

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, JUNE 28, 2021  
REGULAR MEETING**

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

**Conference Line call: 1 (415) 655-0001 and  
when prompted type access code: 126 210 9951 #**

**OR**

**Live Videostream: <http://www.cityofkingsville.com/webex>**

### **I. Preliminary Proceedings.**

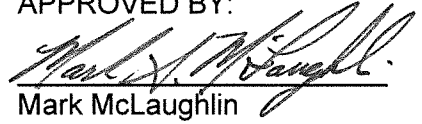
#### **OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

#### **MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting-June 14, 2021

APPROVED BY:

  
Mark McLaughlin  
City Manager

#### **\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION. To**

reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

## **II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing on a request for a Special Use Permit for Package Liquor Store use at Cadillac Terrace, Block 1, Lots 8-17, South 10' of Lot 7, and Part Alley, (Sundial Plaza) also known as 1010 S. 14<sup>th</sup> St., Kingsville, Texas. Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner. (in C2 Retail District) (Director of Planning & Development Services).
2. Public Hearing on request to replat KT&I Co., Block 21, SW Pt Lot 11, acres 1.0; KT&I Co., Block 21, SW Pt Lot 11, acres 2.0; KT&I Co., Block 21, SW Pt Lot 11, acres 1.0 also known as 4100 S. 6<sup>th</sup> Street, Property ID 36942, and 268 E. Escondido Rd., Kingsville, Texas (off Escondido Road near South 6<sup>th</sup> St. across from Dick Kleberg Park). John and Velinda Sanchez applicants/owners. (Director of Planning & Development Services).

## **III. Reports from Commission & Staff.<sup>2</sup>**

*"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.<sup>3</sup>**

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 zoning ordinance by granting a Special Use Permit for Light Manufacturing Processes which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and is not classified as hazardous use (Recycling Center) at 4<sup>th</sup>, Block 2, Lot 1-3, also known as 708 South 6<sup>th</sup> Street, Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing for publication. (in C4 Commercial District) (Director of Planning & Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to expend grant funds from BJA-2021 Southwest Border Rural and Tribal Assistance Program for (2) automated license plate packages and a rapiscan detection unit. (Police Chief).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to transfer cash match funds on the (4) Texas Water Development Board projects and the (2) Texas General Land Office grants for city-wide wastewater collection system & drainage system improvements. (City Engineer).

## **REGULAR AGENDA**

### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

#### **VI. Items for consideration by Commissioners.<sup>4</sup>**

4. Consideration and approval of a resolution by the City Commission of the City of Kingsville, Texas authorizing execution of grant agreements with the Texas Water Development Board. (Finance Director).
5. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Taxable Series 2021"; approving the terms of a resolution of the Texas Water Development Board approving an application for financial assistance, a paying agent/registrar agreement and an escrow agreement; and making other provisions regarding the certificates and other matters related thereto. (Finance Director).
6. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for Package Liquor Store use at Cadillac Terrace, Block 1, Lots 8-17, South 10' of Lot 7, and Part Alley, (Sundial Plaza) also known as 1010 S. 14<sup>th</sup> St., Kingsville, Texas. (in C2 Retail District) (Director of Planning & Development Services).
7. Consider the request to replat KT&I Co., Block 21, SW Pt Lot 11, acres 1.0; KT&I Co., Block 21, SW Pt Lot 11, acres 2.0; KT&I Co., Block 21, SW Pt Lot 11, acres 1.0 also known as 4100 S. 6<sup>th</sup> Street, Property ID 36942, and 268 E. Escondido Rd., Kingsville, Texas (off Escondido Road near South 6<sup>th</sup> St. across from Dick Kleberg Park). John and Velinda Sanchez applicants/owners. (Director of Planning & Development Services).
8. Consider accepting donation from the Brookshire Foundation for Parks recreational programming and equipment. (Parks Director).
9. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donations from the B.C. & Addie Brookshire Foundation for assistance with recreational programming and equipment for the Parks Department. (Parks Director).

10. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover additional health care costs for staffing changes. (Parks Director).
11. Consider City sponsorship of additional parades and events in FY20-21. (Tourism Director).
12. Consider accepting in-kind donation from Big House Burger for Wine Walk Sip & Shop events. (Tourism Director).
13. Consider accepting in-kind donation from Stef & Bec's Boutique and from Ultra Screen Printing for t-shirts for Tourism. (Tourism Director).
14. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend in-kind services from Big House Burgers for TABC expenditures of \$2,700 for the Sip and Shop event and Stef and Bec's Boutique along with Ultra Screen Printing for Merchandise costs of \$1,1237 for custom shirts. (Tourism Director).
15. Consider a resolution amending the City of Kingsville Administrative Policy #731-Flex Leave. (Human Resources Director).
16. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (City Attorney).
17. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the Personnel Exception, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).
18. Consider action on City Manager contract compensation sections. (Mayor Fugate).

## VII. Adjournment.

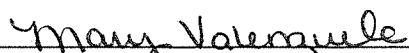
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

### NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto: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:

June 24, 2021 at 4:30 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)**

JUNE 14, 2021

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 14, 2021 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

Hector Hinojosa, Commissioner  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY COMMISSION ABSENT:**

Sam R. Fugate, Mayor

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Bill Donnell, Public Works Director  
Diana Gonzales, Human Resources Director  
Rudy Mora, Engineer  
Uchechukwu Echeozo, Director of Planning & Development Services  
Ricardo Torres, Chief of Police  
Susan Ivy, Director of Parks & Recreation

**STAFF PRESENT VIA CONFERENCE CALL OR VIDEO STREAM**

Debra Balli, Finance Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Pro-Tem Hinojosa opened the meeting at 5:00 p.m. with four Commission members present. Mayor Sam Fugate being absent.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting - May 24, 2021**

Motion made by Commissioner Lopez to approve the minutes of May 24, 2021, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa voting "FOR". Torres "ABSTAINED".

**\*\*AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.**

To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be

in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

## II. Public Hearing - (Required by Law).<sup>1</sup>

**1. Public Hearing on a request for a Special Use Permit for Light Manufacturing Processes which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and is not classified as hazardous use (Recycling Center) at 4<sup>th</sup>, Block 2, Lot 1-3, also known as 708 South 6<sup>th</sup> Street, Kingsville, Texas. Saul Figueroa, applicant; Ronald Ripps, owner. (in C4 Commercial District) (Director of Planning & Development Services).**

Mayor Pro-Tem Hinojosa read and opened this public hearing at 5:02 p.m.

Mr. Uchechukwu Echeozo, Director of Planning & Development Services commented that this item has been presented to the Planning & Zoning Commission on June 2, 2021, where they have recommended approval with a 5 to 1 vote. The applicant, Mr. Saul Figueroa would like to apply for a Special Use Permit as the zoning for this property is Zoned as a C4 which does not allow for the type of business Mr. Figueroa will be running at this location.

Commissioner Lopez asked if this was an existing business. Mr. Echeozo responded that it is an existing business, ABC Recycling which had a Special Use Permit but has changed ownership therefore the Special Use Permit no longer being in existence as the change of ownership has taken place, now the new property owner must request a Special Use Permit for their new business.

Mayor Pro-Tem Hinojosa asked if this was due to a change in ownership. Mr. Echeozo responded yes, but also a change of business name.

Commissioner Alvarez commented that it is her understanding that it's the same type of business and further asked how the business can continue without a permit.

Mr. Echeozo responded that the Code Enforcement Department activated this process as certain things were being done at this location that should have not been done.

Commissioner Alvarez further asked if that at the time that Code Enforcement made the discovery, shouldn't the business come to a halt until the proper permits were granted?

Mr. Echeozo commented that it is what is being done now, requesting a Special Use Permit. He further stated that they would like to conclude with the process before continuing with the business. He also stated that there is a fence that needs to be built but is unable to get the permit to build the fence until the Special Use Permit has been granted.

Commissioner Lopez asked for the Planning & Zoning Commission vote on this item.

Mr. Echeozo responded that the Planning & Zoning Commission voted 5-1 in favor of granting a Special Use Permit. He further stated that staff had received a comment from a neighbor next to the business, advising that the business relocated to a bigger location due to its increased activity. The neighbor was not suggesting that the business should not continue to operate, she was merely suggesting that the business relocates to a bigger location.

Commissioner Torres also asked the same question Commissioner Alvarez asked earlier, how was this business allowed to continue to operate without a Special Use Permit? Did the business go from one owner to another and never closed the business?

Mr. Echeozo commented that his understanding is that they changed ownership of the business but never closed the business in the process therefore they continued the business. He further commented that city staff was not aware that the business had changed ownership until staff received a complaint.

Commissioner Torres further asked how the city would regulate what they are recycling?

Mr. Echeozo commented that the previous ordinance granting the Special Use Permit for the old business noted some conditions as to what would be accepted as recycling, which was conditions that were put in place by the Planning & Zoning Commission. The Planning & Zoning Commission has also placed the same type of conditions on the now requested Special Use Permit.

Commissioner Torres commented that certain regulations must be followed when recycling items, as you cannot recycle anything without proper guidance.

Mr. Echeozo commented that the ones that are conditioned are purely on the planning side of it, such as landscaping plan, building a fence, and the appearance of the entrance which are the types of conditions. Things that will not affect a neighbor near the business. Echeozo further commented the hours of business are also set as a condition which is from 9:00 a.m. to 5:00 p.m. Monday through Saturday and closed on Sunday.

Ms. Alvarez commented that in the prior Special Use Permit, which is approved by Ordinance, in the proposed Special Use Permit, Section 2 (1) allowed use, states that it will collect recycling of aluminum cans, scraps, brass, copper, steel, and iron.

Commissioner Torres asked if the items mentioned were the only items that would be allowed to be recycled?

Ms. Alvarez responded yes, and it is consistent with what the previous owner was accepting as recycling.

Commissioner Torres further asked if staff would be doing inspections at the business to make sure that the items noted on the Special Use Permit are the only items being recycled?

Mr. Echeozo commented that if the City Commission would like to include additional conditions or remove some conditions to the Special Use Permit, they may do so. The conditions that are being proposed are not the final conditions until the ordinance is approved.

Commissioner Lopez commented that them going into business and doing illegal acts would happen, as the previous owner did not do that. There were a lot of items that were being recycled, but items that were allowed to be recycled.

Mr. Echeozo commented that this is correct. The impact is on the neighbor that is the issue.

Commissioner Lopez commented that the issue was that due to the change of ownership, the new owner did not apply for a Special Use Permit, but the new owner may not have been aware that they needed to request a Special Use Permit. Lopez further commented that she trusts the owners to do the right thing.

Mayor Pro-Tem Hinojosa commented that he has not seen any items when passing by the business, that should not be allowed for recycling. He further commented that it would not hurt to have staff spot-check the business ever so often.

Ms. Alvarez commented that the prior Special Use Permit was done about 10 years ago, that there is a possible chance that the prior owner forgot to mention to the current owner that a Special Use Permit would be required.

Mr. Saul Figueroa, current townor of Kingsville Recycling commented that when he first submitted his application to open the recycling center, he was told about a Special Use Permit. He was also told that he would have a meeting with the Board members, which he had not done his lease and taken any permits out, as he wanted to make sure that the Commission would approve his request first. He further stated that he received a call from the City of Kingsville, Teresa of the Planning Department stating that he was good to go and did not have to have the meeting. Later, it was determined that the staff member thought it was still ABC Recycling, which is where the confusion came from. He further commented that at that time he opened his business, but a year later city staff stopped by stating that he would need an 8-foot fence and would need to bring his business up to code, which is how all this transpired. Mr. Figueroa commented that they did not open just to open, he thought that his business was incompliant and was not aware that a Special Use Permit would be required. The request for an 8-foot fence was requested by the city on the same day he visited city offices and was told that the fence permit would not be available for purchase until this situation was solved. Mr. Figueroa further commented that he does receive Texas Department of Public Safety State Inspectors that stop by randomly from time to time. Pictures, IDs, vehicle information is taken from the customer that is selling the items to the recycling business, in the event some items are to be reported as stolen.

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

There being no further comments, Mayor Fugate closed this public hearing at 5:16 p.m.

### **III. Reports from Commission & Staff.<sup>2</sup>**

*"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 Pro-Tem asked if agenda items 11 and 12, can be taken on closer to when the City Manager's contract is up for renewal.

Ms. Alvarez commented that the way the contract reads is that there is a six-month evaluation needed right after the initial period, but it does not say that it is needed on the second year of the contract.

Commissioner Lopez commented that she had received an email from a resident and may have sent it to the City Manager as well regarding flooding in her neighborhood. Lopez requested that the presentation provided by the resident, Ms. Dolores Hernandez, be forwarded to the other Commission members.

Mr. Mark McLaughlin, City Manager commented that two budget reports have been provided to the City Commission for their review. These reports are FY 2020-2021 Second Quarter Investment Report and the other FY 2020-2021 Quarterly Budget Report. He further stated that the Quarterly Report will show that the city's budget is on track and doing very well. The Investment Report, through this fiscal year through March 31<sup>st</sup> total cash and investments, are up about \$4.5 million over the same period to the prior quarter. It went from \$26,524,000.00 to \$31,028,000.00 in investments. This is all the city's cash and investments calculated cumulatively. He further stated that with this type of cash one would think they would get a better rate of return, but this is where the city is hurting. The banks have too much money and trying to loan it out by lowering their interest to almost nothing, therefore we are making almost nothing. The city is down to about .08%, which is the best the city can do, but it is low. McLaughlin further commented that from October to December 2019 the city's investments were made, on the CD side, making around 2% and the city is below a .10%. He further commented that money will be more expensive to borrow with interest rates increasing. Mr. McLaughlin further updated the Commission on mosquito spraying throughout the city.

Ms. Courtney Alvarez, City Attorney commented that the next scheduled Commission meeting is for June 28<sup>th</sup>, with a deadline to submit agenda items set for June 18<sup>th</sup>.

#### **IV. Public Comment on Agenda Items.<sup>3</sup>**

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

Mrs. Barbara Colins, 201 Seale Ave. commented that she would like to make the Commission aware of a situation that is occurring at her residence and has been happening since 2016. She stated that since the Legends Apartments have been developed, directly behind her property, there is a flooding and drainage issue there. It has gotten to the point that her house will be underwater if there is any type of 1 category storm that hits Kingsville. With the last flood event that occurred a few weeks ago, pictures were taken of the flooding on her property and were forwarded to the City Manager for his review. She continued to state that there are only a few feet in her house before it is underwater and she resides in a no flood zone. In 2016, water was coming across from the Legends Pond which is draining to her property. She also stated that this year the water from the pond still drains onto her property which is blue water as it is in the Legends Pond. Mrs. Colins further commented that she wanted to make the Commission aware of her situation and see how the City can address this issue.

V.

### **Consent Agenda**

#### **Notice to the Public**

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#### **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 Lopez to approve the consent agenda as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".**

**1. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend grant funds from Coastal Bend Regional Advisory Council (CBRAC) for Fire Department medical equipment and supplies. (Fire Chief).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the computer and software for the additional engineering staff. (City Engineer).**

### **REGULAR AGENDA**

#### **CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

VI. Items for consideration by Commissioners.<sup>4</sup>

**3. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for Light Manufacturing Processes which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and is not classified as hazardous use (Recycling Center) at 4<sup>th</sup>, Block 2, Lot 1-3, also known as 708 South 6<sup>th</sup> Street, Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan; providing for publication. (in C4 Commercial District) (Director of Planning & Development Services).**

Mr. McLaughlin commented that although this item is an introduction, staff does recommend approval of the Special Use Permit.

Introduction item.

**4. Consider a resolution authorizing participation in Bulletproof Vest Partnership Program FY2021 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police department, authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Mr. Ricardo Torres, Chief of Police stated that the Kingsville Police Department has two years' worth of funding on this grant. Due to COVID there was no one to come and outfit the Officers for the vest. Torres further stated that they will be ordering 9



vests which will take up about \$4,500 from one of the grants. He also stated that the Kingsville Police Department applies for this grant every year as they are aware that the cost will come up annually and try to get all the officers fitted at once. He further stated that they have applied to replace 10 vests for \$10,000, and this grant will match the cost at 50%.

Mayor Pro-Tem Hinojosa asked what the maximum life of a vest is. Chief Torres responded that the maximum life is 5 years.

**Motion made by Commissioner Lopez to approve the resolution authorizing participation in Bulletproof Vest Partnership Program FY2021 with the Office of the Governor, Criminal Justice Division, Justice Assistance Grant (JAG) for bulletproof vests for the Kingsville Police department, authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Lopez, Torres, Alvarez, Hinojosa voting "FOR".**

**5. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to expend grant funds from BJA-2021 Southwest Border Rural and Tribal Assistance Program for (2) automated license plate packages and a Rapiscan detection unit. (Police Chief).**

Chief Torres stated that the police department is requesting a resolution for application and acceptance of the BJA Southwest Border Rural Law Enforcement Assistance Program. He further stated that the police department applied for this grant last year and requested the highest amount of the grant. Unfortunately, the grant was not approved in the amount requested but was approved for \$83,000 in equipment. This includes the Rapiscan System and the purchase of an ALPR Message Board like what TXDOT currently uses. The annual recurring cost is \$10,065.00 which has been submitted as a supplemental request for the upcoming budget.

Commissioner Torres asked if Chief Torres could explain what a Rapiscan is. Chief Torres responded that the Rapiscan formulates a criminal nexus to different types of narcotics.

Introduction item.

**6. Consider a resolution accepting funding from the Texas General Land Office, Community Development Block Grant, Disaster Recovery-Mitigation Program for citywide drainage system improvements. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that the city granted a resolution to apply on October 26, 2020. The city was successfully awarded this grant for an amount of \$36,311,929.00 for citywide drainage system improvements with a cash match of 1%.

**Motion made by Commissioner Alvarez to approve the resolution accepting funding from the Texas General Land Office, Community Development Block Grant, Disaster Recovery-Mitigation Program for citywide drainage system improvements, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Torres, Alvarez, Lopez, Hinojosa voting "FOR".**

**7. Consider a resolution accepting funding from the Texas General Land Office, Community Development Block Grant, Disaster Recovery-Mitigation Program for citywide wastewater collection system improvements. (City Engineer).**

Mr. Mora stated that the city submitted a grant application on October 26, 2020, for wastewater improvements. The city was awarded the grant for an amount of \$7,293,111.00 with a cash match of 1%.

Motion made by Commissioner Lopez to approve the resolution accepting funding from the Texas General Land Office, Community Development Block Grant, Disaster Recovery-Mitigation Program for citywide wastewater collection system improvements, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

**8. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to transfer cash match funds on the (4) Texas Water Development Board projects and the (2) Texas General Land Office grants for city-wide wastewater collection system & drainage system improvements. (City Engineer).**

Introduction item.

**9. 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).**

Mayor Pro-Tem Hinojosa read the executive session and convened the meeting into a closed session at 5:39 p.m.

Mayor Pro-Tem reconvened the meeting into an open session at 5:57 p.m.

**10. Consider a resolution authorizing the City Manager to execute the February 2021 Storm Recovery Agreement with Gexa Energy. (City Attorney).**

Motion made by Commissioner Torres to approve the resolution authorizing the City Manager to execute the February 2021 Storm Recovery Agreement with Gexa Energy, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR".

**11. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the Personnel Exception, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).**

Executive session not taken.

**12. Consider action on City Manager contract compensation sections. (Mayor Fugate).**

No discussion or action was taken.

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:58 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, CMC, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**



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## MEMO

**Date:** June 17, 2021

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner; requesting a Special Use Permit for a Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14<sup>th</sup> Street, Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled last evening, June 16, 2021, with 5 members in attendance.

Members deliberated over the issue of granting approval for a Special Use Permit to enable the applicant to operate a Package Liquor Store. Letters were sent out to neighbors and the City received neither comments nor letters (feedback) pertaining to the application. Commissioners, after deliberations, voted to approve the recommendation for a Special Use Permit A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Debbie Tiffie, Idotha Battle and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by 6.22p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** May 6, 2021

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner; requesting a Special Use Permit for a Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14<sup>th</sup> Street, Kingsville, Texas.

The applicant approached the department because they wanted to carry out the business of operating a Package Liquor Store at the premises located at 1010 S. 14<sup>th</sup> Street, Kingsville, TX. A look at the current zoning for the subject property revealed a C2 (Retail District) use which does not allow for such endeavors except under a Special Use Regime.

Consequently, a Special Use Permit application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since the proposed use will be in conformity with the zoning ordinance of the City of Kingsville.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", is located below the "Thank you." text. The signature is stylized with a large initial "U" and a long horizontal stroke.

**Uche Echeozo**  
Director of Planning and  
Development Services

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

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1010 S. 14th St., Kingsville, TX Nearest Intersection E. Ceasar Ave & S. 14th St.

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: S. 10' of Lot 7, all of Lots 8-17, Block 1, Cadillac Terrace, Kingsville, Kleberg County, TX

Existing Zoning Designation C-2 Retail Future Land Use Plan Designation Special Use Permit

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Patel & Smith, LLC Phone 361-888-9201 FAX 361-888-8353

Email Address (for project correspondence only): dog@wbwpc.com

Mailing Address 202 S. Vineyard City Sinton State TX Zip 78387

Property Owner Sundial Plaza, L.L.C. Phone 361-701-2800 FAX \_\_\_\_\_

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

Mailing Address 317 Trojan City Port Aransas State TX Zip 78373

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

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input checked="" type="checkbox"/> X 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:

Applicant seeks a Special Use Permit to operate a package liquor store at the premises located at  
1010 S. 14th St., Kingsville, Texas.

