location

Address: 828 E ALICE Mapsco:
 Neighborhood: Map ID: C1
 Neighborhood CD:

Owner

Name: BAZAN MARIO Owner ID: 21096
 Mailing Address: 821 E RICHARD AVE % Ownership: 100.000000000000%
 KINGSVILLE, TX 78363-4611
 Exemptions:

Values


(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$2,630	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$2,630	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$2,630	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$2,630	

Taxing Jurisdiction

Owner: BAZAN MARIO
 % Ownership: 100.000000000000%
 Total Value: \$2,630

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$2,630	\$2,630	\$0.00
CKI	CITY OF KINGSVILLE	0.853040	\$2,630	\$2,630	\$22.43
GKL	KLEBERG COUNTY	0.769500	\$2,630	\$2,630	\$20.24
SKI	KINGSVILLE I.S.D.	1.518900	\$2,630	\$2,630	\$39.95
WST	SOUTH TEXAS WATER AUTHORITY	0.086911	\$2,630	\$2,630	\$2.28

Thursday, November 14, 2019



TREE TRIMMING

City of Kingsville Parks & Recreation Department invite Kingsville citizens to join us in a tree trimming workshop at our monthly

VOLUNTEER DAY

Saturday, Nov. 16th 9 a.m. - 12 p.m. at Dick Kleberg Park
meeting by the Lion.

The morning will begin with discussion on the do's and don'ts
in trimming trees, followed by demonstrations.

We are needing volunteers for the event as well.

Please contact Jennifer Bernal @ 361.221.2705
or jbernal@cityofkingsville.com

Sec. 15-6-4. - Changes and amendments; application fee.

- (A) This zoning article, including boundaries of districts and regulations, may be amended, supplemented or changed by ordinance of the City Commission. The City Commission shall receive the report of the Planning and Zoning Commission prior to adopting any change or amendment to the zoning ordinance.
- a. The Planning and Zoning Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. All property owners within 200 feet of the property on which the change is proposed shall be sent written notice not less than ten (10) 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.
 - b. Following the Planning and Zoning Commission public hearing and report, the City Commission shall conduct a public hearing, announcement of which shall be published once in a newspaper of local circulation fifteen (15) days prior to such hearing before acting upon any zoning matter.
 - i. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to make any change should a petition opposed to such change be presented by the owners of 20% of either the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom.
 - ii. Three-fourths ($\frac{3}{4}$) vote of the members of the City Commission shall be necessary to overrule a recommendation of the Planning and Zoning Commission that a proposed amendment, supplement, or change be denied.
 - c. Applications for Special Use permits, changes of districts (rezones), or other applications which require notification or publication shall be accompanied by a fee of \$250.00.
- (B) The fee for processing appeals to the Board of Adjustment shall be based on the actual costs of materials used, mailing, and publication costs as determined by the Planning Division of the Management Services Department, the fee to be payable prior to the scheduling of any hearing or appeal.

(1962 Code, § 11-1-4; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 2014-44, passed 8-11-2014)

ORDINANCE #2019-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 3RD, BLOCK 20, LOTS W/2 18, 19, ALSO KNOWN AS 828 EAST ALICE, KINGSVILLE, TEXAS, FROM R1 (SINGLE FAMILY DISTRICT) TO R2 (TWO-FAMILY RESIDENTIAL 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 Mario Bazan, 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, December 4, 2019 during a meeting of the Planning and Zoning Commission, and on Monday, December 9, 2019 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 item was NOT APPROVED with a 2-2 vote of the Planning Commission regarding the requested rezone with one abstention; 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 3rd, Block 20, Lots W/2 18, 19, also known as 828 East Alice from R1-Single Family District to R2-Two-Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 9th day of December, 2019.