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 \_\_\_\_\_

Date: 4/14/21

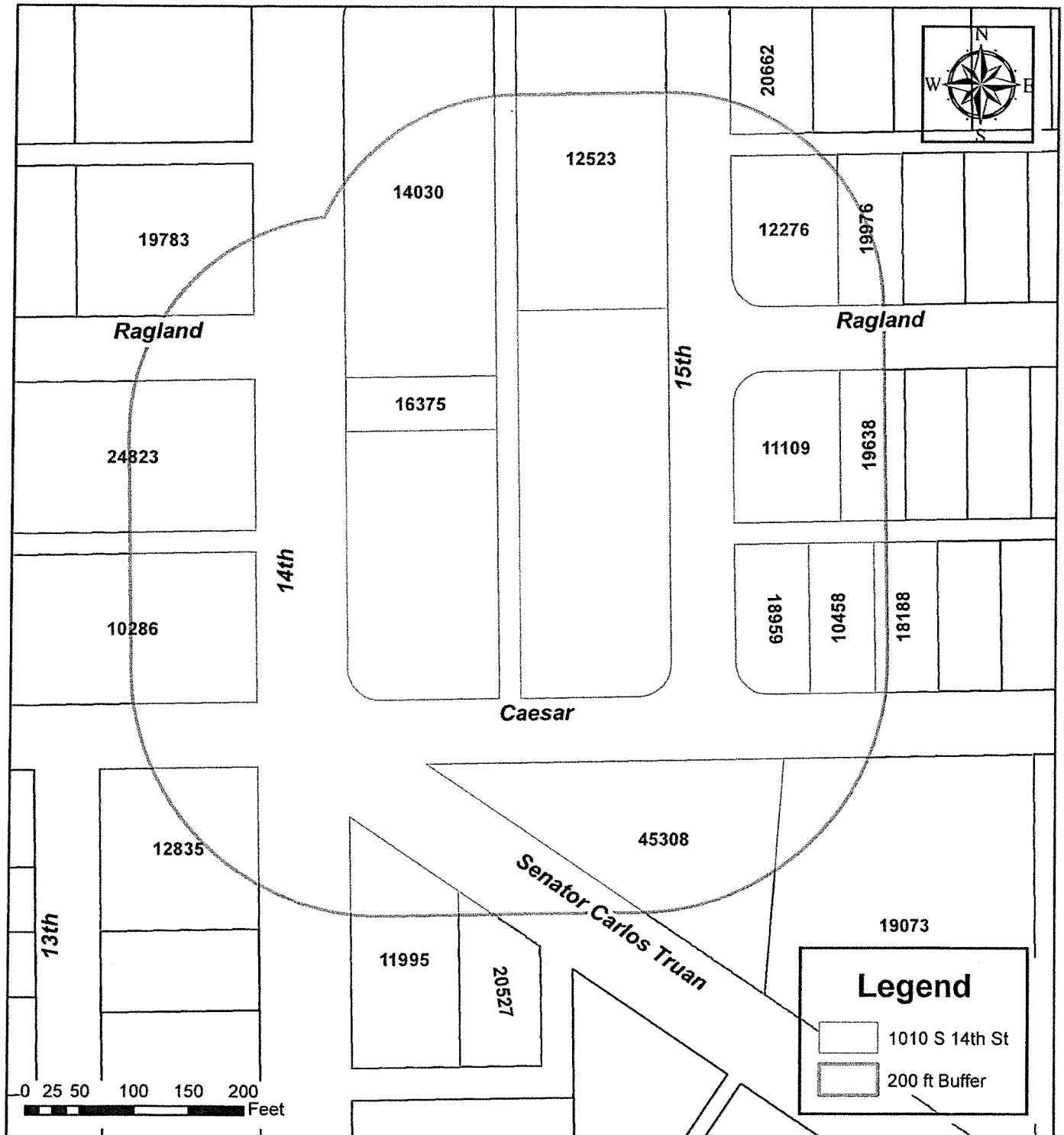
Property Owner's Signature \_\_\_\_\_

Date: 4/14/2021


Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_

# 200 ft Buffer Map of 1010 S 14th



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

Page 1 / 1	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><b>CITY OF KINGSVILLE</b> PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 4/26/2021		
	Note:		



LOJON PROPERTY LLC  
%LONG JOHN SILVER'S #5203 ATTN:  
R MACNEILL  
10350 ORMSBY PARK PL STE 300  
LOUISVILLE, KY 40223-6177  
#19783

LEILA M SAMADI  
700 S 14<sup>TH</sup> ST STE A  
KINGSVILLE, TX 78363  
#12835

JOSE ALFREDO ALFARO  
1031 E WARREN AVE  
KINGSVILLE, TX 78363-6468  
#20662

LAZARO PAREDEZ JR  
ETUX ASHLEY  
3765 AMANDA LN  
ROBSTOWN, TX 78380  
#11109

GUADALUPE A FERNANDEZ  
LEONOR G FERNANDEZ  
PO BOX 1795  
KINGSVILLE, TX 78364-1795  
#10458

HALEIGH RENTALS LLC  
218 S 14<sup>TH</sup> ST  
KINGSVILLE, TX 78363-5839  
#19073

SOUTHERN MULTIFOODS INC  
101 E CHEROKEE ST  
JACKSONVILLE, TX 75766-4807  
#24823

HERMAN H OHLENBUSCH  
926 S 14<sup>TH</sup> ST, STE 103  
KINGSVILLE, TX 78363  
#14030, 12523, 11995, 20527

AUGUSTINE RUIZ JR  
1032 E RAGLAND AVE  
KINGSVILLE, TX 78363-6478  
#12276

FREDDIE D PIERCE  
ETUX MONICA  
1103 E RAGLAND AVE  
KINGSVILLE, TX 78363-6465  
#19638

BERNARD E BRYANT  
1106 E CAESAR AVE  
KINGSVILLE, TX 78363-6613  
#18188

LEE YOUNG HY0  
ETUX EUN YON IM  
3042 NECHES DR  
CORPUS CHRISTI, TX 78414-4413  
#10286

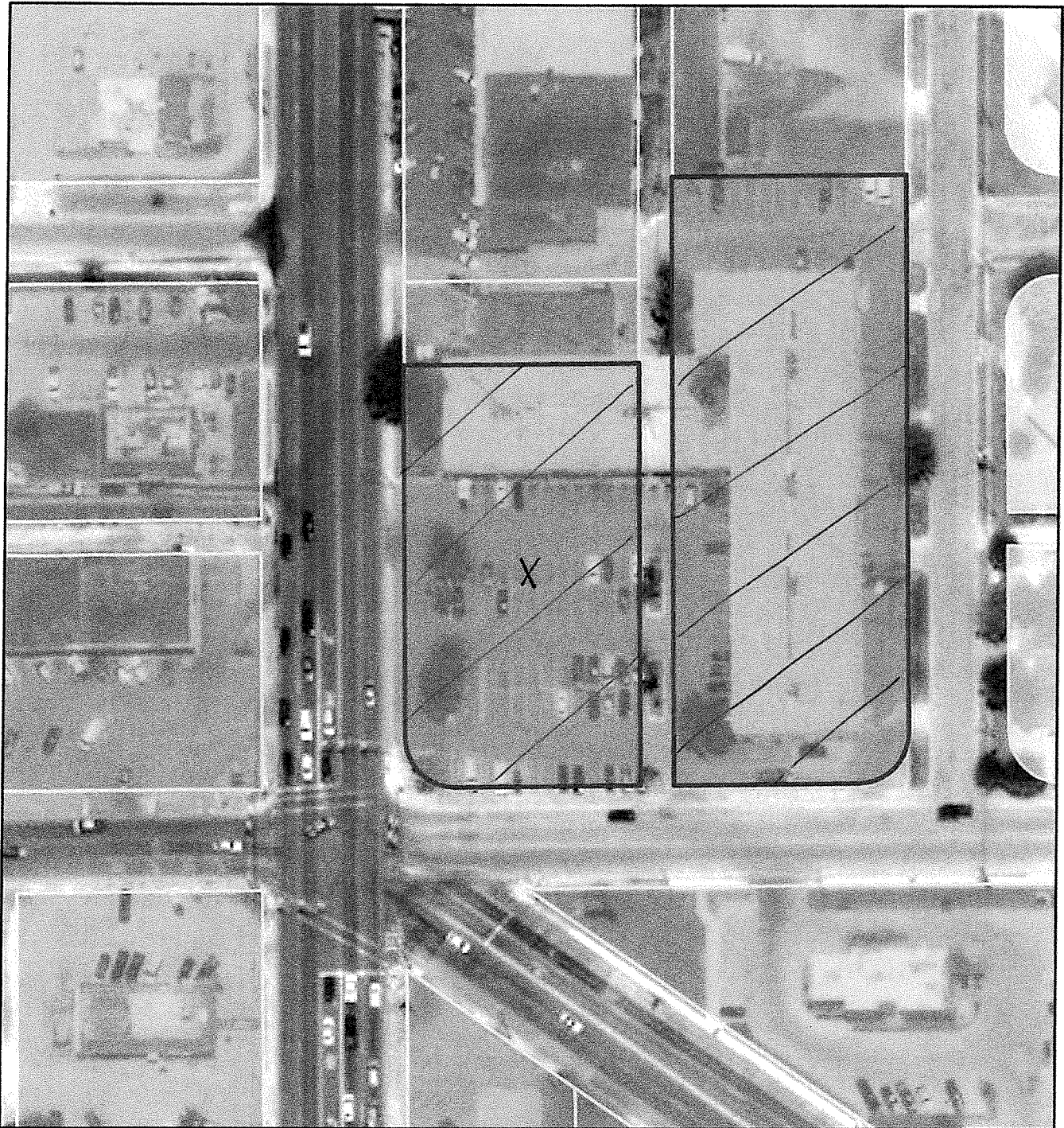
FELIZ HERRERA JR  
DBA: ABC TV CENTER  
1002 S 14<sup>TH</sup> ST  
KINGSVILLE, TX 78363-6422  
#16375

RENE R PEREZ  
1104 E RAGLAND AVE  
KINGSVILLE, TX 78363-6466  
#19976

MARIA E CLEMMONS  
1032 E CEASAR AVE  
KINGSVILLE, TX 78363  
#18959

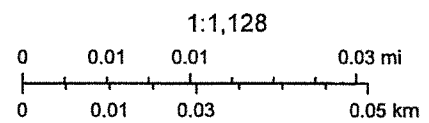
TAMC ENTERPRISES LLC  
1635 ROGERS RD  
FORT WORTH, TX 76107  
#45308

1010 S. 14th



April 14, 2021

X-1010 S 14<sup>th</sup>  
C2-Retail Zoning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use Chart													
Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Mortuary							S	P	P	P	S		S
Music store							S	P	P	P			
Office, professional, or general business							S	P	P	P	S		
Optical shop or laboratory							S	P	P	P			
Package liquor store							S	S	P	P			
Pawn shop							S	S	P	P			
Pet shop for small animals birds, fish							P	P	P	P			
Personal custom services such as tailor, milliner, and the like							P	P	P	P			
Repair of appliances, T.V., radio, and similar equipment							P	P	P	P			
Shoe, boot, saddle, or other leather goods sale and repair							S	P	P	P	P	P	
Studio, photographer, artist, music, dance, drama							S	P	P	P			

## Kleberg CAD

### Property Search > 24719 SUNDIAL PLAZA LLC for Year 2021

Tax Year: 2021 - Values not available

#### Property

##### Account

Property ID: 24719 Legal Description: CAD TERR, BLOCK 1, LOT S10'7, 8-17, PT ALLEY, (SUNDIAL PLAZA)  
 Geographic ID: 107700108000192 Zoning: C2  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

##### Location

Address: 1010 S 14TH ST TX Mapsco:  
 Neighborhood: Map ID: B1-I  
 Neighborhood CD:

##### Owner

Name: SUNDIAL PLAZA LLC Owner ID: 28002  
 Mailing Address: % JANICE HAGGERTON % Ownership: 100.0000000000%  
 317 TROJAN  
 PORT ARANSAS, TX 78373  
 Exemptions:

#### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

#### Taxing Jurisdiction

Owner: SUNDIAL PLAZA LLC  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

**Improvement / Building****Improvement #1: COMMERCIAL State Code: F1 Living Area: 27435.0 sqft Value: N/A**

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1984	8700.0
MA	MAIN AREA	SCT2A		1984	18735.0
CNC	CONCRETE SLAB RESIDENTIAL	FV		1984	1131.0
ASP	ASPHALT (100%)	FV		1984	49855.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.8609	37500.00	250.00	150.00	N/A	N/A
2	F1	F1	1.2397	54000.00	360.00	150.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$632,760	\$320,250	0	953,010	\$0	\$953,010
2019	\$963,710	\$320,250	0	1,283,960	\$0	\$1,283,960
2018	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2017	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2016	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2015	\$585,120	\$320,250	0	905,370	\$0	\$905,370
2014	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2013	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2012	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2011	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2010	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2009	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2008	\$520,950	\$183,000	0	703,950	\$0	\$703,950
2007	\$473,590	\$183,000	0	656,590	\$0	\$656,590

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

# Spice Station makes Top 100 places to eat in Texas

LAURA NEWMAN  
REPORTER

You may know them for their Chicken 65, Spinach Chicken, Butter Chicken or their spice, but everyone knows them for their great customer service.

The famous Kingsville Indian cuisine, Spice Station located on E. Lott Avenue made Yelp's Top 100 Places to Eat in Texas.

Yelp released the list last Wednesday and Spice Station came out at number 36, which is 50 points higher than the last time in 2020.

Spice Station is a family owned and operated restaurant that is most known for their delicious flavors and excellent customer service.

Spice Station is owned by Rahila Charania (mother and recipe creator), Mohammad Iqbal Charania (father), Zohair Charania and Hassan Charania. Hassan and Zohair are two of three brothers and the main operator of Spice Station. Their youngest brother,

Rohan Charania works when he is not at school.

Zohair said they all rely on one another and that family always shows up and contributes to making the restaurant a better place.

Hassan Charania, Hassan's wife, is the creator of one of their most popular menu items, Butter Chicken.

Family values and treating people how you want to be treated is important to this family and it shines through their restaurant.

Hassan Charania said that all of their customers and employees are treated like family and that is something they were taught to do at a young age.

When Yelp released their list, both brothers were in shock and thankful to see they shot up 50 points and to see their restaurant on the list.

Zohair said when he found out he text his mom, his dad, his brother and his wife, and instantly started to think of ways to improve and get



Mohammad Iqbal & Rahila Charania

even higher on the list next time.

"At first I thought, we don't deserve this. I thought how? We don't deserve this," Hassan said.

"It just keeps us motivated. It makes us think, okay, how can we do bet-

ter reviews, with more than hundreds of reviews across all major reviewing platforms; Facebook, Yelp and Google. They said their secret is great customer service and never serving something they wouldn't eat themselves.

Zohair said for example, if food has been sitting out for 45 minutes, they pack it up and donate it.

Both brothers believe they got to where they are now because of their customer service. They said it is all about how you interact with people and correcting unpleasant experiences.

They said they always ask customers how their meal was the last time they were in, if it wasn't good, they fix it and make it right.

Samples are always something that they have done, because they want to make sure their customers get what they like. Zohair said samples are the first connection with their customers.

Spice Station started

out in their apartment; it started to become popular and their parking lot was always full.

In 2014, they opened in a gas station and after a few years they became popular. Zohair said the parking lot was always full and the line was out the door.

Their location in the gas station only had two tables and in 2017, they decided to expand to their current location.

Zohair said they rented the building at first, but in 2019 they were able to purchase the building and make it their own.

They are always looking for areas of improvements and are currently experimenting with new menu items and looking for ways to become more eco-friendly.

They are very thankful for all of their staff and especially thankful for Emily Garcia, Juan Garcia and Mitchell Wolverton, who are all at the front of the house and hold true to their motto—treating others how you want to be treated.

## PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 16, 2021 at 6:00 p.m., wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PHOP ID 26942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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

## PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 28, 2021 at 5:00 p.m., wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTS&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PHOP ID 26942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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# Wanted!



**\$250 reward**  
for information leading to this person's conviction!

Information for the arrest and conviction of the person who has stolen two head stones from The Monument Place over the course of the past few weeks.

To report information, call The Monument Place of the City of Kingsville Police Department.



City Sanitation, City Hall and other Administrative Offices will be closed on Monday, May 31, 2021 in observance of Memorial Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of May 31 through June 4, 2021.

## Residential Sanitation Schedule

Monday/Thursday service will be done on Tuesday/Thursday  
Tuesday/Friday service will be done Wednesday/Friday

## Commercial Sanitation Schedule

Monday/Tuesday service will be done Thursday

The schedule will resume to its normal schedule on June 7, 2021.

**SUBSCRIBE**

(361)

345-1333

## Rates:

Mail (in county)

Mail (out of county)

6 months - \$26.00

6 months - \$29.00

1 year - \$48.00

1 year - \$55.00

Online Only: \$45.00

## \* Military Discount:

Mail (in county)

Mail (out of county)

6 months - \$20.00

6 months - \$25.00

1 year - \$40.00

1 year - \$50.00

Online Only: \$40.00

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR PACKAGE LIQUOR STORE USE IN C2 (RETAIL DISTRICT) AT 1010 S. 14<sup>TH</sup> ST., KINGSVILLE, TEXAS (SUNDIAL PLAZA), ALSO KNOWN AS CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Patel & Smith, LLC (applicant), Sundial Plaza, LLC (owner) for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned C2-Retail District and it is desired for the area to be used for package liquor store use, while its prior use was a meat processing plant;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in C2 a special use permit is required to have a package liquor store use as listed on the SUP application; and

**WHEREAS**, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, June 16, 2021, during a meeting of the Planning Commission, and on Monday, June 28, 2021, a public hearing was held during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning and Zoning Commission voted 5-0 to APPROVE, with 0 abstentions, the requested special use permit; 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 and a Special Use Permit is granted for package liquor store use on the premises known as 1010 S. 14<sup>th</sup> St. (Sundial Plaza), Kingsville, Texas, also known as Cadillac Terrace, Block 1, Lots

8-17, South 10' of Lot 7, and part alley, as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "C2" Retail District use is for package liquor store use.

2. **STATE LICENSE:** The premises or operator will be licensed or registered by the State of Texas, if needed, to have such a business.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain all required background checks, business licenses and have and cooperate with all annual fire safety, health, and sanitation inspections, or other inspections required for this type of use by the City of Kingsville or any State or Federal requirement, in order to maintain compliance with federal, state and city regulations for the facility.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** 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 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** 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 28th day of June, 2021.

**PASSED AND APPROVED** on this the 12th day of July, 2021.

Effective Date: \_\_\_\_\_, 2021



**THE CITY OF KINGSVILLE**

---

Sam R. Fugate, Mayor

**ATTEST:**

---

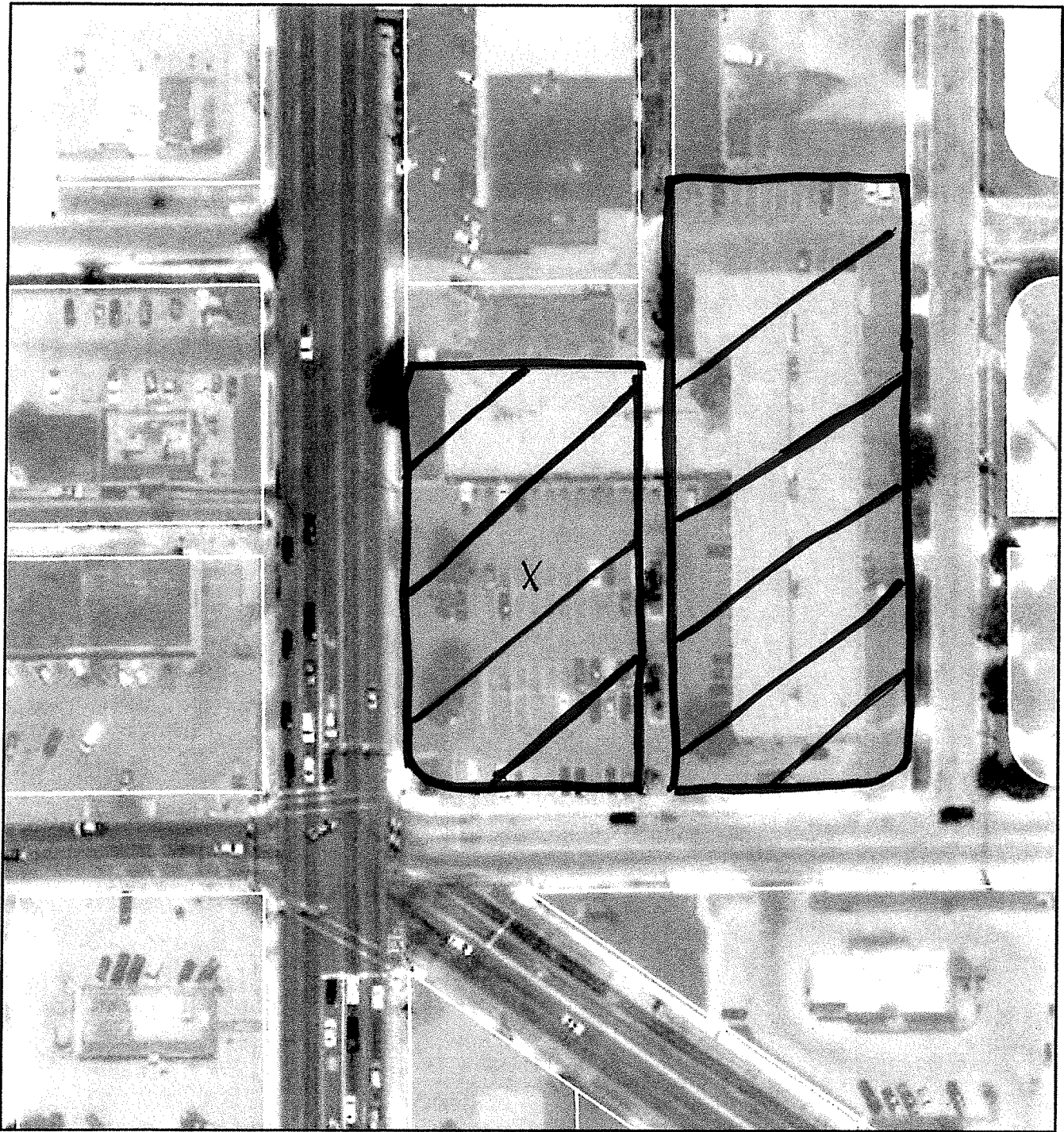
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

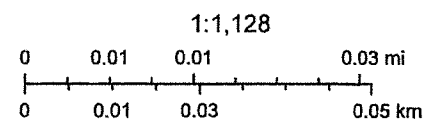
Courtney Alvarez, City Attorney

1010 S. 14th



April 14, 2021

X-1010 S 14th  
C2-Retail Zoning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# **PUBLIC HEARING #2**



## MEMO

**Date:** June 17, 2021

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **John and Velinda Sanchez, applicant and owner, requesting a replat of K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6<sup>th</sup> Street across from Dick Kleberg Park).**

The Planning and Zoning Commission meeting held as scheduled last evening, June 16, 2021, with 5 members in attendance.

Members deliberated over the issue of granting approval for a replat of the properties KT&I CO BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Letters were sent out to neighbors and the City received neither comments nor letters (feedback) pertaining to the application. Commissioners, after deliberations, voted to approve the recommendation for a replat of the said properties according to the proposed design. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Debbie Tiffie, Idotha Battle and the Chairman – Steve Zamora all voted ‘YES’.

The meeting was adjourned by 6.22p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** May 6, 2021

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **John and Velinda Sanchez, applicant and owner, requesting a replat of K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6<sup>th</sup> Street across from Dick Kleberg Park).**

The applicant approached the department because they wanted to carry out a replat of the properties KT&I CO BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas and currently zoned R1 (Single Family Residential). At the moment, the three properties (owned by the same persons) are not regularly shaped as shown in the attached map. They would like to subdivide the three lots into three more regular lots. This would enable a more orderly development.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage and enable a more orderly development within the City of Kingsville.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a stylized flourish at the end.

**Uche Echeozo**  
Director of Planning and  
Development Services

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

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 4100 S. 6th St. / 268 E. Escondido Rd Nearest Intersection Lat 54 + Escondido Rd Property ID 36942

(Proposed) Subdivision Name \_\_\_\_\_ Lot S10 P11 Block 21

Legal Description: KT + J Co.

Existing Zoning Designation R1 Future Land Use Plan Designation C1

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent John + Velinda Sanchez Phone 361-455-3948 FAX 361-455-1167

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

Mailing Address 4100 S. 6th St. City Kingsville State TX Zip 78363

Property Owner John + Velinda Sanchez Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input type="checkbox"/> Re-zoning Request _____	\$250.00	<input checked="" 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:

Request to replat property

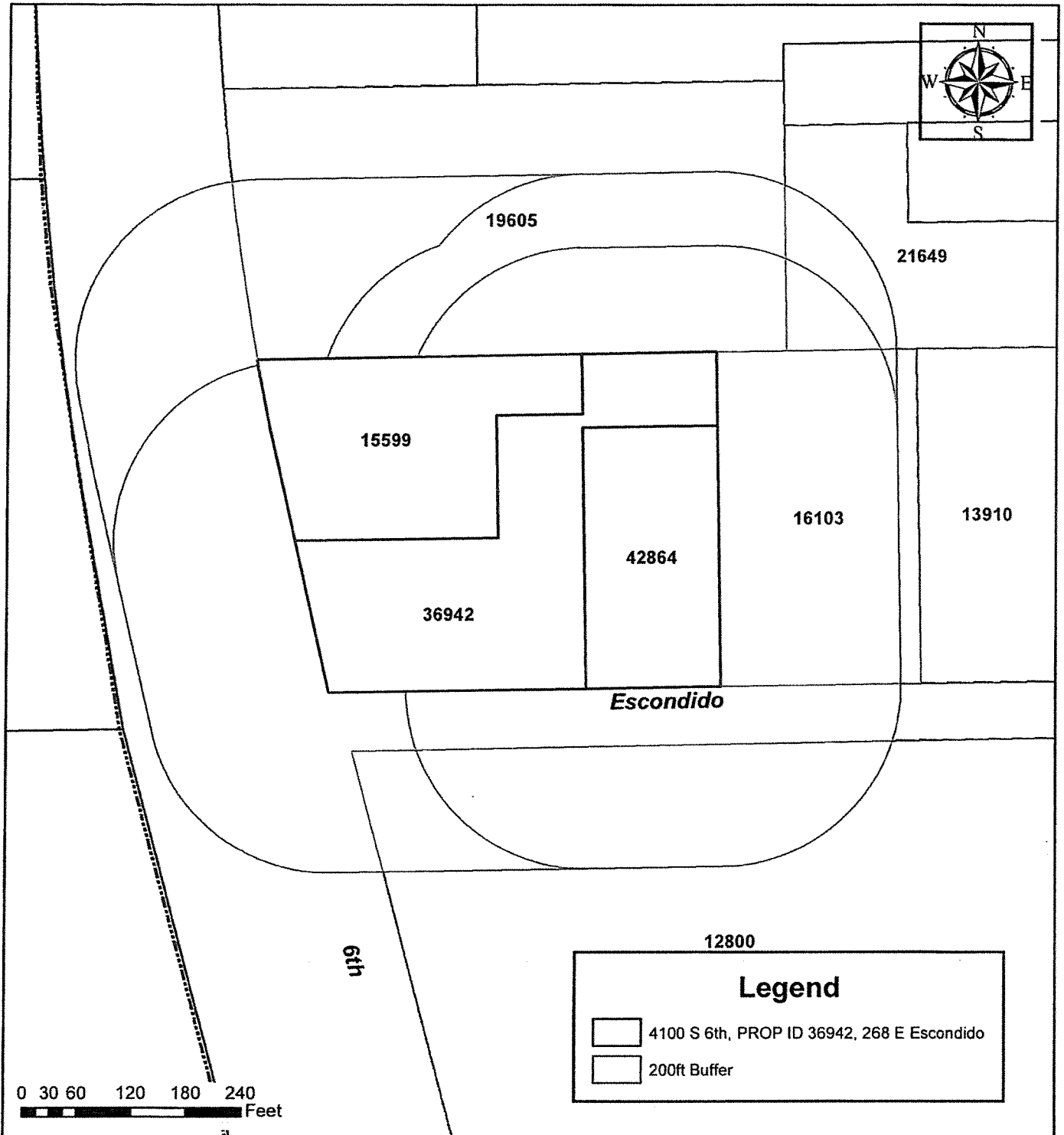
I hereby certify that I am the owner and /or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature John Sanchez Date: 4-26-21

Property Owner's Signature Velinda Sanchez Date: 4-26-21

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

# 200 ft Buffer Map of 4100 S 6th, PROP ID 36942. 268 E Escondido



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

Page 1 / 1	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><b>CITY OF KINGSVILLE</b> PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 4/29/2021		
	Note:		

JOHN SANCHEZ  
ETUX VELINDA  
234 E TRANT RD  
KINGSVILLE, TX 78363-7321  
#19605

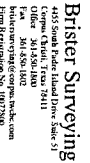
MARIA ELMA SALDANA  
AKA MARIA ELMA ZAMORA  
320 E ESCONDIDO RD  
KINGSVILLE, TX 78363-7447  
#13910

LEONEL OMAR GONZALEZ  
ETUX MARGIE YBARRA  
402 NELDA ST  
KINGSVILLE, TX 78363-7417  
#21649

KLEBERG COUNTY PARK  
PO BOX 72  
KINGSVILLE, TX 78364-0072  
#12800

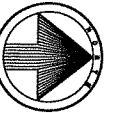
DEMETRIA MONTES  
310 E ESCONDIDO RD  
KINGSVILLE, TX 78363  
#16103



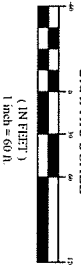


LOTS 1-4

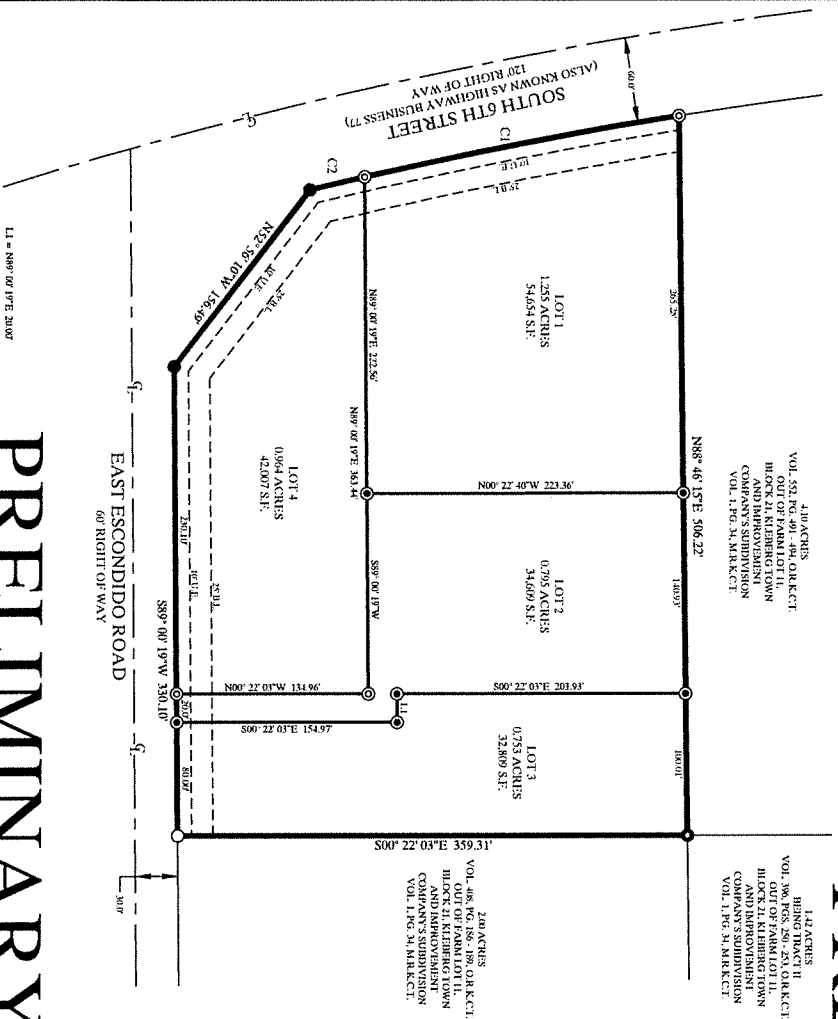
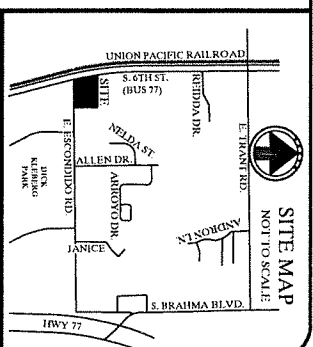
BEING A REPLAT OF 3.767 ACRES OUT OF FARM LOT 11, SECTION 21, KLEBERG TOWN AND IMPROVEMENT COMPANY'S SUBDIVISION, AS SHOWN ON THE PLAT RECORDED IN VOLUME 1, PAGE 34, MAP RECORDS OF KLEBERG COUNTY, TEXAS, SAID 3.767 ACRE TRACT BEING THE SAME TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 306, PAGES 279 - 231, OFFICIAL RECORDS OF KLEBERG COUNTY, TEXAS.








### GRAPHIC SCALE



# PRELIMINARY



# PRELIMINARY

 = SET 5/8" RE-BAR  
 = FOUND 5/8" RE-BAR  
 = FOUND 1" IRON PIPE  
 = FOUND 2" IRON PIPE  
 = FOUND CONCRETE MONUMENT

LEGEND:  
BL. = BUILDING LINE  
CL. = CENTERLINE  
M.R.C.T. = MAP RECORDS OF KLEMBERG COUNTY, TEXAS  
O.R.C.T. = OFFICIAL RECORDS OF KLEMBERG COUNTY, TEXAS  
PG. = PAGE  
S.F. = SQUARE FEET  
U.E. = UTILITY EASEMENT  
VOL. = VOLUME

## NOTES

1. BY GRAPHIC NOTING ONLY. THIS PROPERTY IS IN ZONE "X" ON THE FLORIDA INSURANCE RATE MAP, COMMUNITY PLAN NO. 48736 C006 E, WHICH MEANS AN EFFECTIVE DATE OF MARCH 12, 2014 AND IS NOT IN SPECIAL FL 000114240 AREA.
3. HEADINGS ON G.I. ORAL POSITIONING SYSTEM RAD 81 (93) 1267 DATUM.
4. SET 50' BE-BAR = STEEL REINBAR SET WITH YELLOW PLASTIC CON L-SHEDD BARSTER SURVEYING.
5. THE TOTAL PLANTED AREA IS 3.767 ACRES.

WE, JOHN AND WEINLINDA SANCHEZ, DO HEREBY CERTIFY THAT THE LAND AND INTEREST THEREIN, DESCRIBED IN THE FOREGOING MAP, ARE THE PROPERTY SHOWN HEREIN, WE HAVE HAD SAID LAND SURVEYED AND SURVEYED AS SHOWN ON THE FOREGOING MAP. THIS MAP HAS BEEN PREPARED FOR THE PURPOSE OF DESCRIPTION AND DEDICATION.

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

JOHN SANCHEZ, OWNER

WEINLINDA SANCHEZ, OWNER

STATE OF TEXAS  
COUNTY OF KLEBERG

BEFORE ME, JOHN SANCHEZ, ON THIS DAY PERSONALLY APPEARED THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS MAP, AND HE OR SHE, PERSONALLY ACKNOWLEDGED TO ME THAT HE OR SHE EXECUTED THE SAME AS THE ACT AND DEED OF THEIN (EXRESSED) AND IN THE CAPACITY STATED, GIVEN UNDER MY LAND AND SEAL OF OFFICE.

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

NOTARY PUBLIC \_\_\_\_\_

APPROVED BY THE DIRECTOR OF PLANNING FOR THE CITY OF  
KINGSVILLE, TEXAS

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

DIRECTOR OF PLANNING \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF KLEBERG

THIS FINAL PLAT OF THE LIRBIRN DESCRIBED PROPERTY WAS  
APPROVED BY THE MAYOR AND THE CITY COMMISSION OF  
KINGSVILLE, TEXAS

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

MAYOR \_\_\_\_\_

CITY SECRETARY \_\_\_\_\_

1. \_\_\_\_\_, CLARK OF THE COUNTY COURT IN AND  
FOR KLEBERG COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE  
WITHIN CERTIFICATE OF AUTHENTICATION WAS FILED FOR  
RECORD IN AN OFFICE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 AT  
COUNTY OF KLEBERG \_\_\_\_\_ PAGE: \_\_\_\_\_ MAP

DATE OF MAP: 29 MARCH 2012

## Kleberg CAD

Property Search > 15599 SANCHEZ JOHN for Year 2021

Tax Year: 2021 - Values not available

### Property

#### Account

Property ID:	15599	Legal Description:	K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0
Geographic ID:	290002111000118	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

#### Location

Address:	4100 S 6TH ST	Mapscot:	
Neighborhood:		Map ID:	A3
Neighborhood CD:			

#### Owner

Name:	SANCHEZ JOHN	Owner ID:	52313
Mailing Address:	ETUX VELINDA 234 E TRANT RD KINGSVILLE, TX 78363-7321	% Ownership:	100.000000000000%
		Exemptions:	HS, DP

### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

### Taxing Jurisdiction

Owner: SANCHEZ JOHN  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

## Improvement / Building

**Improvement #1:** RESIDENTIAL **State Code:** A1 **Living Area:** 2741.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF5	EW1	1950	2741.0
PCFA	PATIO COVERED FRAME AVERAGE	*		1950	280.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1950	468.0
DGFU	DETACHED GARAGE FRAME UNFINISHED	*		1950	420.0
STPP	STORAGE (CONSIDERED PP)	NV		0	384.0
STGG	STORAGE FRAME (GOOD)	*		0	360.0

**Improvement #2:** RESIDENTIAL **State Code:** A1 **Living Area:** 736.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1950	576.0
OPFA	OPEN PORCH FRAME AVERAGE	*		2011	16.0
MADF	MAIN ADDITION FRAME	*		2011	160.0
CPFA	CARPORT FRAME AVERAGE	*		2011	120.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	1.0000	43560.00	0.00	0.00	N/A	N/A

## Roll Value History


Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$209,480	\$25,000	0	234,480	\$24,315	\$210,165
2019	\$209,480	\$25,000	0	234,480	\$43,421	\$191,059
2018	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2017	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2016	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2015	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2014	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2013	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2012	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2011	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2010	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2009	\$127,330	\$40,000	0	167,330	\$0	\$167,330
2008	\$124,800	\$40,000	0	164,800	\$0	\$164,800
2007	\$124,800	\$40,000	0	164,800	\$27,981	\$136,819

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	7/17/2007	WDVL	WARRANTY DEED W/VENDOR'S LEIN	NORRIS ELVIA M	SANCHEZ JOHN	368	229	
2	1/1/2005	PROB	PROBATE	NORRIS ROBERT E DR EST	NORRIS ELVIA M			5282
3	10/12/2004	PROB	PROBATE	NORRIS ROBERT E DR EST	NORRIS ROBERT E DR EST			5282

**Tax Due**

Property Tax Information as of 04/19/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

Website version: 1.2.2.33

Database last updated on: 4/18/2021 8:17 PM

© N. Harris Computer Corporation

# Kleberg CAD

## Property Search > 36942 SANCHEZ JOHN for Year 2021

Tax Year: 2021 - Values not available

### Property

#### Account

Property ID: 36942 Legal Description: K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00  
 Geographic ID: 290002111010118 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

#### Location

Address: ESCONDIDO RD TX Mapsco:  
 Neighborhood: Map ID: A3  
 Neighborhood CD:

#### Owner

Name: SANCHEZ JOHN Owner ID: 52313  
 Mailing Address: ETUX VELINDA % Ownership: 100.0000000000%  
 234 E TRANT RD  
 KINGSVILLE, TX 78363-7321  
 Exemptions:

### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
-----			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
-----			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
-----			
(=) Assessed Value:	=	N/A	

### Taxing Jurisdiction

Owner: SANCHEZ JOHN  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions:

N/A

**Improvement / Building**

No improvements exist for this property.

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	EO	EO	2.0000	87120.00	0.00	0.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$10,000	0	10,000	\$0	\$10,000
2019	\$0	\$10,000	0	10,000	\$0	\$10,000
2018	\$0	\$10,000	0	10,000	\$0	\$10,000
2017	\$0	\$10,000	0	10,000	\$0	\$10,000
2016	\$0	\$10,000	0	10,000	\$0	\$10,000
2015	\$0	\$10,000	0	10,000	\$0	\$10,000
2014	\$0	\$15,000	0	15,000	\$0	\$15,000
2013	\$0	\$15,000	0	15,000	\$0	\$15,000
2012	\$0	\$15,000	0	15,000	\$0	\$15,000
2011	\$0	\$15,000	0	15,000	\$0	\$15,000
2010	\$0	\$15,000	0	15,000	\$0	\$15,000

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
---	-----------	------	-------------	---------	---------	--------	------	-------------

**Tax Due**

Property Tax Information as of 04/19/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

## Kleberg CAD

### Property Search > 42864 SANCHEZ JOHN JR for Year 2021

Tax Year: 2021 - Values not available

#### Property

##### Account

Property ID: 42864 Legal Description: K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00  
 Geographic ID: 290002111015118 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

##### Location

Address: 268 E ESCONDIDO RD Mapsco:  
 TX  
 Neighborhood: Map ID: A3  
 Neighborhood CD:

##### Owner

Name: SANCHEZ JOHN JR Owner ID: 60915  
 Mailing Address: AMANDA NICOLE ARRIAGA SANCHEZ % Ownership: 100.000000000000%  
 4100 S 6TH ST  
 KINGSVILLE, TX 78363

Exemptions:

#### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
-----			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
-----			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
-----			
(=) Assessed Value:	=	N/A	

#### Taxing Jurisdiction

Owner: SANCHEZ JOHN JR  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A

Taxes w/o Exemptions:

N/A

**Improvement / Building**

No improvements exist for this property.