PASSED AND APPROVED on this the _____ day of _____, 20____.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

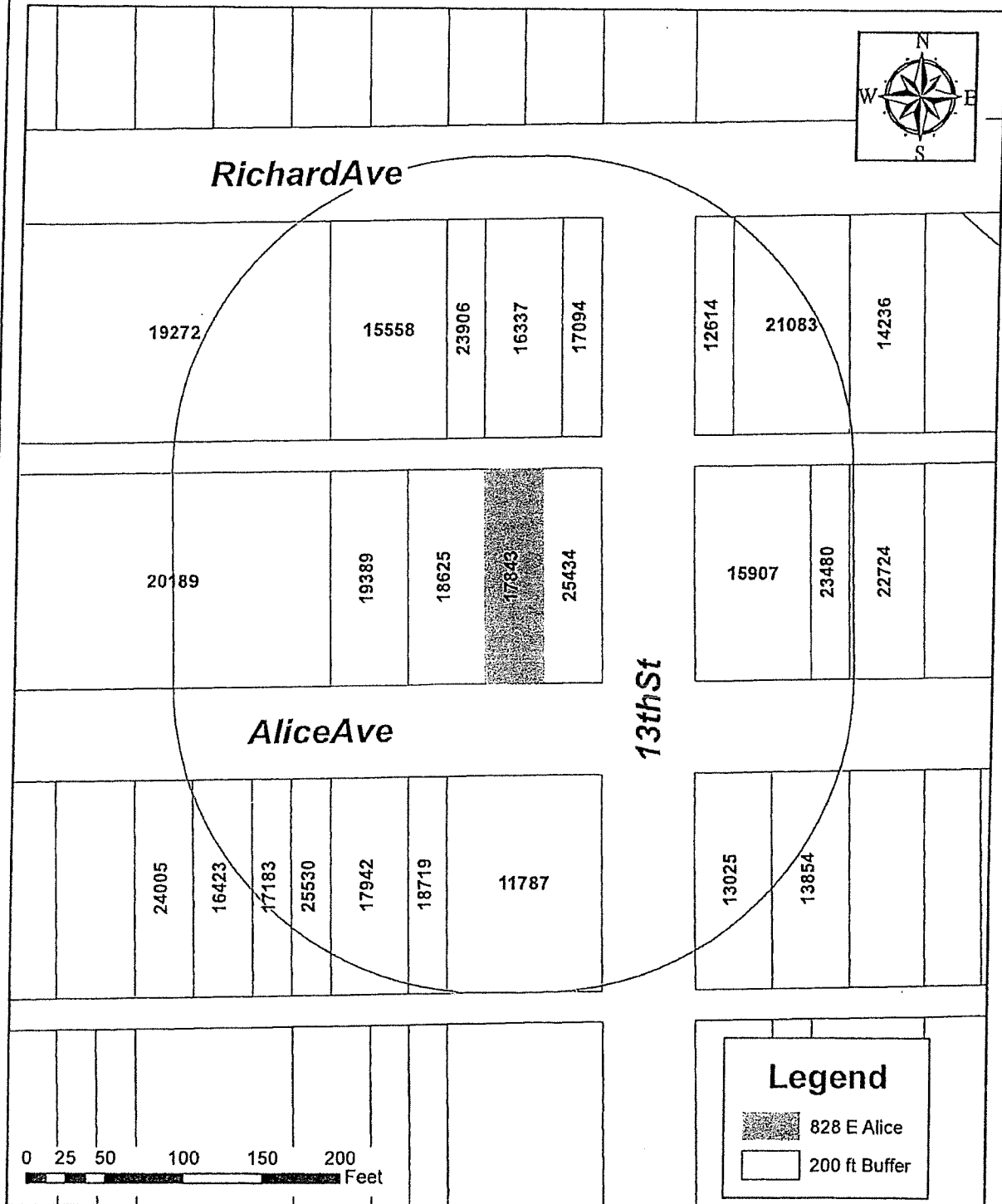
ATTEST:

Mary Valenzuela, City Secretary


APPROVED:

Courtney Alvarez, City Attorney

200 ft Buffer Map for 828 E Alice



Document Path: C:\Users\resendez\Desktop\GISMaps\Buffer Map.mxd

111 Page	Drawn By: Planning Department	<small>DISCLAIMER</small> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 11/18/2019		
	Note:		

AGENDA ITEM #5

Parks Update of Youth Baseball and Softball League

December 11, 2019

History: Last 3 years the League has been run by two different organizations. Both had inefficient financial records, insufficient communication with coaches, board members and parents, unresolved complaints and too much social media drama.

Parks Advisory Board met with both leagues offering recommendations for improvement of the operation of the league. All recommendations were ignored.