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	E0	E0	1.0000	43560.00	0.00	0.00	N/A	N/A

**Roll Value History**


Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$5,000	0	5,000	\$0	\$5,000
2019	\$0	\$5,000	0	5,000	\$0	\$5,000
2018	\$0	\$5,000	0	5,000	\$0	\$5,000
2017	\$0	\$5,000	0	5,000	\$0	\$5,000
2016	\$0	\$5,000	0	5,000	\$0	\$5,000
2015	\$0	\$5,000	0	5,000	\$0	\$5,000

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/23/2015	WDVL	WARRANTY DEED W/VENDOR'S LEIN	SANCHEZ JOHN	SANCHEZ JOHN JR	528	640	

**Tax Due**

Property Tax Information as of 04/26/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

Website version: 1.2.2.33

Database last updated on: 4/25/2021 8:17 PM

© N. Harris Computer Corporation



## Spice Station makes Top 100 places to eat in Texas

LAURA NEWMAN  
REPORTER

You may know them for their Chicken 65, Spinach Chicken, Butter Chicken or their spice, but everyone knows them for their great customer service.

The famous Kingsville Indian cuisine, Spice Station located on E. Lott Avenue made Yelp's Top 100 Places to Eat in Texas.

Yelp released the list last Wednesday and Spice Station came out at number 36, which is 50 points higher than the last time in 2020.

Spice Station is a family owned and operated restaurant that is most known for their delicious flavors and excellent customer service.

Spice Station is owned by Rahila Charania (mother and recipe creator), Muhammad Iqbal Charania (father), Zohair Charania, Hassan Charania, and Zohair are two of three brothers and the main operator of Spice Station. Their youngest brother,

Roshan Charania works when he is not at school.

Zohair said they all rely on one another and that family always shows up and contributes to making the restaurant a better place.

Husna Charania, Hassan's wife, is the creator of one of their most popular menu items, Butter Chicken.

Family values and treating people how you want to be treated is important to this family and it shines through their restaurant.

Hassan Charania said that all of their customers and employees are treated like family and that is something they were taught to do at a young age.

When Yelp released their list, both brothers were in shock and thankful to see they shot up 50 points and to see their restaurant on the list.

Zohair said when he found out he text his mom, his dad, his brother and his wife, and instantly started to think of ways to improve and get



Muhammad Iqbal & Rahila Charania

even higher on the list next time.

"At first I thought, we don't deserve this. I thought how? We don't deserve this," Hassan said.

"It just keeps us motivated. It makes us think, okay, how can we do bet-

ter reviews with more than hundreds of reviews across all major reviewing platforms, Facebook, Yelp and Google. They said their secret is great customer service and never serving something they wouldn't eat themselves.

Zohair said for example, if food has been sitting out for 45 minutes, they pack it up and donate it.

Both brothers believe they got to where they are now because of their customer service. They said it is all about how you interact with people and correcting unpleasant experiences.

They said they always ask customers how their meal was the last time they were in. If it wasn't good, they fix it and make it right.

Spice Station has five samples are always something that they have done, because they want to make sure their customers get what they like. Zohair said samples are the first connection with their customers.

Spice Station started

out in their apartment; it started to become popular and their parking lot was always full.

In 2014, they opened in a gas station and after a few years they became popular. Zohair said the parking lot was always full and the line was out the door.

Their location in the gas station only had two tables and in 2017, they decided to expand to their current location.

Zohair said they rented the building at first, but in 2019 they were able to purchase the building and make it their own.

They are always looking for areas of improvements and are currently experimenting with new menu items and looking for ways to become more eco-friendly.

They are very thankful for all of their staff and especially thankful for Emily Garcia, Juan Garcia and Mitchell Wolverton, who are all at the front of the house and hold true to their motto—treating others how you want to be treated.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 16, 2021 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PROP ID 36942 and 268 E Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 28, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTR&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PROP ID 36942 and 268 E Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner, requesting a Special Use Permit for Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14th St., Kingsville, Texas.

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

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

## Wanted!



**\$250 reward**  
for information leading to this person's conviction.

Information for the arrest and conviction of the person who has stolen two head stones from The Monument Place over the course of the past few weeks.

To report information, call The Monument Place of the City of Kingsville Police Department.



City Sanitation, City Hall and other Administrative Offices will be closed on Monday, May 31, 2021 in observance of Memorial Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of May 31 through June 4, 2021.

### Residential Sanitation Schedule

Monday/Thursday service will be done on Tuesday/Thursday  
Tuesday/Friday service will be done Wednesday/Friday

### Commercial Sanitation Schedule

Monday/Tuesday service will be done Thursday

The schedule will resume to its normal schedule on June 7, 2021.

**SUBSCRIBE**

(361)  
345-1333

### Rates:

Mail (in county)	Mail (out of county)
6 months - \$26.00	6 months - \$29.00
1 year - \$48.00	1 year - \$55.00

Online Only: \$15.00

### \* Military Discount:

Mail (in county)	Mail (out of county)
6 months - \$20.00	6 months - \$25.00
1 year - \$40.00	1 year - \$50.00

Online Only: \$10.00

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** June 3, 2021

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Saul Figueroa, applicant; Ronald Ripps, owner; requesting a Special Use Permit for a Light Manufacturing process (land use) which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the acceptable ambient level and is not classified as hazardous use (Recycling Center) 4<sup>TH</sup>, CADILLAC BLOCK 2, LOTS 1-3, also known as 708 S. 6<sup>th</sup> Street, Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled last evening, June 2, 2021 with 6 members in attendance.

Members deliberated over the issue of granting approval for a Special Use Permit to enable the applicant carry out a recycling business. Letters were sent out to neighbors and the City received comments expressed in a letter by the next-door neighbor suggesting the business move to a bigger place due to increased activities. Commissioners, after deliberations, voted to approve the recommendation for a Special Use Permit A recorded vote of all members present was taken and Commissioners Mike Klepac, Larry Garcia, Debbie Tiffie, Idotha Battle and the Chairman -- Steve Zamora all voted 'YES'. Bill Aldrich voted 'No'

The meeting was adjourned by 6.49p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



## MEMO

**Date:** May 27, 2021

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Saul Figueroa, applicant; Ronald Ripps, owner; requesting a Special Use Permit for a Light Manufacturing process (land use) which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the acceptable ambient level and is not classified as hazardous use (Recycling Center) 4<sup>TH</sup>, CADILLAC BLOCK 2, LOTS 1-3, also known as 708 S. 6<sup>th</sup> Street, Kingsville, Texas.**

The applicant approached the department sequel to a Code Enforcement correspondence, because they wanted to carry out the business of operating a Recycling Center at the premises located at 708 S. 6<sup>th</sup> Street, Kingsville, TX. A look at the current zoning for the subject property revealed a C4 (Commercial District) use which does not allow for such endeavors except under a Special Use Regime.

To establish some background to this application, some other entity – ABC Recycling – got a similar Special Use Permit for the same type of business more than 10 years ago with certain conditions including putting up an eight-foot fence and maintaining a tidy environment. There was also a requirement (City Ordinance) to pay an annual fee of \$500 and not to operate beyond 5pm (Monday – Saturday).

Consequently, a Special Use Permit application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same (with the conditions) since the proposed use will be in conformity with the zoning ordinance of the City of Kingsville.

Thank you.

A handwritten signature in black ink, appearing to be "Uche Echeozo", written over a horizontal line.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

kingsville  
Recycling

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 708 S. 6<sup>th</sup> Nearest Intersection 6<sup>th</sup> & 3<sup>rd</sup>

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: Lot 1, 2, 3 Block 2, 4 addition

Existing Zoning Designation C4-Commercial Future Land Use Plan Designation \_\_\_\_\_

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Saul Figueroa Phone 956-372-0800 FAX \_\_\_\_\_

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

Mailing Address 708 S 6<sup>th</sup> St. City Kingsville State TX Zip 78363

Property Owner Ronald Ripps Phone 210-410-1800 FAX \_\_\_\_\_

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

Mailing Address 708 S 6<sup>th</sup> St. City Kingsville State TX Zip 78363

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

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

Please provide a basic description of the proposed project:

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

Applicant's Signature Saul Figueroa Date: 4/27/21  
Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 708 S. 6th Nearest Intersection \_\_\_\_\_

(Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Legal Description: LOTS 1,2,3 BLOCK 2, 4 ADDITION

Existing Zoning Designation \_\_\_\_\_ Future Land Use Plan Designation \_\_\_\_\_

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent RONALD RIPPS Phone 210 410-1500 FAX \_\_\_\_\_

Email Address (for project correspondence only): RONRIPPS@GMAIL.COM

Mailing Address 247 TUXEDO City SAN ANTONIO State TX Zip 78209

Property Owner RONALD RIPPS Phone 210 410-1500 FAX \_\_\_\_\_

Email Address (for project correspondence only): RONRIPPS@GMAIL.COM

Mailing Address 247 TUXEDO City SAN ANTONIO State TX Zip 78209

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

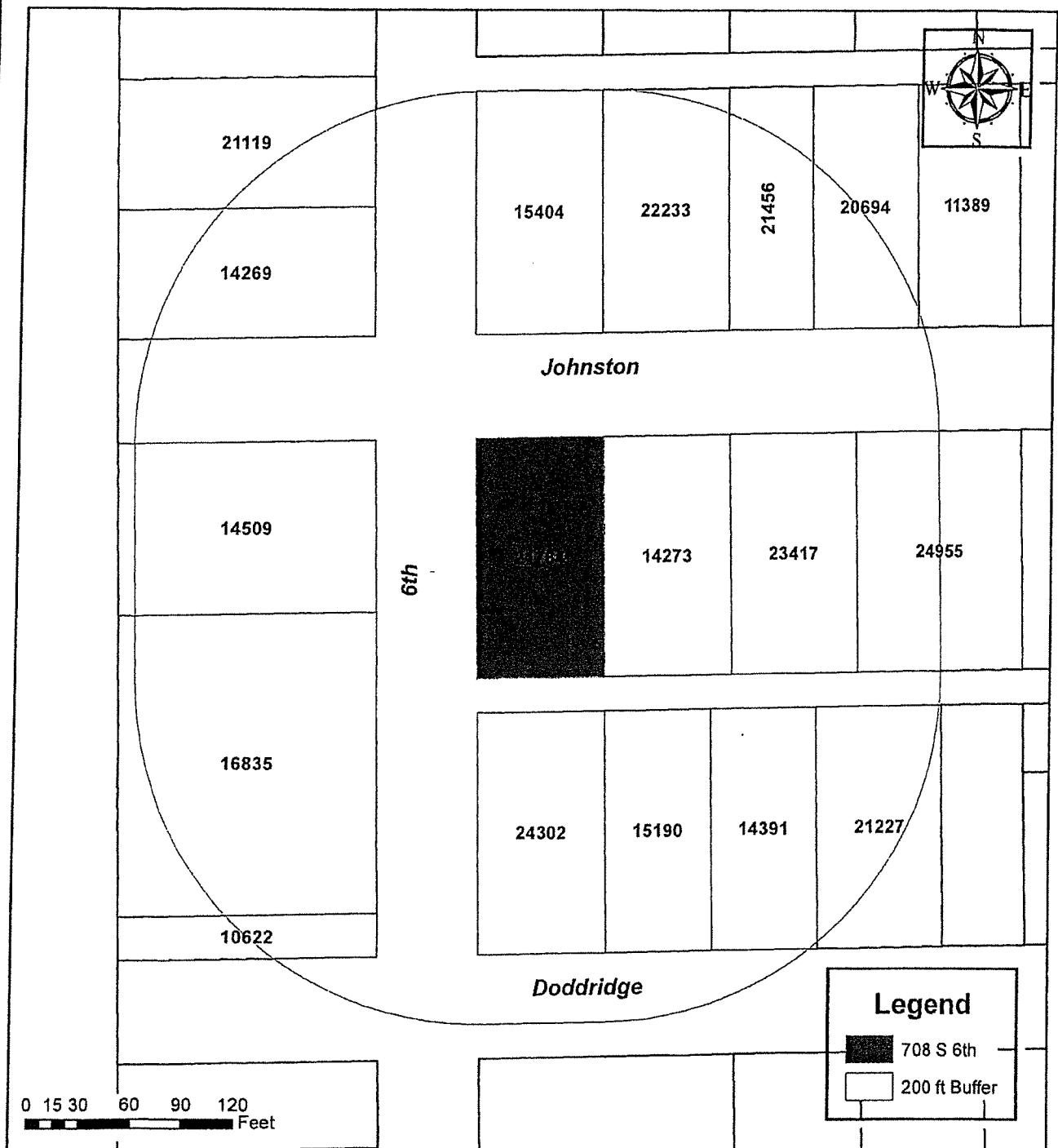
<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input checked="" 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
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Applicant's Signature: Ronald Ripps Date: \_\_\_\_\_  
Date: 4-27-21  
Date: \_\_\_\_\_

# 200 ft Buffer Map of 708 S. 6th



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

<div> <div>Page</div> <div>1 / 1</div> </div>	<div> <div>Drawn By:</div> <div>Planning Department</div> </div>	<div> <div>DISCLAIMER</div> <div>THIS MAP IS FOR VISUAL PURPOSES ONLY.</div> <div>THE INFORMATION ON THIS SHEET MAY</div> <div>CONTAIN INACCURACIES OR ERRORS.</div> <div>THE CITY OF KINGSVILLE IS NOT</div> <div>RESPONSIBLE IF THE INFORMATION CONTAINED</div> <div>HEREIN IS USED FOR ANY DESIGN,</div> <div>CONSTRUCTION, PLANNING, BUILDING,</div> <div>OR ANY OTHER PURPOSE.</div> </div>	<div> <div>CITY OF KINGSVILLE</div> <div>PLANNING DEPARTMENT</div> <div>410 West King</div> <div>Kingsville, Texas 78363</div> <div>Office: 361-595-8055</div> </div>
	<div> <div>Last Update:</div> <div>5/14/2021</div> </div>		
	<div> <div>Note:</div> <div></div> </div>		



TOMMIE D KILLION  
502 E KENEDY AVE  
KINGSVILLE, TX 78363-5665  
#21119

JASSO TRINIDAD III  
ETUX CYNTHIA G  
600 S FITZHERALD ST  
FALFURRIAS, TX 78355  
#16835

DAGOBERTO V CAVAZOS EST  
208 E JOHNSTON AVE  
KINGSVILLE, TX 78363-5555  
#22233

CAROL LYNN ROGERS  
209 E JOHNSTON AVE  
KINGSVILLE, TX 78363-5554  
#14273

CAROLYN HOEHN  
AKA CAROLYN JOHNSON  
210 E DODDRIDGE AVE  
KINGSVILLE, TX 78363-5506  
#15190

SILVA & CUMBERLAND INC  
629 S 6<sup>TH</sup> ST  
KINGSVILLE, TX 78363-5522  
#14269

JUAQUIN WRIGHT  
721 S 6<sup>TH</sup> ST  
KINGSVILLE, TX 78363  
#10622

JOSE HUGO FERNANDEZ  
214 E JOHNSTON  
KINGSVILLE, TX 78363  
#21456, 11389

JONATHAN DAVID SHEETS  
ETUX JESSICA ESTHER  
632 COUNTY ROAD 81A  
BISHOP, TX 78343-3233  
#23417

SAN JUANA ESTRADA  
228 N CR 1026  
KINGSVILLE, TX 78363  
#14391

JUAQUIN ARTURO WRIGHT  
ANNA MARIA WRIGHT  
204 E DODDRIDGE  
KINGSVILLE, TX 78363  
#14509, 24302

ARCELIA G BALBOA  
DBA SHEAR ELEGANCE  
COIFFURES SALON  
622 S 6<sup>TH</sup> ST  
KINGSVILLE, TX 78363  
#15404

JOSE B GOMEZ  
218 E JOHNSTON  
KINGSVILLE, TX 78363  
#20694

JAVIER BARBA JR  
ERICA SANCHEZ  
225 E JOHNSTON  
KINGSVILLE, TX 78363  
#24955

ERNESTO CANTU  
ETUX SULEMA CANTU  
220 E DODDRIDGE AVE  
KINGSVILLE, TX 78363-5506  
#21227

ORDINANCE 2010- 19

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A RECYCLING COLLECTION CENTER AND PLACEMENT OF A RECYCLING TRAILER AT 708 SOUTH SIXTH STREET FOR ABC RECYCLING LLC; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION;**

**WHEREAS**, the Planning and Zoning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Larry Lopez on behalf of ABC Recycling LLC for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, June 16, 2010, during a meeting of the Planning and Zoning Commission, and on Monday, June 28, 2010, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; 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 and a Special Use Permit is granted for the operation of a recycling collection center and placement of a recycling trailer for ABC Recycling LLC at 708 S. 6<sup>th</sup> Street as more specifically described on the site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for the operation of a recycling collection center and the placement of a recycling trailer for ABC Recycling LLC at 708 S. 6<sup>th</sup> Street. as more specifically describe on site plan attached as Exhibit A. ABC Recycling LLC will collect for recycling aluminum cans & scrap, brass, copper, steel and iron.

2. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of passage of this ordinance unless (a) the property is not being used by ABC Recycling LLC for the purpose outlined in Condition 1 or (b) any other conditions have not been complied with.

3. **REMOVAL OF TRAILER AND COLLECTED ITEMS:** The recycling trailer and all collected items will be removed from the site of the special use permit no later than fifteen (15) days of the expiration of the time limit.

4. MISCELANEOUS: No one shall live/reside at the property. The size of the trailer shall not be larger than 60 feet by 12 feet. Landscaping shall be installed and maintained for the duration of the special use permit. Trash pick-up shall be coordinated with the City of Kingsville Solid Waste Management Supervisor. Water and Sewer service shall be in compliance with the City of Kingsville Code of Ordinances. All City Ordinances shall be complied with. On-premises customer parking shall be made available at the site. Location of the recycling trailer must meet all location setbacks. All items collected for recycling at this collection site shall not be visible from adjacent public or private property. Screening shall be installed onto the existing chain link fence subject to review and approval of the Building Department. A landscaping plan shall be reviewed and approved by the Planning Department and all approved landscaping must be installed prior to issuance of a Certificate of Occupancy. An eight foot high fence or screen shall be installed on the rear property line adjacent to the existing residence on Johnston Street to provide screening between the proposed business and the existing residence. Hours of operation shall be within 9am to 5pm Monday through Saturday. A directional low level sign shall be installed at the corner of Johnston & 6<sup>th</sup> Streets to show customers where to enter for drop offs.

**SECTION 3.** 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 4.** 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 5.** 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.

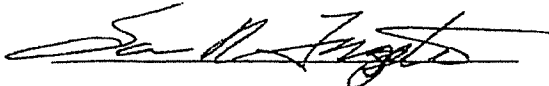
**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** 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 28<sup>th</sup> day of June, 2010.

PASSED AND APPROVED on this the 12<sup>th</sup> day of July, 2010.

THE CITY OF KINGSVILLE



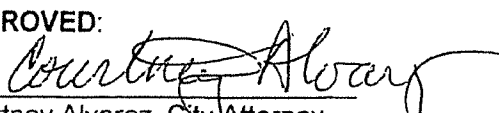
Sam R. Fugate, Mayor

Exhibit 3

ATTEST:

  
Edna Lopez, City Secretary

APPROVED:

  
Courtney Alvarez, City Attorney

EFFECTIVE DATE: July 28, 2010



## Kleberg CAD

### Property Search > 21764 RIPPS RONALD L for Year 2021

Tax Year: 2021 - Values not available

#### Property

##### Account

Property ID: 21764 Legal Description: 4TH, BLOCK 2, LOT 1-3, (ABC RECYCLING)  
 Geographic ID: 100600201001192 Zoning: C4  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

##### Location

Address: 708 S 6TH ST Mapsco:  
 Neighborhood: Map ID: C1  
 Neighborhood CD:

##### Owner

Name: RIPPS RONALD L Owner ID: 11550  
 Mailing Address: 247 TUXEDO AVE % Ownership: 100.000000000000%  
 SAN ANTONIO, TX 78209-3714  
 Exemptions:

#### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

#### Taxing Jurisdiction

Owner: RIPPS RONALD L  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CKI	CITY OF KINGSVILLE	N/A	N/A	N/A	N/A
GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI	KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A
WST	SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A

Total Tax Rate:

N/A

Taxes w/Current Exemptions:

N/A

Taxes w/o Exemptions:

N/A

**Improvement / Building**

Improvement #1: COMMERCIAL State Code: F1 Living Area: 2906.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	WH3A	EWB	1965	2416.0
MAAD	ADDN (INC W/MAIN FOR SF PRICING)	WH3A		0	490.0
ASP	ASPHALT (100%)	*		1965	1427.0

Improvement #2: COMMERCIAL State Code: F1 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	ASPHALT (100%)	*		0	5208.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.2410	10500.00	75.00	140.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$41,190	\$12,000	0	53,190	\$0	\$53,190
2019	\$29,040	\$12,000	0	41,040	\$0	\$41,040
2018	\$27,680	\$12,000	0	39,680	\$0	\$39,680
2017	\$21,600	\$12,000	0	33,600	\$0	\$33,600
2016	\$16,010	\$12,000	0	28,010	\$0	\$28,010
2015	\$16,010	\$12,000	0	28,010	\$0	\$28,010
2014	\$16,010	\$12,000	0	28,010	\$0	\$28,010
2013	\$16,010	\$12,000	0	28,010	\$0	\$28,010
2012	\$16,010	\$12,000	0	28,010	\$0	\$28,010
2011	\$16,010	\$16,120	0	32,130	\$0	\$32,130
2010	\$16,010	\$16,120	0	32,130	\$0	\$32,130
2009	\$16,010	\$16,120	0	32,130	\$0	\$32,130
2008	\$16,010	\$16,120	0	32,130	\$0	\$32,130
2007	\$16,010	\$16,120	0	32,130	\$0	\$32,130

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

Land Use Chart													
Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Wholesale office, storage, sales not elsewhere listed										P	P	P	
Climate-controlled self- storage							S		P	P	P		
Milk depot							S	S	P	P	P		
<i>Industrial and Related Uses</i>													
X Light manufacturing processes which do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and are not classified as hazardous									S	S	P	P	
Storage of sand, gravel, stone, minerals, gas, petroleum or other substances										P	S	P	
Extraction of soil, sand, gravel, stone, minerals, gas, petroleum or other substances											S	S	S



## Butcher shop brings local products to the community

By LAURA NEWMAN  
REPORTER

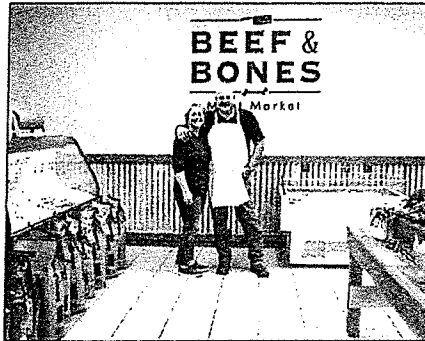
Kingsville residents finally have a place to purchase freshly butchered meats, locally grown produce, local seasonings and sauces and treats for the pup.

A family owned butcher shop, Beef and Bones, located on 14th Street between Bray's and Pizza Hut opened their doors to the public on April 15.

Owners Lorette and Charles Williams said the turn out thus far has been nothing short of amazing.

"We have been so overwhelmed by the response and we are so very grateful. In the three weeks we have been open, we have had repeat customers. It's just so nice to be able to talk to them. Lorette Williams said.

"Personally, I feel more connected to my community, owning a small business because you see people come in and you create relationships with them when you may have never had that opportunity—that to me is the most exciting thing."



### Beef & Bones now open

Charles and Lorette Williams, owners of Beef and Bones, opened the doors to the only butcher shop in Kingsville on April 15. They sell everything from meats to homemade dog treats. (Photo by Laura Newman)

Charles Williams was born in Kingsville, but grew up in the Valley. He came back from the Valley to Kingsville more than 20 years ago.

Williams spent more than 20 years in the oil and gas industry until he was laid off due to the

COVID-19 Pandemic.

Williams continued to look for a job in the oil and gas industry, but did not have any success finding a job.

He and his wife decided to try something different. When Williams was younger, he was a

butcher and it was something he has always enjoyed doing—along with cooking and learning about different meats.

While Charles and Lorette Williams are both the owners, Charles Williams is mainly running the shop.

Lorette Williams is an Executive Director of Communications and Marketing at Del Mar College, but spends her free time on the weekends helping out at the shop.

Beef and Bones is open from 10 a.m. to 6 p.m. Tuesday through Saturday and they sell everything from meats to dog treats—hence their name.

Customers have a variety of different cuts of meats to choose from, locally grown produce, Texas based seasonings and sauces and even treats for the pups.

Buck and Belle's Corner is where customers can find items for their pups, such as homemade treats, custom made dog bowl stands and beds. The corner is named after their dogs, Buck and Belle.

The idea and goal for this shop is to provide local products to the community. As of right now, the meats come from different sources, but are mainly North Dakota and Iowa cattle.

However, the Williams are currently looking into

getting locally grown cattle for their shop. Produce is locally grown and they plan to continue to partner with local farmers to bring in their produce.

All sauces and seasonings are Texas based, but most of them are from the Valley area. The dog bowl stands and beds are hand crafted right here in Kingsville.

Lorette Williams said people have even come in and made request on certain items and they have been able to stock their shelves with those items.

Charles Williams said the community has been supportive and he has even been told by their customers how much they appreciate them being in town.

"I'm grateful for the city's response to our store, we have had several hundred customers and I have not experienced one customer that has been difficult to deal with," Charles Williams said.

"They are just grateful and supportive and it makes our jobs easier, especially as new business owners."

## Commissioner's approve Vietnam Wall to come to Kingsville

By LAURA NEWMAN  
REPORTER

Sheriff Richard Kirkpatrick presented the reclassification of the

Captain position to the Kleberg County Commissioners Court at Monday afternoon's meeting. Kirkpatrick wants to

reclassify the Captain position to an Assistant Chief Jail Administrator, who will oversee and help run the jail. The salary will remain

the same for this position.

The Sheriff's Department is in search of a candidate to fill this position after the passing of Capt. Alberto Castillo. Kirkpatrick said the candidate must have a

minimum of three years working in the jail.

Commissioner's also approved to bring the Vietnam Wall to Kingsville and allow Commissioner Jerry Martinez to seek donations for this project. The Viet-

nam Wall project will cost more than \$4,500. The Vietnam Wall has enough names to circle around the courthouse.

Martinez said there are names from Korean War, Afghanistan, Iraq and September 11

**Congratulations**

**Javelina CLASS OF 2021**

**TEXAS A&M UNIVERSITY KINGSVILLE**

**COLDWELL BANKER HOMESTEAD PROPERTIES, INC.**

**Let's make it happen.**

515 E. King Ave • Kingsville, Tx  
(361) 592-4343

**PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 2, 2021 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Saul Figueroa, applicant; Ronald Ripps owners requesting a Special Use Permit for Light manufacturing processes which do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and are not classified as hazardous use (Recycling Center) at 4TH, BLOCK 2, LOT 1-3 also known as 708 South 6th Street, Kingsville, Texas.

The meeting will be held at City Hall, 100 West King, Kingsville, Texas in the Helen Kleberg Greer Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

**PUBLIC HEARING NOTICE**

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 14, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

Saul Figueroa, applicant; Ronald Ripps owners requesting a Special Use Permit for Light manufacturing processes which do not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the ambient level and are not classified as hazardous use (Recycling Center) at 4TH, BLOCK 2, LOT 1-3 also known as 708 South 6th Street, Kingsville, Texas.

The meeting will be held at City Hall, 100 West King, Kingsville, Texas in the Helen Kleberg Greer Community Room. If you have any questions about the items on the agenda, please contact the City Secretary at (361) 595-8002.

**ORDINANCE 2021-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR LIGHT MANUFACTURING PROCESSES WHICH DOES NOT EMIT DETECTABLE DUST, ODOR, FUMES, OR GAS BEYOND THE BOUNDARY OF THE PROPERTY OR NOISES ABOVE THE AMBIENT LEVEL AND IS NOT CLASSIFIED AS HAZARDOUS USE (RECYCLING CENTER) AT 4<sup>TH</sup>, BLOCK 2, LOT 1-3, ALSO KNOWN AS 708 SOUTH 6<sup>TH</sup> STREET, KINGSVILLE; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Saul Figueroa (applicant), Ronald Ripps (owner), for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned C4-Commercial District and it is desired for the area to be used for a Light Manufacturing process which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the acceptable ambient level and is not classified as hazardous use (recycling center), while its prior use was a recycling center with a special use permit;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in C4 a special use permit is required to have a Light Manufacturing process which does not emit detectable dust, odor, fumes, or gas beyond the boundary of the property or noises above the acceptable ambient level and is not classified as hazardous use as listed on the SUP application; and

**WHEREAS**, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, June 2, 2021, during a meeting of the Planning Commission, and on Monday, June 14, 2021, a public hearing was held during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning and Zoning Commission voted 5-1 to APPROVE, with 0 abstentions and 0 absent, the requested special use permit with special conditions; 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 and a Special Use Permit is granted for the operation of a recycling collection center and placement of a recycling trailer for Kingsville Recycling at 708 S. 6<sup>th</sup> Street as more specifically described on the site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for the operation of a recycling collection center and the placement of a recycling trailer for Kingsville Recycling at 708 S. 6<sup>th</sup> Street. as more specifically describe on site plan attached as Exhibit A. Kingsville Recycling will collect for recycling aluminum cans & scrap, brass, copper, steel and iron.

2. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of passage of this ordinance unless (a) the property is not being used by Kingsville Recycling for the purpose outlined in Condition 1 or (b) any other conditions have not been complied with.

3. **REMOVAL OF TRAILER AND COLLECTED ITEMS:** The recycling trailer and all collected items will be removed from the site of the special use permit no later than fifteen (15) days of the expiration of the time limit.

4. **MISCELANEOUS:** No one shall live/reside at the property. The size of the trailer shall not be larger than 60 feet by 12 feet. Landscaping shall be installed and maintained for the duration of the special use permit. Trash pick-up shall be coordinated with the City of Kingsville Solid Waste Management Supervisor. Water and Sewer service shall be in compliance with the City of Kingsville Code of Ordinances. All City Ordinances shall be complied with. On-premises customer parking shall be made available at the site. Location of the recycling trailer must meet all location setbacks. All items collected for recycling at this collection site shall not be visible from adjacent public or private property. Screening shall be installed onto the existing chain link fence subject to review and approval of the Planning Department. A landscaping plan shall be reviewed and approved by the Planning Department and all approved landscaping must be installed prior to issuance of a Certificate of Occupancy. An eight foot high fence or screen shall be installed on the rear property line adjacent to the existing residence on Johnston Street to provide screening between the proposed business and the existing residence. Hours of operation shall be within 9am to 5pm Monday through Saturday. A directional low level sign shall be installed at the corner of Johnston & 6<sup>th</sup> Streets to show customers where to enter for drop offs.

**SECTION 3.** 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 4.** 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 5.** 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 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** 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 14th day of June, 2021.

**PASSED AND APPROVED** on this the 28th day of June, 2021.

**THE CITY OF KINGSVILLE**

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Sam R. Fugate, Mayor

**ATTEST:**

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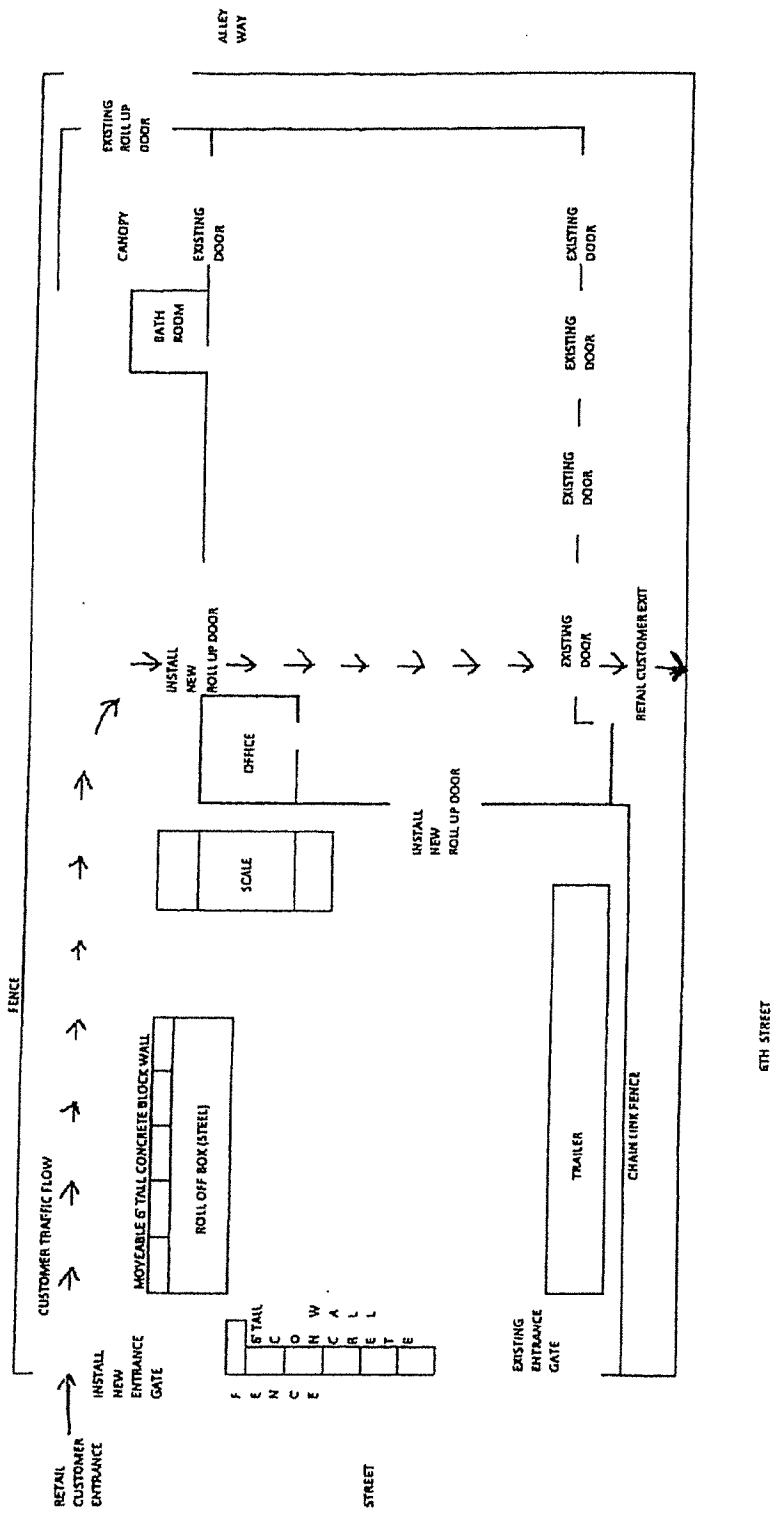
Mary Valenzuela, City Secretary

**APPROVED:**

---

Courtney Alvarez, City Attorney

Exhibit A



## **AGENDA ITEM #2**

**City of Kingsville  
Police Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: June 12, 2020

SUBJECT: Request for Application BJA Southwest Border Rural Law Enforcement Assistance Program

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**Summary:**

The police department is requesting a resolution for application and acceptance of BJA Southwest Border Rural Law Enforcement Assistance Program.

**Background:**

The Mexico–United States border, known as the southwest border (SWB), extends nearly 2,000 miles, is the tenth-longest border between two countries in the world, and is the most frequently crossed. State, local, and tribal law enforcement agencies located in the SWB face limited staffing and resources while also having to traverse a variety of terrains—from rural areas to deserts—in order to enforce immigration rules, prevent violent crime, and protect the safety of U.S. citizens. The Bureau of Justice Assistance (BJA) SWB Rural Law Enforcement Assistance Program is an innovative new initiative designed to provide resources to small, rural, and tribal law enforcement agencies, located in one of the SWB states of Arizona, California, New Mexico, or Texas. The goal of this effort is to help these agencies address precipitous increases of all types of crime unique to this region, including human trafficking, sexual assaults, extortion, gang activity, murder, drug trafficking, unique local issues, and other forms of violent crime.

Awards under this initiative must meet at least one of the following five program purposes:

- Improve the agency's investigative, intelligence, and/or interdiction capabilities.
- Enhance information sharing, including investigative and intelligence data sharing with other agencies.
- Enable agencies to participate in projects across the Southwest Border states.
- Assist in projects/initiatives unique to an agency or its region.
- Improve dedicated communications capabilities.



**City of Kingsville  
Police Department**

Items normally provided by a law enforcement agency in the course of its mission are not included in this program; for example, vehicles, weapons, uniforms, radios, and other standard-issue items. Agencies are guided to request funding only for the specific amount needed to obtain the requested item(s) and the costs should be reasonable. Requests cannot exceed \$150,000 per agency. For as long as funding is available, agencies may submit one or more application—however, the combined requested amount cannot exceed the \$150,000 cap. For example, the total amount a group of interdiction teams under one law enforcement agency can request combined is \$150,000 for the entire agency.

**Financial Impact:**

Purchase of 2 Camera ALPR Message Board Trailer including associated hardware, software, shipping and services. Contract# GS-07F-0031W (GSA)

***Total Cost \$61,184.77***

Rapiscan Systems (Itemizer 4DN)

***Total Cost: \$21,963.11***

(2) Two Ranger Crew XP 1000 Premium , Steel Blue-49 State  
Contract# 051717-PSI (Sourcewell)

***Total Cost: \$59,610.54***

Harris XG-75 Mobile, Scan Model Remote Mount 764/870MHz  
P25 Trunking, EDACS Trunking radios @\$3,535.56 per unit

***Total Cost: \$7071.12***

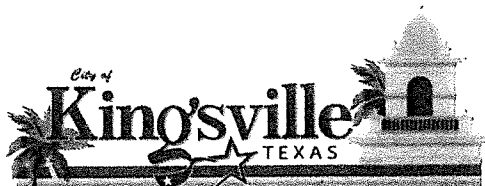
**Program Grand Total \$149,829.54**

This grant does not have a cash match, but we do have recurring costs associated with the equipment. The Intelligence Led Policing "ILP" Package which includes commercial data (\$11,750.00) and the CLK fees for each camera (\$525) would be recurring annually.

***Recurring Cost: \$13,325.00***

**Recommendation:**

We request approval to apply for, administer and purchase the equipment when approved. Thank you for your assistance regarding this matter.





RESOLUTION #2020- 48

**A RESOLUTION AUTHORIZING PARTICIPATION IN SOUTHWEST BORDER RURAL LAW ENFORCEMENT INFORMATION SHARING AND INTERDICTION ASSISTANCE GRANTS FY2020 WITH THE US DEPARTMENT OF JUSTICE (DOJ) BUREAU OF JUSTICE ASSISTANCE (BJA) FOR SOFTWARE AND EQUIPMENT FOR THE KINGSVILLE POLICE DEPARTMENT; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to the DOJ, Office of Justice Programs, BJA for the FY20 Southwest Border Rural Law Enforcement Sharing and Interdiction Assistance Grant for grant monies for software and equipment for law enforcement personnel; and

**WHEREAS**, the BJA Program FY2020 has funding to provide for the cost of software and equipment for law enforcement personnel via a grant to local law enforcement agencies; and

**WHEREAS**, the BJA is providing grants through funding from DOJ's Office of Justice Programs FY2020; and

**WHEREAS**, there is no cash match for the BJA Grant Program grant application; and

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

**WHEREAS**, the City of Kingsville has previously applied for other grants that assist with improved officer safety and to reduce crime; and

**WHEREAS**, the City Commission of the City of Kingsville designates the City Manager as the grantee's authorized official and the Kingsville Police Chief as his/her designee, who has the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

I.

**THAT** the City authorize the Kingsville Police Department through the Chief of Police to participate in the BJA FY20 Southwest Border Rural Law Enforcement Sharing and Interdiction Assistance Grant and to seek funding for law enforcement personnel software and equipment to assist with efforts to reduce violent crime, including drug-related crime and human trafficking in conformance with this program.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to BJA FY20 Southwest Border Rural Law Enforcement Sharing and Interdiction Assistance Grant including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

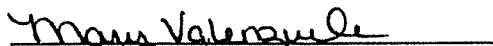
III.

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


**PASSED AND APPROVED** by a majority vote of the City Commission on the 22nd day of June, 2020.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

**Subaward Agreement**  
*between the*  
**City of Kingsville on behalf of the Kingsville Police Department**  
*and the*  
**Institute for Intergovernmental Research (IIR)**  
*in the*  
**Southwest Border Rural Law Enforcement Assistance Program**

This Subaward Agreement (*Agreement*) is entered into as of the 23rd day of April 2021, by and between the Institute for Intergovernmental Research (*IIR*) and the City of Kingsville on behalf of the Kingsville Police Department (*KPD*). Funds have been allocated to *IIR* under Catalog of Federal Domestic Assistance (CFDA) Number 16.738 (Edward Byrne Memorial Justice Assistance Grant Program) by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), in federal Cooperative Agreement Award Number 2019-MU-BX-K002, Southwest Border Rural (SWB) Law Enforcement Training and Technical Assistance, to provide needed resources to small, rural, and tribal law enforcement agencies in the Southwest Border region. The following terms and conditions govern this *Agreement*:

- a. The term of this *Agreement* is for the time period from April 23, 2021, to June 30, 2022. Either party may withdraw by delivering ten days' written notice to the other party of its intent to withdraw from this *Agreement*.
- b. *KPD* agrees to perform the tasks mutually agreed upon and identified in the Project Plan at Attachment A. *IIR* agrees to pay *KPD* on a reimbursement basis for actual costs incurred as described in the attached Project Plan, up to a total amount not to exceed \$83,147.88.
- c. All financial transactions conducted under this *Agreement* will be in compliance with applicable federal financial guidelines, rules, and regulations.
- d. *KPD* will invoice *IIR* for agreed-upon allowable costs incurred during the invoice period. Only costs incurred in the subaward period and applicable to the project as outlined in the Project Plan in Attachment A will be allowable. Any indirect costs charged must be consistent with either an Indirect Cost Negotiated Agreement with a federal agency or other indirect cost allocation plan/rate in accordance with 2 Code of Federal Regulations (CFR) Part 200. Invoices should include appropriate backup documentation and should be submitted no more frequently than monthly. Appropriate backup documentation includes all necessary documentation to support claims made on invoices. *IIR* shall pay *KPD*'s invoice within 30 days after submission and *IIR*'s review and approval. However, if *IIR* is unable to draw funds from BJA on the associated award due to issues beyond *IIR*'s control, invoice payment may exceed the 30 days.
- e. *KPD* must invoice *IIR* for allowable expenses incurred pursuant to this *Agreement* within 30 days of the expiration of this *Agreement*. Invoices submitted after 30 days of the expiration of this *Agreement* may not be paid, due to requirements associated with federal funding availability.