Parks Advisory Board has voted to recommend that the Parks Department, with the assistance of two Advisory Board Members (Ruben Cantu and D.J. Flores) serve as Executive Board along with volunteer board members for two branches – one baseball and one softball to create Kingsville Parks Baseball and Softball League. The Board will elect Officers, create Bylaws and run the operation of the league including All Star Play and tournaments. Note, Ruben Cantu has been involved with youth baseball and D.J. Flores is a past Board Member of Brush Country Girls Softball.

The Parks Department will coordinate and handle all registration with funds going into a fund separated from the City's General Fund to hold all registrations, sponsorships, donations and any other revenue and pay all bills. Any additional funds will be used to pay expenses of field maintenance, improvements to baseball and softball fields only, grant matches for fields and purchase of equipment. This will require approval by City Commission, and we plan to present this in detail at the first January meeting. We need to begin registration immediately following that meeting.

Parks Director Susan Ivy, Parks Manager Jennifer Bernal and Advisory Board Member D. J. Flores met on Monday, December 9th with the Regional Directors of Pony Baseball and Softball to get information on getting league set up. Information was exchanged and they were excited for our involvement and our plan.

We are talking to some possible Corporate Sponsors to assist with "startup funds" to get the sanctioning paid, and any equipment and supplies needed to get the league going.

We would like to be able to announce immediately that we will be hosting this league so that local parents will know that a new option for youth sports will be offered in the spring. They are currently are unaware that this might happen and are reviewing options from other communities.



PONY BASEBALL AND SOFTBALL MEMBERSHIP COST F.A.Q.

PONY Baseball League Team (Traditional or And-Under Teams) pricing operates on a sliding discount scale depending on how many league teams are registered in each age group.

Shetland-Pinto-Mustang-Bronco-Pony-Colt League Teams

Number of Teams	Cost Per Team	Total Cost for Age Group	* CONTINUED IN 2019 *
One (1)	\$50.00	\$50.00	
Two (2)	\$45.00	\$90.00	
Three (3)	\$40.00	\$120.00	
Four (4)	\$21.50	\$86.00	
Five (5)	\$21.00	\$105.00	
Six (6)	\$20.50	\$123.00	
Seven (7)	\$20.00	\$140.00	
Eight (8)	\$19.50	\$156.00	
Nine (9)	\$19.00	\$171.00	
Ten (10) or more	\$18.50	\$18.50 x Teams	

NEW BASEBALL
LEAGUES RECEIVE
50% DISCOUNT
ON THEIR BASEBALL
TEAM REGISTRATION

LEAGUES NEW TO
PONY ONLY

**Note there is a significant discount for registering four or more teams per age group.*

Palomino and Combined Colt-Palomino and Thorobred and Combined Palomino-Thorobred League Teams

Number of Teams	Cost Per Team	Total Cost for Age Group
One (1)	\$60.00	\$60
Two (2)	\$50.00	\$100
Three (3)	\$46.66	\$140
Four (4)	\$43.75	\$175
Five (5) or more	\$35.00	\$35.00 x Teams

PONY Travel/Select, PONY Fast Pitch League and PONY Slow Pitch League Team pricing operates on a sliding discount scale depending on how many league teams are registered in each age group.

Shetland 6U, Pinto 8U, Mustang 10U, Bronco 12U, Pony 14U, Colt 16U, Palomino 18U, Thorobred 23U League Teams

Number of Teams	Cost Per Team	Total Cost for Age Group	* CONTINUED IN 2019 *
One (1)	\$30.00	\$30.00	
Two (2)	\$22.50	\$45.00	
Three (3)	\$20.00	\$60.00	
Four (4)	\$18.00	\$72.00	
Five (5) or more	\$15.00	\$15 x Teams	

NEW SOFTBALL LEAGUES
CAN BE REGISTERED
FOR A FLAT FEE OF \$100
NEW LEAGUES ONLY

Subject to approval

Champions Division

PONY Baseball and Softball have discounted PONY Champions League Team registration to \$0.00. Your league can now register all of its Champions League teams for no cost.

Please note that multi team registration discounts only apply for teams registered in a single session. Teams added onto a registration do not count toward initial registration discount and a new discount will be calculated for that registration session. Also note that PONY Organizations must register Shetland, Pinto, Mustang, Bronco and Pony teams by either their first league game or May 1st (whichever comes first) and Colt, Combined Colt-Palomino and Palomino league teams by their first league game or June 1st (whichever comes first). Registration after the cutoff will be assessed a \$20 late fee per age group.

2020 PONY BASEBALL SOUTH ZONE TOURNAMENT HOST SITES & DATES

AGE GROUP	TOURNAMENT LEVEL	DATE	REPORT DATE	HOST SITE
SHETLAND 4u	SOUTH ZONE WORLD SERIES	July 9-12	July 8, 2019	DEER PARK, TEXAS
		Rain Day	July 13, 2019	
Shetland 6u	SOUTH ZONE WORLD SERIES			YOUNGSVILLE, LOUISIANA
		Rain Day		
PINTO 7u	SOUTH ZONE WORLD SERIES	July 9-12	July 8, 2019	DEER PARK, TEXAS
		Rain Day	July 13, 2019	
PINTO 8u	SOUTH ZONE WORLD SERIES			YOUNGSVILLE, LOUISIANA
		Rain Day		
MUSTANG 9u	ZONE	July 15-18	July 14th	DEER PARK, TX.
		Rain Day	July 19th	
	MUSTANG 9U WORLD SERIES	July 24-27	July 23rd	WALNUT, CALIFORNIA
MUSTANG 10u	ZONE	July 22-25	July 21st	DEER PARK, TEXAS
		Rain Day	July 26th	
	MUSTANG 10U WORLD SERIES	July 31-Aug 3	July 30th	YOUNGSVILLE, LOUISIANA
BRONCO 11u	ZONE	July 15-18	July 14th	DEER PARK, TEXAS
		Rain Day	July 19th	
	BRONCO 11U WORLD SERIES	July 24-27	July 23rd	CHESTERFIELD, VIRGINIA
BRONCO 12u	ZONE	July 22-25	July 21st	DEER PARK, TEXAS
		Rain Day	July 26th	
	BRONCO 12U WORLD SERIES	July 31-Aug 3	July 30th	LAREDO, TEXAS
PONY 13u	ZONE	July 15-19	July 14th	DEER PARK, TEXAS
		Rain Day	July 20th	
	PONY 13U WORLD SERIES	July 24-27	July 23rd	WHITTIER, CALIFORNIA
PONY 14u	ZONE	July 29- Aug 2	July 28th	YOUNGSVILLE, LOUISIANA
		Rain Day	Aug 3rd	YOUNGSVILLE SPORTS COMPLEX
	PONY 14U WORLD SERIES	Aug 7-12	August 6, 2019	WASHINGTON, PENNSYLVANIA
COLT 16u	ZONE	July 21 - 25	July 20, 2019	HARLINGEN, TEXAS
		Rain Day	July 26, 2020	
	COLT 16U WORLD SERIES	July 31-Aug 5	July 30th	MARION, ILLINOIS
PALOMINO 18u	ZONE	July 21-25	July 20th	HARLINGEN, TEXAS
		Rain Day	July 26, 2020	
	PALOMINO 18U WORLD SERIES	Jul 31-Aug 3	July 30th	LAREDO, TEXAS
SOFTBALL	SOUTH ZONE WORLD SERIES	Jul 14 - Jul 18		YOUNGSVILLE, LOUISIANA
		Rain Day	July 19, 2019	
SOFTBALL	INTERNATIONAL WORLD SERIES	Jul 22 - Jul 26		DEER PARK, TEXAS
		Rain Day	July 27th	

AGENDA ITEM #6

RESOLUTION #2019-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A WATER SUPPLY CONTRACT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City has constructed a water transmission line from the City of Kingsville to furnish treated water to municipal and industrial customers including but not limited to TAMUK;
and

WHEREAS, it is desirable and necessary and in the best interest of TAMUK that the City supply water to TAMUK and that the City maintenance and operation expenses and debt service requirements, if any, be financed in part by this Contract; and

WHEREAS, the City Commission previously approved a Water Supply Contract with TAMUK on February 25, 2013 via Resolution #2013-16, which has now expired and is in need of renewal; and

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into a Water Supply Contract Between the City of Kingsville and the Texas A&M University-Kingsville 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
17th day of December, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**CITY OF KINGSVILLE
AND TEXAS A&M UNIVERSITY-KINGSVILLE
WATER SUPPLY CONTRACT**

THE STATE OF TEXAS §

COUNTY OF KLEBERG §

This Contract ("Contract") is effective as of the ____ day of _____, 2019 (the "Effective Date"), between Texas A&M University - Kingsville ("TAMUK"), a member of The Texas A&M University System, a state agency, and a Texas institution of higher education, and the City of Kingsville, Texas, a municipal corporation in Kleberg County, Texas (hereinafter called "City").