- f. If there are changes or delays in project implementation or scope, *KPD* will provide a status report to *IIR* summarizing the related issues and progress (activity) to date. *IIR* will submit any requests for a change in scope to BJA for consideration and approval. *IIR* may request additional activity/progress reports during the term of this *Agreement*.
- g. At project completion, *KPD* will complete and submit to *IIR* a post-implementation evaluation, provided by *IIR*. *IIR* may require additional information for the evaluation as may be necessary to allow *IIR* to fulfill its federal reporting requirements.
- h. *KPD* certifies that any services/activities funded through this subaward will be performed by qualified personnel in a workmanlike manner and in accordance with the requirements set forth in this *Agreement*. *KPD* certifies that it will use reasonable care and skill to efficiently and effectively perform the services required to complete the Project Plan.
- i. *KPD* certifies that all personnel participating in this program, such as those receiving and implementing equipment and/or utilizing resources acquired through this subaward, are United States citizens or are fully and legally authorized to work in the United States. *KPD's* failure to comply with the foregoing is grounds for immediate termination of this *Agreement* by *IIR*.
- j. In executing this *Agreement*, *KPD* represents that it is fully capable of meeting the requirements of this *Agreement* and is not aware of any pending or potential restrictions that would make it unable to comply with those requirements.
- k. The following attachments/information are hereby incorporated by reference and made a part hereof:
  - Attachment A – Project Plan
  - Attachment B – Additional Provisions
  - Attachment C – Breach of Personally Identifiable Information Procedures
  - Attachment D – Federal Funding Accountability and Transparency Act (FFATA) Subcontractor Reporting Data Sheet
  - Attachment E – Award Continuation Sheet (Special Conditions) to Cooperative Agreement 2019-MU-BX-K002
  - Attachment F – SWB Rural Law Enforcement Assistance Program Overview
  - *KPD's* response to the solicitation

Remainder of this page intentionally left blank

Each individual signing this *Agreement* directly and expressly warrants that he/she has been given and has received and accepted authority to sign and execute the *Agreement* on behalf of the party for whom it is indicated he/she has signed, and further has been expressly given and received and accepted authority to enter into a binding agreement on behalf of such party with respect to the matters contained herein and as stated herein.

*Accepted:*

*Ricardo Torres*

---

City of Kingsville  
Kingsville Police Department

*Accepted:*

*Gina Hartsfield*

---

Gina Hartsfield, President and CEO  
Institute for Intergovernmental Research

Ricardo Torres, Chief of Police

---

Printed Name and Title

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO EXPEND GRANT FUNDS FROM BJA-2021 SOUTHWEST BORDER RURAL AND TRIBAL ASSISTANCE PROGRAM FOR (2) AUTOMATED LICENSE PLATE PACKAGES AND A RAPISCAN DETECTION UNIT.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 114 – SWB Rural &amp; Tribal Assistance Grant</b>					
<u>Revenues-4</u>					
0000	Non Dept	Federal Grant	72005	\$83,147.88	
<u>Expenditures-5</u>					
2100	Police	Machinery & Equipment	71200	\$83,147.88	

[To amend the City of Kingsville FY 20-21 Budget to expend grant funds from BJA-2021 Southwest Border Rural and Tribal Assistance Program for (2) automated license plate packages and a Rapiscan detection unit. Funding will come from the grant funding provided.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 14th day of June 2021.

**PASSED AND APPROVED** on this the 28th day of June 2021.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #3**



**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: June 14, 2021

SUBJECT: Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget for Wastewater and Drainage Improvements.

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**Summary:**

The City has recently received multiple grants and 0% loans for wastewater and drainage improvement through the Texas Water Development Board and Texas General Land office. The local match, grants and loans are as follows:

*Texas Water Development Board*

Fund 116 – Drainage Master Plan Location 7 Improvements Project #40135

\$ 602,000	Total Grant
\$ 754,000	Total Loan
<u>\$ 44,000</u>	<u>Local Match</u>
\$1,400,000	Total Project

Fund 117 – Drainage Master Plan Location 1 Improvements Project #40142

\$ 602,000	Total Grant
\$ 754,000	Total Loan
<u>\$ 44,000</u>	<u>Local Match</u>
\$1,400,000	Total Project

Fund 118 – Drainage Master Plan Location 3 Improvements Project #40143

\$ 645,000	Total Grant
\$ 811,000	Total Loan
<u>\$ 44,000</u>	<u>Local Match</u>
\$1,500,000	Total Project



**City of Kingsville  
Engineering Dept.**

Fund 119 – Drainage Master Plan Location 4 Improvements Project #40144

\$817,762	Total Grant
\$1,038,238	Total Loan
\$44,000	Local Match
\$1,900,00	Total Project

*Texas General Land Office*

Fund 113 – City-wide Wastewater Collection System

\$5,898,547	Construction
\$884,782	Engineering
\$583,449	Administration
\$73,668	Local Match
\$7,293,110	Total Project

Fund 122 – GLO Mitigation

\$30,000,00	Construction
\$4,500,000	Engineering
\$2,178,716	Administration
\$366,787	Local Match
\$36,311,929	Total Project

**Financial Impact:**

Fund 068 has a balance of \$1,266,174.97 and will be used to cover the grant's cash matches which total \$616,455.00.

**Recommendation:**

Staff recommends approval of the Budget Amendment.

**Attachments:**

None



# Texas Water Development Board

Fund 116

## PROJECT FUNDING REQUEST

**BOARD DATE:** April 22, 2021

**PRESENTED BY:** Mireya Loewe

### ACTION REQUESTED

Approve by resolution a request from the City of Kingsville (Kleberg County) for \$1,356,000 in financial assistance consisting of \$754,000 in financing and \$602,000 in grant from the Flood Infrastructure Fund for planning, design, and construction of a flood management project.

### PROJECT NAME AND NUMBER

Drainage Master Plan – Location 7 Improvements, Project Number 40135

### STAFF RECOMMENDATION

☒ Approve ☐ No Action

### BACKGROUND

Passed by the 86<sup>th</sup> Texas Legislature and approved by the voters through a constitutional amendment, the Flood Infrastructure Fund (FIF) program was created to provide funding for flood mitigation projects. The purpose of the FIF, as outlined in Senate Bill 7 was to assist in financing drainage, flood mitigation, and flood control projects. FIF projects to be presented for consideration have been scored and ranked utilizing a prioritization criteria outlined in Texas Administrative Code Title 31 § 363.404 and further identified in the Flood Intended Use Plan. The prioritized list of projects was approved by the Board on September 17, 2020.

The City of Kingsville (City) is the seat of Kleberg County, approximately 41 miles southwest of Corpus Christi, Texas. The City has a population of approximately 25,400.

### PROJECT NEED AND DESCRIPTION

Heavy rainfalls create flooding problems in several locations within city limits. The drainage basin known as Location 7, is approximately 45 acres, is fully developed, and includes approximately 85 homes. The area drains into Escondido Creek, which is located approximately 3,500 feet north. Based on a 2018 drainage study, the current drainage infrastructure does not meet a 2-year storm event. Both the stormwater system and the road channels are undersized. This creates high-water problems near homes and flooding along Pasadena Drive and adjacent streets, particularly near the North and South Pasadena St. intersection.

The proposed project will be located within the Location 7 drainage basin and will relieve drainage issues along Pasadena Drive and in Glover Park Subdivision in the southwest side of the City. It includes upsizing approximately 1,600 linear feet (LF) of stormwater drainage system, adding 17 curb inlets, and completing 2,900 LF of channel excavation to improve flow hydraulics. Based on the drainage study, the City anticipates the proposed channel and stormwater system improvements will reduce street flooding by approximately 30 percent during a 10-year storm event.

<b>COMMITMENT PERIOD: SIX (6) MONTHS TO EXPIRE OCTOBER 31, 2021</b>
---

## PROJECT SCHEDULE

Task	Schedule Date
Closing	July 5, 2021
Engineering Feasibility Report Completion (End of Planning Phase)	November 29, 2021
Design Phase	February 28, 2022
Start of Construction	May 31, 2022
Construction Completion	March 31, 2023

## KEY ISSUES

The City's project is eligible under Category 2 of the 2020 Flood Intended Use Plan. This category of funding was designed for planning, acquisition, design, and construction activities to implement flood mitigation projects. Category 2 projects are eligible to receive up to 70 percent in grant funding. Recipients of financial assistance may either use their own available funds or borrow FIF funds at zero percent for any portion of the required local share not provided through FIF grant funds.

The City qualified for a \$602,000 grant under the FIF equal to 43 percent of the total project cost of \$1,400,000. The remaining 57 percent will be funded through a \$44,000 cash contribution by the City and \$754,000 in FIF financing.

The City submitted three additional FIF Category 2 applications. The requests are included on this agenda and in the financial analysis presented in Attachment 1. In addition, the four funding requests have been combined into a single resolution presented in Attachment 3.

Project No.	Grant Amount	Financing Amount	Local Funds	Total Project Cost
40135	\$ 602,000	\$ 754,000	\$ 44,000	\$ 1,400,000
40142	\$ 602,000	\$ 754,000	\$ 44,000	\$ 1,400,000
40143	\$ 645,000	\$ 811,000	\$ 44,000	\$ 1,500,000
40144	\$ 817,000	\$ 1,039,000	\$ 44,000	\$ 1,900,000
<b>Totals</b>	<b>\$ 2,666,000</b>	<b>\$ 3,358,000</b>	<b>\$ 176,000</b>	<b>\$ 6,200,000</b>

## LEGAL

### Special Conditions

- Executed Grant Agreement
- Demonstration of local contribution

### Attachments:

1. Financial Review
2. Project Budget
3. Resolution (21- )
4. Location Map

# Financial Review

## City of Kingsville

Risk Score: 2A

### Key Indicators

Indicator	Result	Benchmark
Population Growth, Average Annual 2010-2019	County: -0.39%	State: 1.24%
Top 10 Customers of the System	22%	<10-15%
Median Household Income Index %	64%	100%
Days of Cash on Hand (3-year Average)	413 days	30-149 days
Cash Balance Ratio	6%	0 – 9%
Debt Service Coverage Ratio	1.49x	1.0x
Debt-to-Operating Revenues	1.15x	4.00-5.99x
Unemployment Rate (December)	7.7%	6.7%

### Key Risk Score Strengths

- Debt to operating revenues are low due to the City's high revenues and low debt. The City has ample room to take on future debt as necessary.
- Days cash of hand is above the benchmark showing the City's ability to handle surges in short-term liabilities.
- Although the interest and sinking tax is projected to increase, this is primarily due to the increase in the City's current debt over the next two years. The proposed debt is projected to be repaid solely with utility revenues.

### Key Risk Score Concerns

- The City's top 10 customers are higher than the benchmark with its top customer, Texas A&M University - Kingsville, accounting for 9.3 percent of total system revenues, which projects a slight concentration risk.
- The City's unemployment is above the benchmark, although there were no major layoffs of note from its top 10 employers.

### PLEDGE

Legal Pledge Name	Ad valorem tax and subordinate lien revenue
Type of Pledge	<input type="checkbox"/> Tax <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Tax & Revenue <input type="checkbox"/> Contract <input type="checkbox"/> Other
Revenue Pledge Level	<input type="checkbox"/> First <input checked="" type="checkbox"/> Second <input type="checkbox"/> Third <input type="checkbox"/> N/A

### RATES AND CHARGES

Average Residential Use	Gallons/Month	Current Rates	Projected Rates	Current Household Cost Factor	Projected Household Cost Factor
WATER	6,540	\$29.82	\$29.82	1.81%	1.81%
WASTEWATER	5,903	\$27.98	\$27.98		

**TAXES**

	2020 Tax Year Rate	Max Projected Tax Rate (2023)	Maximum Allowable Rate	3-Year Avg Current Tax Collections	Assessed Valuation
Maintenance & Operation	\$0.700	\$0.700	\$2.50	96%	\$913,258,576
Interest & Sinking	\$0.151	\$0.165			
Total Tax Rate	\$0.851	\$0.864			

**Cost Savings**

Based on a 30-year maturity schedule and current interest rates, the City could save approximately \$1,623,824 over the life of the financing. The City is also saving \$602,000 in grant funding.

**Project Data Summary**

<b>Responsible Authority</b>	Kingsville
<b>Program</b>	FLOOD
<b>Commitment Number</b>	G1001338, L1001337
<b>Project Number</b>	40135
<b>List Year</b>	2020
<b>Type of Pledge</b>	Combo Tax and Revenue
<b>Pledge Level (if applicable)</b>	Second Lien
<b>Legal Description</b>	\$602,000 City of Kingsville, Texas Grant Agreement, \$3,358,000 City of Kingsville, Texas Combination Tax and Revenue Certificates of Obligation, Proposed Taxable Series 2021
<b>Tax-exempt or Taxable</b>	Taxable
<b>Refinance</b>	No
<b>Outlay Requirement</b>	Yes
<b>Disbursement Method</b>	Escrow
<b>Outlay Type</b>	Outlay = Escrow Release
<b>Qualifies as Disadvantaged</b>	No
<b>Financial Managerial &amp; Technical Complete</b>	N/A
<b>Phases Funded</b>	Planning, Design, and Construction
<b>Pre-Design</b>	Yes
<b>Project Consistent with State Water Plan</b>	N/A
<b>Water Conservation Plan</b>	N/A
<b>Overall Risk Score</b>	2A

**PROJECT TEAM**

<b>Team Manager</b>	<b>Financial Analyst</b>	<b>Engineering Reviewer</b>	<b>Environmental Reviewer</b>	<b>Attorney</b>
Mireya Loewe	Tyrone Alcorn	Dennis Newman	Lauren Dill	Joe Reynolds

ORDINANCE NO. 2021-\_\_\_\_\_

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO TRANSFER CASH MATCH FUNDS ON THE (4) TEXAS WATER DEVELOPMENT BOARD PROJECTS AND THE (2) TEXAS GENERAL LAND OFFICE GRANTS FOR CITY-WIDE WASTEWATER COLLECTION SYSTEM & DRAINAGE SYSTEM IMPROVEMENTS.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 068 – CO Series 2013 - Drainage</b>					
<u>Expenditures-5</u>					
6900	Transfers	Transfer to Fund 113	80113	\$73,668.00	
6900	Transfers	Transfer to Fund 116	80116	\$44,000.00	
6900	Transfers	Transfer to Fund 117	80117	\$44,000.00	
6900	Transfers	Transfer to Fund 118	80118	\$44,000.00	
6900	Transfers	Transfer to Fund 119	80119	\$44,000.00	
6900	Transfers	Transfer to Fund 122	80122	\$366,787.00	
<b>Fund 113 – City Wide Wastewater Collection System Improvements</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$73,668.00	
<b>Fund 116 – Drainage Master Plan Location #7 – Project #40135</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$44,000.00	
<b>Fund 117 – Drainage Master Plan Location #1 – Project #40142</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$44,000.00	



Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 118 – Drainage Master Plan Location #3 – Project #40143</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$44,000.00	
<b>Fund 119 – Drainage Master Plan Location #4 – Project #40144</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$44,000.00	
<b>Fund 120 – General Land Office Hurricane Harvey Mitigation Grant</b>					
<u>Revenues-4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$366,787.00	

[To amend the City of Kingsville FY 20-21 Budget to transfer the cash match on the (4) Texas Water Development Board Projects and the (2) Texas General Land Office Grants for City-Wide Wastewater Collection System & Drainage System Improvements. The Funding will come from the unappropriated fund balance of the CO Series 2013 for drainage Fund 068.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 14th day of June 2021.

**PASSED AND APPROVED** on this the 28th day of June 2021.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

RESOLUTION #2021-\_\_\_\_\_

RESOLUTION BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS  
AUTHORIZING EXECUTION OF GRANT AGREEMENTS WITH THE TEXAS WATER  
DEVELOPMENT BOARD

WHEREAS, the City of Kingsville, Texas (the "City") has previously submitted applications to the Texas Water Development Board for financial assistance to fund certain drainage projects of the City;

WHEREAS, the Texas Water Development Board made a commitment to provide financial assistance for TWDB Project No. 40135 in the form of a loan in the amount of \$754,000 and a grant in the amount of \$602,000, and for TWDB Project No. 40142 in the form of a loan of \$754,000 and a grant in the amount of \$602,000, and for TWDB Project No. 40143 in the form of a loan of \$811,000 and a grant in the amount of \$645,000, and for TWDB Project No. 40144 in the form of a loan of \$1,039,000 and a grant in the amount of \$817,000 to the City to finance the drainage projects upon execution of respective agreements; therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

SECTION 1. Approval of Agreements. The agreements setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City are approved and the City's Designated Representatives identified below are authorized to execute the agreements on behalf of the City.

SECTION 2. Authorization for Execution. The City Commission of the City hereby authorizes the City Manager, or the Mayor of the City, each a Designated Representative of the City, to execute one or more agreements with the Texas Water Development Board for TWDB Project Nos. 40135, 40142, 40143, 40144.

SECTION 3. Effective Date. This Resolution shall become effectively immediately after its adoption.

PASSED AND APPROVED, this the 28th day of June, 2021.

ATTEST: By: /s/ Mary Valenzuela  
City Secretary

By: /s/ Sam R. Fugate  
Mayor

(Seal)

# **AGENDA ITEM #5**

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ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF KINGSVILLE, TEXAS COMBINATION TAX AND SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2021"; APPROVING THE TERMS OF A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; AND MAKING OTHER PROVISIONS REGARDING THE CERTIFICATES AND OTHER MATTERS RELATED THERETO

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**ORDINANCE NO. 2021-\_\_\_\_\_**

**ORDINANCE AUTHORIZING THE ISSUANCE OF “CITY OF KINGSVILLE, TEXAS COMBINATION TAX AND SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2021”; APPROVING THE TERMS OF A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE, A PAYING AGENT/REGISTRAR AGREEMENT AND AN ESCROW AGREEMENT; AND MAKING OTHER PROVISIONS REGARDING THE CERTIFICATES AND OTHER MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville (the “Issuer” or the “City”) deems it advisable to issue Certificates of Obligation hereinafter described (the “Certificates”) for the purposes specified in Section 1 hereof;

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to the Certificate of Obligation Act of 1971, Section 271.041 et seq, Texas Local Government Code, as amended (the “Act”);

WHEREAS, the City Commission has heretofore, on May 10, 2021 passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates, which notice has been duly published in the *Kingsville Record*, which is a newspaper of general circulation in the City, in its issues of May 13, 2021, and May 20, 2021, the date of the publication being at least 45 days prior to the tentative date stated in the notice for passage of this Ordinance;

WHEREAS, the City has received no petition from the qualified electors of the City protesting the issuance of the Certificates; and

WHEREAS, it is hereby determined that the terms of the Certificates as hereafter provided are the most reasonably available and advantageous and are in the best interest of the City;

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

**Section 1. Authorization of the Certificates.** There is hereby authorized to be issued and delivered, a series of certificates of obligation of the City, to be known as “CITY OF KINGSVILLE, TEXAS COMBINATION TAX AND SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2021” (the “Certificates”), in the original aggregate principal amount of \$3,358,000 for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, purchasing, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City-owned public property, including: (1) drainage projects; and (2) the payment of contractual obligations for professional services in connection therewith (to-wit: consulting, engineering, financial advisory, and legal).