WITNESSETH

WHEREAS, the City has constructed a water transmission line from the City of Kingsville, to furnish treated water to municipal and industrial customers including but not limited to TAMUK; and

WHEREAS, it is desirable and necessary for the best interest of TAMUK that the City supply water to TAMUK and that the City maintenance and operation expenses, and Debt Service Requirements, if any, be financed in part by this Contract.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, City agrees to sell and TAMUK agrees to purchase water under the terms and conditions and for the considerations hereinafter set forth, to-wit:

Section 1. DEFINITIONS. Terms and expressions as used in this Contract, unless the context clearly shows otherwise, shall have the following meanings:

(A) "Bonds" shall mean and include Combination Limited Tax and Revenue Bonds or Revenue Bonds or Tax Bonds as may be issued by the City whether one or more issues, to finance projects, including Bonds issued to refund such Bonds of the City.

(B) "Contracting Parties" shall mean the City of Kingsville and Texas A&M University - Kingsville.

(C) "Debt Service Requirements" shall mean those requirements as stipulated in the loan documents adopted by the governing body of the City authorizing the incurrence of debt, including reserve and contingency requirements.

(D) "Debt Service Fund Expenditures" shall mean annual principal, interest, and service fees of all General Obligation Bonds, Warrants, Certificates of Obligation, and Combination Tax and Junior Lien Revenue Certificates of Obligations, of the City, as

assessed and collected through ad valorem taxes levied by the City in accordance with the laws of the State of Texas.

(E) "Fiscal year" shall mean the twelve month period beginning on October 1 and ending September 30 or such other twelve month period as designated by the City.

(F) "Maintenance and Operations Tax" shall mean those ad valorem taxes levied by the City in accordance with state law.

(G) "Purchased Water Rate" shall mean the rate set by the City's governing body each year.

Section 2. QUANTITY. The City shall make available for purchase by TAMUK, at the delivery point or points herein specified (the "Points of Delivery"), potable water at a daily rate of not less than 0.6 gallon per minute per connection in TAMUK's water distribution system, in accordance with the number of such connections as may exist from time to time. The word "connection" as used in this paragraph shall have the same meaning as in Texas Administrative Code Title 30, Part 1, Chapter 290, Subchapter D, Section 290.38(15).

The City agrees to use its best efforts to furnish water sufficient for the reasonable demands of TAMUK, but its obligations to furnish such water shall be limited by (i) the amount of water available to it as the City can only pass on the water it pumps and the water it receives from the South Texas Water Authority; (ii) the capacity of the City's supply main, having due regard for the equitable interest of both the City and TAMUK together with the other users of the City's water; and (iii) the provisions of any future water supply contracts.

Section 3. QUALITY. The water which will be delivered to TAMUK by the City will be as pumped from City wells and as received from the South Texas Water Authority. TAMUK has satisfied itself that this water will be suited for its needs.

Section 4. POINTS OF DELIVERY.

(A) TAMUK's Points of Delivery shall be at the existing points of delivery which are located immediately following the downstream side of TAMUK's meters located at Avenue B & Armstrong and at Santa Gertrudis & Armstrong, Kingsville, Texas 78363 and any other points of delivery mutually agreed upon by TAMUK and the City. TAMUK shall install and maintain a back flow preventer immediately on the downstream/receiving side of the City's water meters located at Avenue B & Armstrong, Seale and Avenue B and at Santa Gertrudis & Armstrong. TAMUK's back flow preventers shall be tested annually and a copy of the test reports shall be submitted to the City upon receipt of said reports by TAMUK.

TAMUK acknowledges and understands that Texas Commission on Environmental Quality Rule 290.45(f)(5) provides as follows:

“For systems which purchase water under direct pressure, the maximum hourly purchase authorized by the contract plus the actual service pump capacity of the system must be at least 2.0 gpm per connection or provide at least 1,000 gpm and be able to meet peak hourly demands, whichever is less.”

TAMUK acknowledges and agrees that TAMUK is purchasing water from the City under direct pressure and the foregoing rule is applicable. The City represents and warrants that the City does have the capacity to provide water in the amount described in the foregoing rule.

(B) Title to all water supplied hereunder shall remain in the City until the water passes the Points of Delivery. Upon passing through the City's meter or meters installed at the specified Points of Delivery, title to the water shall pass to TAMUK. Each of the parties hereto shall be responsible for and agrees, to the extent permitted by the Constitution and the laws of the State of Texas, to save and hold the other party harmless from all claims, demands and causes of action which may be asserted by anyone on account of the transportation, delivery and disposal of said water while title remains in such party.

Section 5. MEASURING EQUIPMENT.

(A) The City shall furnish, install, operate and maintain at its own expense the necessary metering equipment of standard type for measuring properly the quantity of water delivered under this Contract. Such metering equipment shall be located on TAMUK's supply main at the location designated by TAMUK. Such meter or meters and other equipment so installed shall remain the property of City. The reading, calibration and adjustment of the meter equipment shall be done only by the employees or agents of the City. However, TAMUK shall have access to such metering equipment at all reasonable times. For the purpose of this Contract, the original record or reading of the main meter shall be the journal or other record book of the City in its office in which the records of the employees or agents of the City who take the reading are or may be transcribed. Upon written request of TAMUK, the City will give TAMUK a copy of such journal or record book, or permit TAMUK to have access to the same in the office of the City during reasonable business hours.

(B) At least once in each calendar year, on a date as near the end of such calendar year as practical, the City shall calibrate its main meter or meters and present to TAMUK an accuracy certification. This calibration shall be performed in the presence of a representative of TAMUK, and the Contracting Parties shall jointly observe any adjustments which are made to the meter in case any adjustments shall be necessary, and if the check meter hereinafter provided for has been installed, the same shall also be calibrated in the presence of a representative of TAMUK and the Contracting Parties shall jointly observe any adjustments which are made to the meter in case any adjustments shall be necessary. The City shall give TAMUK at least five (5) days written notice of the date and time when any such calibration is to be made, and if a

representative of TAMUK is not present at the date and time set, the City may proceed with calibration and adjustments in the absence of any representative of TAMUK.

(C) If either party at any time observes a variation between a main delivery meter and the check meter, if any such check meter shall be installed, such party will promptly notify the other party, and the meters shall then be adjusted to accuracy. Each party shall give the other party forty eight (48) hours notice of the time of any test of meter so that the other party may have a representative present.

(D) If, upon any test, the percentage of inaccuracy of metering equipment is found to be in excess of two percent (2%), registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the last date of calibration, but in no event farther back than a period of six (6) months. If, for any reason, the main meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered, through the period such meter is out of service or out of repair, shall be estimated and agreed upon by the parties thereto upon the basis of the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter if the same has been installed and is accurately registering. Otherwise, the amount of water delivered during such period may be estimated (i) by correcting the error if the percentage of error is ascertainable by calibration tests or mathematical calculation, or (ii) by estimating the quantity of delivery by deliveries during the preceding periods under similar conditions when the meter was registering accurately.

(E) TAMUK may, at its option and its own expense, install and operate a check meter to check the meter installed by the City, but the measurement of water for the purpose of this Contract shall be solely by the City's meter, except in the cases hereinabove specifically provided to the contrary. Such check meter shall be of standard make and shall be subject at reasonable times to inspection and examination by any employee or agent of the City. The reading, calibration and adjustment of the check meter shall be made only by TAMUK, except during any period when a check meter is to be used under the provisions hereof for measuring the amount of water delivered, in which case the reading, calibration and adjustment thereof shall be made by the City in the presence of a TAMUK representative, with like effect as if such check meter had been furnished or installed by the City.

Section 6. MEASUREMENT AND UNIT OF MEASUREMENT. The volume of water that is billed to TAMUK shall be the amount of water delivered to TAMUK at the Points of Delivery described in Section 4. The unit of measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

Section 7. DELIVERY PRESSURE. The water shall be delivered by the City at the Points of Delivery at "35" psi under normal operating conditions.

Section 8. PRICES AND TERMS.

(A) The Contracting Parties recognize that the cost of operating the City's water system will vary from year to year. The "Purchased Water Rate" for each fiscal year shall be as set forth by the Kingsville City Commission, and amended from time to time at a duly posted meeting. The "Purchased Water Rate" for the first year of this Contract only is attached as Appendix A.