**Section 2. Date, Denominations, Numbers, and Maturities of the Certificates.** The Certificates shall be dated as of July 15, 2021 (the “Dated Date”) shall be in denominations of \$1,000 each or any integral multiple thereof, shall be numbered I-1 for the Initial Certificate and consecutively from R-1 upward for the definitive certificates and shall mature on August 1 in each of the years as provided below unless theretofore called for redemption prior to maturity in accordance with the provisions of the Form of the Certificates contained in Section 3 hereof, and the Certificates shall bear



interest at the rates per annum shown below from the initial date of delivery and payable on August 1, 2022 and on each February 1 and August 1 thereafter through the respective maturity date or earlier redemption, to wit:

<u>Years of Stated Maturity August 1</u>	<u>Principal Installment (\$)</u>	<u>Interest Rate (%)</u>	<u>Years of Stated Maturity August 1</u>	<u>Principal Installment (\$)</u>	<u>Interest Rate (%)</u>
2022	\$111,000	0%	2037	\$112,000	0%
2023	111,000	0%	2038	112,000	0%
2024	111,000	0%	2039	112,000	0%
2025	111,000	0%	2040	112,000	0%
2026	111,000	0%	2041	112,000	0%
2027	111,000	0%	2042	112,000	0%
2028	111,000	0%	2043	112,000	0%
2029	111,000	0%	2044	112,000	0%
2030	111,000	0%	2045	112,000	0%
2031	111,000	0%	2046	112,000	0%
2032	111,000	0%	2047	112,000	0%
2033	112,000	0%	2048	114,000	0%
2034	112,000	0%	2049	114,000	0%
2035	112,000	0%	2050	114,000	0%
2036	112,000	0%	2051	111,000	0%

Section 3. **General Characteristics and Form of the Certificates.** The Certificates shall be issued, shall be payable, may be redeemable prior to their scheduled maturities, shall have the characteristics, and shall be signed and executed (and the Certificates shall be sealed) all as provided and in the manner indicated in the form set forth below. The Form of the Certificates, the Form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be printed and manually endorsed on the Initial Certificate, the Form of the Authentication Certificate, and the Form of Assignment, which shall be, respectively, substantially as follows, with necessary and appropriate variations, omissions, and insertions as permitted or required by this Ordinance, and the definitions contained within each such form shall apply solely to such form:

FORM OF CERTIFICATES

[FORM OF DEFINITIVE CERTIFICATES]

United States of America  
State of Texas

NUMBER  
R- \_\_\_\_\_  
REGISTERED

DENOMINATION  
\$ \_\_\_\_\_  
REGISTERED

CITY OF KINGSVILLE, TEXAS  
COMBINATION TAX AND SUBORDINATE LIEN REVENUE  
CERTIFICATE OF OBLIGATION, TAXABLE SERIES 2021

INTEREST <u>RATE</u>	MATURITY <u>DATE</u>	DATED <u>DATE</u>	DELIVERY <u>DATE</u>	<u>CUSIP NO.</u>
0%		July 15, 2021	July 29, 2021	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ (\$ \_\_\_\_\_)

THE CITY OF KINGSVILLE, TEXAS (the "Issuer" or the "City"), being a municipal corporation and a political subdivision of the State of Texas, promises to pay to the Registered Owner, specified above, or registered assigns (the "Registered Owner"), on the Maturity Date, specified above, upon presentation and surrender of this Certificate at the designated payment office of U.S. BANK NATIONAL ASSOCIATION, Houston, Texas, or its successor (the "Paying Agent/Registrar"), the Principal Amount, specified above, in lawful money of the United States of America, and to pay interest thereon at the Interest Rate, specified above, calculated on the basis of a 360-day year of twelve 30-day months, from the Delivery Date, specified above. Interest on this Certificate is payable by check payable on August 1, 2022 and on each February 1 and August 1 thereafter, mailed to the Registered Owner of record as shown on the books of registration kept by the Paying Agent/Registrar, as of the date which is the 15<sup>th</sup> calendar day of the month next preceding the interest payment date (the "Record Date"), or in such other manner as may be acceptable to the Registered Owner and the Paying Agent/Registrar.

NOTWITHSTANDING ANY LANGUAGE IN THIS CERTIFICATE REFERRING TO INTEREST PAYMENTS BEING DUE, THE METHOD OF PAYMENT OF INTEREST, OR ANY OTHER LANGUAGE HEREIN TO THE CONTRARY, NO INTEREST WILL BE DUE ON THIS CERTIFICATE AS THE INTEREST RATE IS 0%.

THIS CERTIFICATE is one of a series of Certificates (the "Certificates") dated as of the Dated Date, of like designation, date, and tenor, except as to number, interest rate, denomination, and maturity issued pursuant to the authorizing ordinance adopted by the City Commission of the City on June 28, 2021 (the "Ordinance"), in the original aggregate principal amount of \$3,358,000 for the purpose of providing for the payment of contractual obligations to be incurred in connection with the design, planning, purchasing, acquisition, construction, equipping, expansion, repair, renovation, and/or rehabilitation of certain City-owned public property, including: (1) drainage projects; and (2) the payment of contractual obligations for professional services in connection therewith (to-wit: consulting, engineering, financial advisory, and legal).

THE CERTIFICATES are issued pursuant to the Ordinance whereunder the City Commission of the City covenants to levy a continuing, direct, annual ad valorem tax on taxable property within the City, within the limits prescribed by law, for each year while any part of the Certificates are considered outstanding under the provisions of the Ordinance, in a sufficient amount to pay interest on each Certificate as it becomes due, to provide a sinking fund for the payment of the principal of the Certificates when due, and to pay the expenses of assessing and collecting such tax, and this Certificate is additionally secured by and payable from a subordinate pledge of certain "Net Revenues" of the Issuer's Waterworks and Sewer System (the "System"), which amount is payable from the revenues remaining after payment of all operation and maintenance expenses of the System, and all debt service, reserve, and other requirements in connection with all of the Issuer's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the "Net Revenues" of the System. Reference is hereby made to the Ordinance for provisions with respect to the custody and application of the City's funds, remedies in the event of a default hereunder or thereunder, and the other rights of the Registered Owner. By acceptance of this Certificate, the Registered Owner consents to all of the provisions of the Ordinance, a certified copy of which is on file in the office of the City Secretary.

THE CITY RESERVES THE RIGHT to redeem all or a portion of the Certificates on any date, in inverse order of maturity. Such optional redemption shall be at a redemption price of par plus accrued interest on the principal amounts called for redemption to the date fixed for redemption. If less than all of the Certificates are to be redeemed, the particular Certificates to be redeemed shall be selected by the Paying Agent/Registrar in integral multiples of \$1,000 within any one maturity. At least 45 days prior to the date fixed for any redemption of Certificates or portions thereof prior to maturity, a written notice of such redemption shall be given by the City to the Paying Agent/Registrar, and the Paying Agent/Registrar shall send a copy of such notice at least 30 days prior to the date fixed for redemption by United States mail, first-class postage prepaid, addressed to the Registered Owner of each Certificate to be redeemed in whole or in part at the address shown on the Registration Books; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificate. When Certificates or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption, and redeemed Certificates shall no longer be regarded as outstanding except for the right of the Registered Owner or Registered Owners thereof to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment.

NOT LESS THAN 30 DAYS prior to a redemption date for the Certificates, the City shall cause a notice of redemption to be sent by United States mail, first class, postage prepaid, to the registered owners of the Certificates to be redeemed, in whole or in part, at the address of the registered owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice. Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the registered owner receives such notice. Notice having been so given, the Certificates called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any Certificate or portion thereof has not been surrendered for payment, interest on such Certificate or portion thereof shall cease to accrue. When Certificates or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption.

While the Texas Water Development Board ("TWDB") is the Owner of the Certificates, the principal or redemption price of the Certificates shall be payable by wire transfer without exchange or collection charges. Otherwise, principal or redemption price of the Certificates shall be payable in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender, as they respectively become due and payable, at the principal trust office of the Paying Agent/Registrar. As long as TWDB is the Owner of the Certificates, the interest on each Certificate shall be payable by wire transfer without exchange or collection charges dated as of the interest payment date. Otherwise, interest on each Certificate shall be payable in any coin or currency of the United States of America mailed by the Paying Agent/Registrar on or before each interest payment date to the Owner of record as of the Record Date.

THIS CERTIFICATE IS TRANSFERABLE OR EXCHANGEABLE only upon presentation and surrender at the designated payment office of the Paying Agent/Registrar. If this Certificate is being transferred, it shall be duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner, or his authorized representative, subject to the terms and conditions of the Ordinance. If this Certificate is being exchanged, it shall be in the principal amount of \$1,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance. The Registered Owner of this Certificate shall be deemed and treated by the City and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Certificate to the extent of such payment, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners.

IT IS HEREBY CERTIFIED, COVENANTED, AND REPRESENTED that all acts, conditions, and things necessary to be done precedent to the issuance of the Certificates in order to render the same legal, valid, and binding obligations of the City have happened and have been accomplished and performed in regular and due time, form, and manner, as required by law; that provision has been made for the payment of the principal of and interest on the Certificates by the levy of a continuing, direct, annual ad valorem tax upon all taxable property within the City, within the limit prescribed by law, and from the above described pledge of the Net Revenues of the System; and that issuance of the Certificates does not exceed any constitutional or statutory limitation.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, and agrees that the terms and provisions of this Certificate and the Ordinance constitute a contract between each Registered Owner and the City.

IN WITNESS WHEREOF, this Certificate has been signed with the manual or facsimile signature of the Mayor of the Issuer and countersigned with the manual or facsimile signature of the City Secretary of the Issuer, and the official seal of the Issuer has been duly impressed, or placed in facsimile, on this Certificate.

CITY OF KINGSVILLE, TEXAS

/s/ Mary Valenzuela  
City Secretary

/s/ Sam Fugate  
Mayor

(CITY SEAL)

\* \* \*

FORM OF AUTHENTICATION CERTIFICATE

AUTHENTICATION CERTIFICATE

This Certificate of Obligation is one of the Certificates described in and delivered pursuant to the within-mentioned Ordinance, and this Certificate has been issued in conversion of and exchange for, or replacement of, a Certificate, Certificates, or a portion of a Certificate or Certificates of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

U.S. BANK NATIONAL ASSOCIATION, Houston, Texas  
Paying Agent/Registrar

Registration Date: \_\_\_\_\_ By \_\_\_\_\_  
Authorized Signature

\* \* \*

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto

\_\_\_\_\_  
/ \_\_\_\_\_

(Please insert Social Security or Taxpayer  
Number of Transferee)

(Please print or typewrite name and address, including zip Identification  
code, of Transferee)

\_\_\_\_\_ the within Certificate of Obligation and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of the within Certificate of Obligation on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate of Obligation in every particular, without alteration or enlargement or any change whatsoever.

The following abbreviations, when used in the Assignment above or on the face of the within Certificate of Obligation, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common  
TEN ENT - as tenants by the entireties  
JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)  
under Uniform Gifts to Minors Act \_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in the list above.

\* \* \*

[FORM OF INITIAL CERTIFICATE]

The Initial Certificate shall be in the form set forth above for the Definitive Certificates, except the following shall replace the heading and the first paragraph:

NO. I-1 \$3,358,000

United States of America  
State of Texas  
CITY OF KINGSVILLE, TEXAS  
COMBINATION TAX AND SUBORDINATE LIEN REVENUE  
CERTIFICATE OF OBLIGATION, TAXABLE SERIES 2021

DATED DATE: JULY 15, 2021

DELIVERY DATE: JULY 29, 2021

REGISTERED OWNER: TEXAS WATER DEVELOPMENT BOARD

PRINCIPAL AMOUNT: THREE MILLION THREE HUNDRED FIFTY EIGHT THOUSAND DOLLARS (\$3,358,000)

THE CITY OF KINGSVILLE, TEXAS (the "City"), for value received, acknowledges itself indebted to and hereby promises to pay to the order of the Registered Owner, specified above, or the registered assigns thereof (the "Registered Owner"), the Principal Amount, specified above, with principal installments payable on August 1 in each of the years, and bearing interest at per annum rates in accordance with the following schedule:

<u>YEARS OF</u> <u>STATED MATURITY</u>	<u>PRINCIPAL</u> <u>INSTALLMENT</u>	<u>INTEREST</u> <u>RATE</u>
	\$	%

(Information to be inserted from schedule in Section 2 hereof.)

INTEREST on the unpaid Principal Amount hereof from the Delivery Date, specified above, or from the most recent interest payment date to which interest has been paid or duly provided for until the Principal Amount has become due and payment thereof has been made or duly provided for shall be paid computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 1 and August 1 of each year, commencing August 1, 2022.

NOTWITHSTANDING ANY LANGUAGE IN THIS CERTIFICATE REFERRING TO INTEREST PAYMENTS BEING DUE, THE METHOD OF PAYMENT OF INTEREST, OR ANY OTHER LANGUAGE HEREIN TO THE CONTRARY, NO INTEREST WILL BE DUE ON THIS CERTIFICATE AS THE INTEREST RATE IS 0%.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The final payment of principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at final maturity, at the designated payment office of U.S. BANK NATIONAL ASSOCIATION, Houston, Texas, which is the "Paying Agent/Registrar" for this Certificate. The payment of principal installments and interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof as shown by the Registration Books kept by the Paying Agent/Registrar at the close of business on the Record Date by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, postage prepaid, on each such payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. The record date for determining the person to whom payments hereon shall be made (the "Record Date") means the 15<sup>th</sup> calendar day of the month preceding a scheduled payment. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new Record Date for such payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment thereof have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due payment (the "Special Payment Date", which shall be 15 calendar days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of the Registered Owner appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the Registered Owner that no later than each principal installment payment date and interest payment date for this Certificate it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due, in the manner set forth in the ordinance authorizing the issuance of the Certificates adopted by the City Commission of the City on June 28, 2021 (the "Ordinance").

\* \* \*

FORM OF REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_

I HEREBY CERTIFY THAT there is on file and of record in my office a certificate to the effect that the Attorney General of the State of Texas has examined and finds that this Certificate of Obligation has been issued in conformity with the Constitution and laws of the State of Texas and is a valid and binding obligation of the City of Kingsville, Texas, and further that this Certificate of Obligation has been registered this day by me.

WITNESS my signature and seal of office this \_\_\_\_\_.

(COMPTROLLER'S SEAL)

\_\_\_\_\_  
Comptroller of Public Accounts of the State of Texas



\* \* \*

[END OF FORMS]

In case any officer of the City whose manual or facsimile signature shall appear on any Certificate shall cease to be such officer before the delivery of any such Certificate, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until such delivery. Any Certificate which bears the facsimile signature of such person who at the actual time of the delivery of such Certificate shall be an officer authorized to sign such Certificate, but who at the date of such Certificate was not such an officer, shall be validly and sufficiently signed for all purposes as if such person had been such officer at the date of such Certificate. The City authorizes the printing of a true and correct copy of an opinion of Winstead PC, Bond Counsel, relating to the validity and enforceability of the Certificates under Texas law on the reverse side of each of the Certificates over a certificate of identification executed by the facsimile signature of the City Secretary, and also authorizes the imprinting of CUSIP (the American Bankers Association's Committee on Uniform Securities Identification Procedures) numbers on the Certificates; provided, however, that the failure of such opinion, certificate, or CUSIP numbers to appear on any Certificate, or any errors therein, or in any part of the Certificate the form of which is not included in this Ordinance, shall in no way affect the validity or enforceability of the Certificates or relieve the Purchaser of its obligation to accept delivery of and pay for the Certificates.

**Section 4. Definitions.** In addition to other words and terms defined in this Ordinance (except those defined and used in Section 3), and unless a different meaning or intent clearly appears in the context, the following words and terms shall have the following meanings, respectively:

"Additional Obligations" means such other bonds, certificates, or other evidences of indebtedness as may hereafter be authorized, payable from and equally secured by a pledge of the Net Revenues.

"Certificates" means any Certificate or Certificates or all of the Certificates, as the case may be, of that series styled "City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Taxable Series 2021" in the original aggregate principal amount of \$3,358,000 authorized by this Ordinance.

"Government Obligations" means the (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States of America; (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency of instrumentality and that, on the date the governing body of the City adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the City adopts or approves the proceedings and authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; or (iv) such other obligations as may be permitted from time to time by applicable Texas law .

"Initial Certificate" means the Certificate registered by the Comptroller of Public Accounts as described in Section 10 hereof.

"Interest Payment Date" means when used in connection with any Certificate, shall mean August 1, 2022 and on each February 1 and August 1 thereafter until maturity or earlier redemption of such

Certificate; provided, however, no interest will be due on any Certificate as the interest rate on the Certificates is 0%.

“Issuer” or “City” means the City of Kingsville, Texas, a municipal corporation and a political subdivision of the State of Texas, or any successor thereto.

“Net Revenues” means the gross revenues of the System less the expense of operation and maintenance thereof, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions as in the judgment of the City Commission, reasonably and fairly exercised, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the security of any bonds payable from and secured by a lien on the Net Revenues of the System shall be deducted in determining “Net Revenues.”

“Ordinance” means this “Ordinance Authorizing the Issuance of ‘City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Taxable Series 2021’ and Approving All Other Matters Related to the Issuance of the Certificates of Obligation” adopted by the City Commission on June 28, 2021.

“Owners” means any person who shall be the registered owner of any outstanding Certificates.

“Parity Bonds” means the City’s bonds, certificates, or other obligations payable from a first lien on the Net Revenues, whether such Parity Bonds are now outstanding or issued hereafter.

“Parity Bonds Ordinances” means the ordinances authorizing the City’s bonds payable from a first lien on the Net Revenues, whether now outstanding or issued hereafter, and any additional bonds as defined therein.

“Paying Agent/Registrar” means U.S. Bank National Association, Houston, Texas and such other bank or trust company as may hereafter be appointed in substitution therefor or in addition thereto to perform the duties of Paying Agent/Registrar in accordance with this Ordinance.

“Paying Agent/Registrar Agreement” means the agreement dated as of July 15, 2021, between the Paying Agent/Registrar and the City relating to the registration, authentication, and transfer of the Certificates.

“Purchaser” means the Texas Water Development Board.

“Record Date” means the date for determining the person to whom interest is payable on the next Interest Payment Date being the 15<sup>th</sup> calendar day of the month next preceding the applicable Interest Payment Date; provided, however, no interest will be due on any Certificate as the interest rate on the Certificates is 0%.

“Register” means the books of registration kept by the Paying Agent/Registrar in which are maintained the names and addresses of and the principal amounts registered to each Owner.

Terms not otherwise defined herein are those used in the Parity Bonds Ordinances.

Section 5. **City Funds.** The City hereby confirms the establishment of the following funds of the City at a depository of the City:

Interest and Sinking Fund, Tax Levy, and Pledge of Revenues. A special "City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation Series 2021 Interest and Sinking Fund" (the "Interest and Sinking Fund") is hereby created and shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the Issuer, and shall be used only for paying the interest on and principal of the Certificates; provided, however, no interest will be due on the Certificates as the interest rate on the Certificates is 0%. The net proceeds of all ad valorem taxes levied and collected for and on account of the Certificates shall be deposited, as collected, to the credit of the Interest and Sinking Fund.

During each year while any of the Certificates or interest thereon are outstanding and unpaid, the City Commission shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal thereof as such principal matures (but never less than 2% of the original principal amount of the Certificates as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowances being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Certificates or interest thereon are outstanding and unpaid, and the tax shall be assessed and collected each year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Certificates, as such interest comes due and such principal matures, are hereby pledged irrevocably for such payment, within the limit prescribed by law.

The Certificates additionally shall be payable from and secured by a subordinate lien (to all "Parity Bonds" now outstanding or hereafter issued) on and pledge of certain of the Net Revenues pursuant to Chapter 1502, Texas Government Code, as amended. The City shall deposit such pledged Net Revenues to the credit of the Certificate Fund created pursuant to this Section. Notwithstanding the requirements of this Section, if Net Revenues are actually on deposit in the Certificate Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to this Section may be reduced to the extent and by the amount of the Net Revenues then on deposit in the Certificate Fund or budgeted for deposit therein.

The City reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds, certificates of obligation, and other obligations of any kind payable in whole or in part from, and secured by a pledge of the Net Revenues that may be prior and superior in right to, on a parity with, or junior and subordinate to the subordinate pledge of the Net Revenues securing the Certificates.

The City hereby covenants and agrees that, subject to any prior lien on and pledge of the Net Revenues of the System to the payment and security of any Parity Bonds, the Net Revenues are hereby irrevocably pledged to the payment of the principal of and interest on the Certificates and the pledge of Net Revenues herein made for the payment of the Certificates shall constitute a lien on the Net Revenues in accordance with the terms and provisions hereof and be valid and binding without any physical

delivery thereof or further act by the City. Notwithstanding any language in this Section regarding the payment of interest, the method of payment of interest, or any other language to the contrary, interest will not be due on the Certificates as the interest rate is 0%.

(a) Project Fund. A special "City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Taxable Series 2021 Project Fund" (the "Project Fund") is hereby created and shall be established and maintained by the City at an official depository bank of the City. The Project Fund is the fund into which the net proceeds of the Certificates shall be deposited. Money in the Project Fund shall be used to pay the costs necessary or appropriate to accomplish the purposes for which the Certificates are issued.

**Section 6. Perfection of Security.** Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of the proceeds of ad valorem taxes and Net Revenues thereto, and such pledge is, therefore, valid, effective, and perfected. Should Texas law be amended at any time while the Certificates are outstanding and unpaid, the result of such amendment being that the pledge of the ad valorem tax proceeds and Net Revenues is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, in order to preserve to the registered owners of the Certificates a security interest in such pledge, the City agrees to take such measures as it determines are reasonable and necessary to enable a filing of a security interest in said pledge to occur.

**Section 7. Investments and Security.** (a) Investment of Funds. The City may place money in any fund created by this Ordinance in time or demand deposits or invest such money as authorized by law at the time of such deposit; provided, however, that the City hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued. Obligations purchased as an investment of money in a fund shall be deemed to be a part of such fund.

(b) Amounts Received from Investments. Except as otherwise provided by law, amounts received from the investment of the Project Fund may be retained in such fund or deposited to the Interest and Sinking Fund as determined by the City Commission. Any amounts received from the investment of the Interest and Sinking Fund shall be deposited in the Interest and Sinking Fund.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

**Section 8. Covenants of the City.** (a) General Covenants. The City covenants and represents that:

(a) General Covenants. It has the lawful power to pledge the Net Revenues supporting the Certificates and has lawfully exercised said power under the laws of the State of Texas, including powers existing under the Act, and the City's Home Rule Charter.