(B) Billing and Payment- The City shall bill TAMUK monthly for the amounts due the City hereunder for the preceding billing month which bill shall disclose the nature of the amounts due. Each bill will show the amount of water delivered during the billing period. Such monthly bills shall be delivered to TAMUK within five days after the end of each billing month by regular mail. All such bills shall be due in accordance with the Texas Prompt Payment Act, *Texas Government Code*, Section 2251.021. Any mistakes in any calculations or figures shall not alleviate TAMUK's obligation to pay the bill in full. Any mistakes in any calculations or figures shall be corrected immediately upon discovery and the corrected bill will be furnished to TAMUK. Any adjustment in the amount paid as a result of such mistake in calculation or figure will be added or deducted from the following month's bill. If TAMUK disputes a bill, it shall nevertheless pay the bill, in full, pending any refund, as may be determined as a result of appeal of the disputed bill. The dispute may be resolved by agreement or by the appropriate administrative agency.

(C) Late Payment- In the event TAMUK shall fail to make any payment required to be made to the City per the terms of this Contract, the City may charge interest on any overdue amounts in accordance with *Texas Government Code*, Section 2251.025 and may discontinue service.

Section 9. FINANCING OF IMPROVEMENTS. Should it become necessary or advisable, in the judgment of the City, for the City to provide any improvements of its sources of water supply, water production or water transmission facilities during the term of this Contract, which improvements would require the borrowing of money by the City, the City will take such steps as allowed by law to proceed with the borrowing of money and make such improvements, and may amend its rate ordinance to raise the charges and rates, which are uniformly applied to everyone in each category of customers, to pay the new Debt Service Requirements.

Section 10. SPECIAL CONDITIONS.

(A) The City shall, subject to other provisions of this Contract, hold itself ready, willing and able to supply water to TAMUK to the extent it is capable.

(B) During any period of time when, in the judgment of the City, there is a critical shortage of water in the sources of supply available to the City, which makes it impractical or inadvisable for the City to deliver to TAMUK and the other users of the City's water with which it has water supply contracts, the full amounts of water required

to be delivered thereunder, the water deemed available by the City from its sources of supply shall be rationed to TAMUK and the other users of the City's water during each month of such period of time, in accordance with the "Drought Contingency Plan for the City of Kingsville" adopted on September 24, 2018 which shall be amended from time to time in compliance with applicable State and Federal Requirements.

Section 11. FORCE MAJEURE. In case by reason of Force Majeure either party hereto shall be rendered unable wholly or partially to carry out its obligations under this Contract, other than the obligation of TAMUK to make the payments required under the terms hereof, then if such party shall give notice and full particulars of such Force Majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such Force Majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure" as employed herein, shall mean acts of God, strikes, lockouts or other industrial disturbances, acts of a public enemy, orders of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrections, riots, acts of terrorism, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipe lines or canals, partial or entire failure of water supply, or inability on the part of the City to deliver water hereunder on account of any other causes not reasonably within the control of the City. It is understood and agreed that the settlement of strikes and lockouts shall be difficult, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing party or parties when such settlement is unfavorable to it in the judgment of the party having the difficulty.

Section 12. DISPUTE RESOLUTION. The dispute resolution process provided in *Texas Government Code*, Chapter 2260, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City to attempt to resolve any claim for breach of contract made by the City that cannot be resolved in the ordinary course of business. The City shall submit written notice of a claim of breach of contract under this Chapter to the Comptroller of TAMUK, who shall examine the City's claim and any counterclaim and negotiate with the City in an effort to resolve the claim.

Section 13. TERM OF CONTRACT.

(A) This Contract shall begin on the Effective Date and expire on September 30, 2020.

(B) This Contract will automatically renew for one (1) year renewal terms each year for a maximum total of five (5) years.

(C) This Contract may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.

(D) Any notice of termination shall be sent to the other party to this Contract at the address listed in paragraph 16 of this Contract.

Section 14. MODIFICATION. This Contract may be changed or modified only with the consent of both the governing body of the City and TAMUK. Such modification may be requested by either party, in which event a joint meeting of such parties (representatives for City and TAMUK) shall be held not less than two weeks after the giving of such notice, at which joint meeting the requested changes or modifications shall be considered and discussed and if a joint meeting is not practical, such changes or modifications may be considered by each party at its own meeting. No such change or modification may be made which will affect adversely the prompt payment when due of all moneys required to be paid by TAMUK under the terms of this Contract, and no such change shall be effective which would cause a violation of any provision of any bond order which authorized said Bonds.

Section 15. REGULATORY BODIES. This Contract shall be subject to all applicable rules, regulations and laws of the State of Texas, or any governing body or agency having lawful jurisdiction.

Section 16. NOTICES. All notices or communication provided for herein shall be in writing and shall be delivered to the City or TAMUK; and if mailed, shall be sent by certified mail, postage prepaid, addressed to the City of Kingsville, P.O. Box 1458, Kingsville, Texas, 78364, or until otherwise specified by TAMUK in writing, to the Texas A&M University – Kingsville, Facilities Planning and Construction Department, 700 University Blvd, MSC 111, Kingsville, Texas 78363.

Section 17. NO THIRD-PARTY BENEFICIARIES. Nothing in this Contract shall be construed to confer any right, privilege or benefit on any person or entity not a Party hereto or otherwise create any vested right or third-party beneficiary relationship.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute a duplicate original, all as of the day and year first written above.

[Signatures to Follow on the Next Page]

TEXAS A&M UNIVERSITY - KINGSVILLE

By: _____
Jacob w. Flournoy
Vice President for Finance and CFO

RECOMMEND APPROVAL:

By: _____
Christopher Vera
Interim Executive Director of Facilities Planning and Construction

CITY OF KINGSVILLE, TEXAS

By _____
Sam R. Fugate
Mayor

ATTEST:

Mary Valenzuela
City Secretary

(CITY SEAL)

ORDINANCE NO. 2019-49

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN WATER RATES; 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: 1% Increase

I.

THAT Section 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.

(A) The following monthly rates shall be charged inside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential	Commercial**	Irrigation	Gallons
5/8 - 3/4 inch	12.67	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	23.98	24.94	28.60	3,000
1 inch	25.93	29.17	31.53	38.92	5,000
1 1/4 inch	31.55	34.88	38.11	45.61	7,000
1 1/2 inch	38.68	43.04	47.99	58.35	10,000
2 inch	56.39	59.36	67.72	83.87	16,000
3 inch	56.39	111.07	119.76	164.68	35,000
4 inch	56.39	179.11	184.67	271.00	60,000

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
6 inch	56.39	356.00	352.78	547.42	125,000
8 inch	56.39	356.00	672.65	547.42	200,000
* Includes apartments of 3-4 units.					
** Includes hotels, motels, and apartments over 4 units.					

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service					
Meter Allowance Size	Single-Family Residential	Multi-Family Residential*	Commercial**	Irrigation	Gallons
5/8 - 3/4 inch	14.55	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	27.59	28.68	32.87	3,000
1 inch	29.84	33.56	36.24	41.19	5,000
1¼ inch	32.26	40.11	43.82	51.89	7,000
1½ inch	44.45	49.49	55.16	67.10	10,000
2 inch	64.87	68.27	77.88	96.43	16,000
3 inch	64.87	127.73	137.72	189.37	35,000
4 inch	64.87	205.95	212.38	311.63	60,000
6 inch	64.87	409.38	405.68	629.52	125,000
8 inch	64.87	409.38	773.53	629.52	200,000
* Includes apartments of 3-4 units.					
** Includes hotels, motels, and apartments over 4 units.					

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	\$2.65	\$3.05
5,001 - 10,000 gallons	2.79	3.22
10,001 - 15,000 gallons	2.91	3.38
15,001 - 20,000 gallons	3.04	3.52
20,001 - 30,000 gallons	3.18	3.65
30,000 + gallons	4.10	4.73
Multi-family:	2.81	3.25
Commercial:	3.38	3.87
Irrigation	4.24	4.87

(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at **\$1.77/1,000 gallons**.

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.

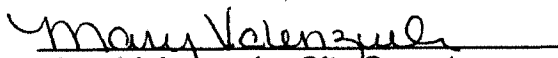
INTRODUCED on this the 9th day of September, 2019.

PASSED AND APPROVED on this the 23rd day of September, 2019.

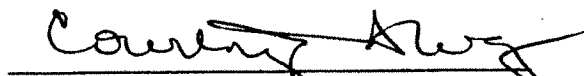
Effective Date: October 14, 2019


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

AGENDA ITEM #7

AGENDA ITEM #8