(b) Title. Other than for the payment of the City's currently outstanding Certificates of Obligation, Series 2009 (pledge of Net Revenues); Certificates of Obligation, Series 2013 (pledge of Net Revenues); and the Certificates of Obligation, Series 2016 (pledge of no more than \$1,000 of surplus revenues of the System), the Net Revenues of the System have not in any manner been pledged to the payment of any debt or obligation of the City or of the System.

(c) Liens. As long as any Certificates or any interest thereon remain Outstanding, the City will not sell, lease, or encumber (except in the manner provided in this Section of this Ordinance) the System

or any substantial part thereof, provided that this covenant shall not be construed to prohibit the sale of such machinery, or other properties or equipment which has become obsolete or otherwise unsuited to the efficient operation of the System.

(d) No Free Service. No free service of the System shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

(e) Insurance. (1) The City shall insure all work during construction and upon completion which is being financed with proceeds of the Certificates and proceeds from the TWDB grant program in any amount sufficient to project the TWDB's interest in the Project as required by 31 TAC Section 375.91(b)(2)(k). The City shall cause to be insured such parts of the System as would usually be insured by municipal corporations operating like properties, against risks, accidents or casualties against which and to the extent insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. All insurance premiums shall be paid as an expense of operation of the System. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the Owners of the Certificates and their representatives at all reasonable times. Upon the occurrence of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required.

(2) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance as required hereunder, and shall state whether or not all insurance premiums upon the insurance policies to which reference is made have been paid.

(f) Records. The City will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities, and transactions relating to the System, the Net Revenues, and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any Owner of the Certificates or citizen of the City. To the extent consistent with the provisions of this Ordinance, the City shall keep its books and records in a manner conforming to GAAP as usually would be followed by private corporations owning and operating a similar System, with appropriate recognition being given to essential differences between municipal and corporate accounting practices.

(g) Audits. After the close of each Fiscal Year while any of the Certificates are outstanding, an audit will be made of the books and accounts relating to the System and the Net Revenues by an independent CPA or an independent firm of CPAs. No later than 180 days after the close of each Fiscal Year, a copy of such audit shall be mailed to the Municipal Advisory Council of Texas, to each paying agent for any bonds payable from Net Revenues, to any Registered Owner who shall so request in writing, and to the Texas Water Development Board for so long as the Texas Water Development Board is a holder of any obligations of the City payable from revenues of the System. The annual audit reports shall be open to the inspection of the Registered Owner and their agents and representatives at all reasonable times.

(h) Governmental Agencies. The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization, and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation, and maintenance of the System.

(i) No Competition. It will not operate, or grant any franchise or, to the extent it legally may, permit the acquisition, construction, or operation of, any facilities which would be in competition with the System, and to the extent that it legally may, the City will prohibit any such competing facilities.

(j) Compliance with the Texas Water Development Board's Rules and Regulations; Insurance. The City covenants to comply with (i) the rules and regulations of the Texas Water Development Board, including, but not limited to, Chapter 15, Subchapter J, Texas Water Code, (ii) the loan document provisions, and (iii) the grant conditions imposed under the TWDB Resolution No. 20-051.

(i) Notwithstanding any other term, condition, requirement or provision contained in this Ordinance, TWDB rules and loan document provisions shall control to the extent of any conflict between the Ordinance and TWDB rules or such loan document provisions.

(ii) The City agrees to implement an approved water conservation plan.

(k) The City agrees to comply with any special conditions of the environmental determination issued by the Executive Administrator and affirmed by the Texas Water Development Board.

(l) (l) Special Covenants.

(i) Annual Audit. The City shall perform an annual audit using generally accepted accounting practices.

(ii) Use of Loan Proceeds. The City covenants that all loan proceeds will be timely and expeditiously used as required by federal statute and EPA regulations. The City will adhere to an Executive Administrator-approved project schedule, which shall not be altered except for good cause shown and only with the written approval of the Executive Administrator.

(iii) Surplus Proceeds. The City shall not use loan proceeds from the Certificates that are determined to be surplus proceeds remaining after completion of the Project except for the following purposes as approved by the Executive Administrator: (1) to redeem, in inverse order of maturity, the Certificates owned by the TWDB; or (2) deposit into the Certificate Fund or other debt service account

for the payment of interest or principal on the Certificates owned by the TWDB; provided, however, interest will not be due on the Certificates because the interest rate on the Certificates is 0%.

(iv) Environmental Indemnification/Hold Harmless Provision. The City covenants that the loan proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the project site. The City shall indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials and employees as a result of activities relating to the project to the extent permitted by law.

(v) Remedies. In addition to all the rights and remedies provided by the laws of the State of Texas, the City has covenanted and agreed that in the event the City (i) defaults in the payment of principal of the Certificates when due, or (ii) fails to make the payments to the funds required by this Ordinance, or (iii) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Ordinance, the following remedies shall have available as stated in this Ordinance. The registered owner or owners of the Certificates shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring officers of the City, to observe and perform any covenant, obligation or condition prescribed in this Ordinance. No delay or omission to exercise any right or power accruing upon any default shall impair any such power or right or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies provided are cumulative of all other available remedies and the specification of such shall not be deemed to be exclusive. The TWDB may exercise all remedies available to it in law or equity. Any provisions in this Ordinance or the Certificates restricting or limiting TWDB's full exercise of these remedies shall be of no force and effect.

(vi) Outlay Reports. The City shall submit outlay reports with sufficient documentation on costs (e.g.; invoices, receipts) on a quarterly or monthly basis in accordance with the Texas Water Development Board's outlay report guidelines.

(vii) Final Accounting. The City shall render a final accounting to the Texas Water Development Board in reference to the total cost incurred by the City for the Project together with a copy of "as-built" plans of the Project upon completion.

(viii) Standard Emergency Discovery. The City will comply with the standard emergency discovery conditions for threatened and endangered species and cultural resources, as more fully specified in the final environmental finding of the Executive Administrator.

(ix) TWDB Requirements. Notwithstanding anything herein or otherwise to the contrary, the City agrees to the following:

(1) The City will abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by 31 TAC § 375.3, 33 U.S.C. § 1388, and related State Revolving Fund Policy Guidelines;

(2) That upon completion of the Project to be financed with the proceeds of the Certificates, the proper officials of the City shall cause to be prepared and submitted to the TWDB the following documentation:

(A) a final accounting of the total costs of the Project and the expenditure of funds therefor; and

(B) a copy of the construction plans for the Project as-built and completed.

(3) In addition to other information required by the TWDB, said final accounting shall identify all funds utilized or represented to be available in the City's application, from whatever source derived.

(4) Prior to closing, the City shall adopt and implement the water conservation program approved by the TWDB.

(5) That the City will notify the Executive Administrator, prior to taking any actions, of any intent to alter its legal status in any manner, including, but not limited to, conversion to a conservation or reclamation district or the sale-transfer-merger with another retail public utility.

(6) That the City will not convey or transfer this Ordinance held by the TWDB to another entity without the prior written approval of the conveyance and assumption by the TWDB.

(7) Neither the City nor a related party to the City will acquire any of the TWDB's Source Series Ordinances in an amount related to the amount of the Ordinances.

**Section 9. Paying Agent/Registrar.** The Paying Agent/Registrar is hereby appointed as paying agent for the Certificates and the City is hereby authorized to enter into any type of agreement necessary for the Paying Agent/Registrar to perform its duties hereunder. The principal of and interest on the Certificates shall be payable, without exchange or collection charges, in any coin or currency of the United States of America, which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and payable, whether at maturity or by prior redemption, at the principal corporate trust office of the Paying Agent/Registrar. The interest on each Certificate shall be payable by check payable on the Interest Payment Date mailed by the Paying Agent/Registrar on or before each Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register, or in such other manner as may be acceptable to the Owner and the Paying Agent/Registrar.

Notwithstanding any language in this Section regarding the payment of interest, no interest will be due on the Certificates because the interest rate on the Certificates is 0%.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name any Certificate is registered as the absolute Owner of such Certificate for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, and for the further purpose of making and receiving payment of the interest thereon and for all other purposes, whether or not such Certificate is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Certificate in accordance with this Ordinance shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Certificate to the extent of the sums paid.

So long as any Certificates remain outstanding, the Paying Agent/Registrar shall keep the Register at its principal corporate trust office in which, subject to such reasonable regulations as it may



prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Certificates in accordance with the terms of this Ordinance.

The City may at any time and from time to time appoint another Paying Agent/Registrar in substitution for the previous Paying Agent/Registrar; provided that any such Paying Agent/Registrar shall be a corporation organized and doing business under the laws of the United States of America or any State, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and a transfer agent registered with the Securities and Exchange Commission. In such event, the City shall give notice by certified mail to each Owner at least 30 days prior to the effective date of such substitution. Any bank or trust company with or into which any Paying Agent/Registrar may be merged or consolidated, or to which the assets and business of Paying Agent/Registrar may be sold or otherwise transferred, shall be deemed the successor of such Paying Agent/Registrar for the purposes of this Ordinance.

While TWDB is the Owner of the Certificates, the principal or redemption price of the Certificates shall be payable by wire transfer without exchange or collection charges. Otherwise, principal or redemption price of the Certificates shall be payable in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender, as they respectively become due and payable, at the principal trust office of the Paying Agent/Registrar. As long as TWDB is the Owner of the Certificates, the interest on each Certificate shall be payable by wire transfer without exchange or collection charges dated as of the interest payment date; otherwise, interest on each Certificate shall be payable in any coin or currency of the United States of America mailed by the Paying Agent/Registrar on or before each interest payment date to the Owner of record as of the Record Date; provided, however, interest will not be due on the Certificates because the interest rate on the Certificates is 0%.

The Mayor and City Secretary are hereby authorized to enter into, execute, and deliver the Paying Agent/Registrar Agreement with the initial Paying Agent/Registrar in substantially the form presented to the City on this date.

**Section 10. Initial Certificate; Exchange or Transfer of Certificates.** Initially, one Certificate (the "Initial Certificate") numbered I-1 as described in Section 2, and representing the entire principal amount of the Certificates shall be registered in the name of the Purchaser and shall be executed and submitted to the Attorney General of Texas for approval, and thereupon certified by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, by manual signature, and the Initial Certificate shall be effective and valid without the Authentication Certificate being signed by the Paying Agent/Registrar. At any time thereafter, the Owner may deliver the Initial Certificate to the Paying Agent/Registrar for exchange, accompanied by instructions from the Owner or designee designating the persons, maturities, and principal amounts to and in which the Initial Certificates are to be transferred and the addresses of such persons, and the Paying Agent/Registrar shall thereupon, within not more than three days, register and deliver such Certificates upon authorization of the City as provided in such instructions.

Each Certificate shall be transferable only upon the presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the Owner or his authorized representative in form satisfactory to the Paying Agent/Registrar. Upon presentation of any Certificate for transfer, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor, to the extent possible and under reasonable circumstances within three business days after such presentation, a new Certificate or Certificates,

registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Certificate or Certificates so presented.

All Certificates shall be exchangeable upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent/Registrar for a Certificate or Certificates of the same maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Certificate or Certificates presented for exchange. The Paying Agent/Registrar shall be and is hereby authorized to authenticate and deliver exchange Certificates in accordance with this Ordinance and each Certificate so delivered shall be entitled to the benefits and security of this Ordinance to the same extent as the Certificate or Certificates in lieu of which such Certificate is delivered.

The City or the Paying Agent/Registrar may require the Owner of any Certificate to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Certificate. Any fee or charge of the Paying Agent/Registrar for such transfer or exchange shall be paid by the City.

**Section 11. Sale of Certificates; Approval of Official Statement.** (a) Sale. The Initial Certificates are hereby sold and shall be delivered to the Purchaser for cash at the price of par and upon the terms and conditions set forth in the resolution of the Purchaser a copy of which is attached as Exhibit "C". It is hereby officially found, determined, and declared that the terms of this sale are the most advantageous reasonably obtainable. The Certificates shall initially be registered in the name of the Purchaser.

(b) Approval of Private Placement Memorandum. The form and content of the Private Placement Memorandum relating to the Certificates and any addenda, supplement, or amendment thereto, if any, is hereby approved.

(c) Legal Opinion. The Purchaser's obligation to accept delivery of the Certificates is subject to their being furnished an opinion of Winstead PC, Bond Counsel, such opinion to be dated and delivered as of the date of delivery and payment for the Certificates.

(d) Registration and Delivery. Upon the registration of the Initial Certificate, the Comptroller of Public Accounts of the State of Texas is authorized and instructed to deliver the Initial Certificate pursuant to the instruction of the Mayor for delivery to the Purchaser.

**Section 12. Proceeds of the Sale and Available Funds of the System.** (a) Promptly after the delivery of the Certificates, the proceeds from the sale and delivery of the Certificates shall be deposited to the escrow funds to be created and maintained separately from all other funds of the City, as further provided in the Escrow Agreement (defined below), and to be used for the purpose of funding the Project, subject to being withdrawn only with the approval of the Executive Administrator of the Purchaser or another designated representative under the terms of the Escrow Agreement, to be invested in accordance with the Public Funds Investment Act, Government Code, Chapter 2256 and the City's investment policy, and if not so invested, secured in accordance with the Public Funds Collateral Act, Government Code, Chapter 2257. The City shall enter into an escrow agreement (the "Escrow Agreement") between the City and U.S. BANK NATIONAL ASSOCIATION, as escrow agent, substantially in the form attached hereto as Exhibit "B", which is adopted herein for purposes of this Ordinance. The City shall render a final accounting to the TWDB in reference to the total cost incurred by the City for the Project described herein.

(b) Costs of Issuance. Proceeds in an amount equal to the costs of issuance of the Certificates shall be applied to pay such costs as the City may arrange.

(c) Unused Proceeds. Unused proceeds, which are those funds unspent after the original approved Project is completed, shall be used for enhancements to the original Project that are explicitly approved by the Executive Administrator. If no enhancements are authorized by the Executive Administrator, the City shall submit a final accounting and disposition of any unused funds.

(d) Surplus Proceeds. The City shall use any loan proceeds from the Certificates that are determined to be surplus funds remaining after completion of the Project and completion of a final accounting in a manner as approved by the Executive Administrator.

**Section 13. Covenants to Undertake Continuing Disclosure.** On the basis of the private placement exception to the continuing disclosure requirements set forth in SEC Rule 15c2-12 (the "Rule"), 17 CFR 240.15c2-12, the City has not and does not undertake to provide continuing information about its financial condition, results of operation or other data subsequent to the issuance of the Certificates. Notwithstanding the foregoing, the City covenants to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by the Rule and determined as if the Texas Water Development Board was a "participating underwriter" within the meaning of the Rule, such continuing disclosure undertaking being for the benefit of the Texas Water Development Board, and the beneficial owner of the Certificates if the Texas Water Development Board sells or otherwise transfers any of the Certificates, and the beneficial owners of the Texas Water Development Board's bonds if the City is an obligated person with respect to the Texas Water Development Board's bonds under the Rule. On that basis, the City hereby agrees to provide continuing disclosure as set forth below:

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"EMMA" means the Electronic Municipal Market Access system being established by the MSRB.

"Financial Obligation" means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB through EMMA within six months after the end of each fiscal year ending in or after 2021, financial information and operating data with respect to the City of the [general type included in the Private Placement Memorandum authorized by this Ordinance being the information described therein]. Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in the Private Placement

Memorandum, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide (1) unaudited financial statements for such fiscal year within such six month period, and (2) audited financial statements for the applicable fiscal year to the MSRB through EMMA when and if the audit report on such statements become available.

The City's current fiscal year end is September 30. Accordingly, it must provide updated information by March 31 in each year, unless the City changes its fiscal year. If the City changes its fiscal year, it will notify the MSRB through EMMA of the date of the new fiscal year end prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this paragraph (b).

The financial information and operating data to be provided pursuant to this paragraph (b) may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB through EMMA or filed with the SEC.

(c) Event Notices.

The City shall file notice of the following events with respect to the Certificates to the MSRB through EMMA in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
7. Modifications to rights of the holders of the Certificates;
8. Redemption calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Certificates, if material;
11. Rating changes;

12. Bankruptcy, insolvency, receivership or similar event of the City.

13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

14. Appointment of a successor or additional trustee or the change of name of a trustee;

15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph 12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding paragraphs 15 and 16 and the definition of "Financial Obligation" in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such subsection.

(d) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 20 of this Ordinance that causes Certificates no longer to be Outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OF OBLIGATION OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Certificates. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that such amendment or repeal would not have prevented an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (b) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided.

(e) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to subsection (b) of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet website or filed with the SEC.

**Section 14. Book-Entry Only System.** (a) The definitive Certificates shall be initially issued in the name of Cede & Co., as nominee of DTC, as Registered Owner of the Certificates, and held in custody of DTC. A single certificate will be issued and delivered to DTC for each maturity of the Certificates. Beneficial owners of definitive Certificates will not receive physical delivery of Certificates except as provided hereinafter. For so long as DTC shall continue to serve as securities depository for the Certificates as provided herein, all transfers of beneficial ownership interest will be made by book-

entry only, and no investor or other person purchasing, selling, or otherwise transferring beneficial ownership of Certificates is to receive, hold, or deliver any Certificates. No person shall acquire or hold any beneficial interest in any Certificate representing a portion of the principal amount of such Certificate which is other than \$1,000 or an integral multiple thereof.

(b) Replacement definitive Certificates may be issued directly to beneficial owners of Certificates other than DTC, or its nominee, but only in the event that (i) DTC determines not to continue to act as securities depository for the Certificates (which determination shall become effective no less than 90 days after written notice to such effect to the Issuer and the Paying Agent/Registrar); or (ii) the Issuer has advised DTC of its determination (which determination is conclusive as to DTC and beneficial owners of the Certificates) that DTC is incapable of discharging its duties as securities depository for the Certificates; or (iii) the Issuer has determined (which determination is conclusive as to DTC and the beneficial owners of the Certificates) that the interests of the beneficial owners of the Certificates might be adversely affected if such book-entry only system of transfer is continued. Upon occurrence of any event described in (i) or (ii) above, the Issuer shall use its best efforts to attempt to locate another qualified securities depository. If the Issuer fails to locate another qualified securities depository to replace DTC, the Issuer shall cause to be executed, authenticated, and delivered replacement Certificates, in certificate form, to the DTC participants having an interest in the Certificates as shown on the records of DTC provided by DTC to the Issuer. In the event that the Issuer makes the determination described in (iii) above and has made provisions to notify the beneficial owners of Certificates of such determination by mailing an appropriate notice to DTC, it shall cause to be issued replacement Certificates in certificate form to the DTC participants having an interest in the Certificates as shown on the records of DTC provided by DTC to the Issuer. The Issuer undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the Issuer to make any determination described in (ii) or (iii) above.

(c) Whenever, during the term of the Certificates, the beneficial ownership thereof is determined by a book entry at DTC, the requirements in this Ordinance of holding, delivering, or transferring Certificates shall be deemed modified to require the appropriate person or entity to meet the requirement of DTC as to registering or transferring the book entry to produce the same effect.

(d) If at any time DTC ceases to hold the Certificates, all references herein to DTC shall be of no further force or effect.

**Section 15. City Officers' Duties.** (a) Issuance of Certificates. The Mayor shall submit the Initial Certificate, the record of the proceedings authorizing the issuance of the Certificates, and any and all other necessary orders, certificates, and records to the Attorney General of the State of Texas for his investigation. After obtaining the approval of the Attorney General, the Mayor shall cause the Initial Certificate to be registered by the Comptroller of Public Accounts of the State of Texas. The officers or acting officers of the City are authorized to execute and deliver on behalf of the City such certificates and instruments as may be required, necessary, or appropriate prior to delivery of and payment for the Certificates to and by the Purchaser and to accomplish the purposes of this Ordinance.

(b) Execution of Ordinance. The Mayor and the City Secretary are authorized to execute the Certificate to which this Ordinance is attached on behalf of the City and to do any and all things proper and necessary to carry out the intent thereof.

**Section 16. Remedies of Owners.** In addition to all rights and remedies of any Owner of the Certificates provided by the laws of the State of Texas, the City covenants and agrees that in the event the City defaults in the payment of the principal of or interest on any of the Certificates when due, fails to

make the payments required by this Ordinance to be made into the Interest and Sinking Fund, or defaults in the observance or performance of any of the covenants, conditions, or obligations set forth in this Ordinance, the Owner of any of the Certificates shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the City and other officers of the City to observe and perform any covenant, obligation, or condition prescribed in this Ordinance. No delay or omission by any Owner to exercise any right or power accruing to such Owner upon default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right or power may be exercised from time to time and as often as may be deemed expedient. The specific remedies mentioned in this Ordinance shall be available to any Owner of any of the Certificates and shall be cumulative of all other existing remedies.

**Section 17. Additional Obligations.** The City shall hereafter have the right to issue Additional Obligations as may hereafter be authorized by the City Commission.

**Section 18. Lost, Stolen, Destroyed, Damaged, or Mutilated Certificates; Destruction of Paid Certificates.** (a) Replacement Certificates. In the event any outstanding Certificate shall become lost, stolen, destroyed, damaged, or mutilated, at the request of the Owner thereof, the City shall cause to be executed, registered by the Paying Agent/Registrar, and delivered a substitute Certificate of like date and tenor, in exchange and substitution for and upon cancellation of such mutilated or damaged Certificate, or in lieu of and substitution for such Certificate, lost, stolen, or destroyed, subject to the provisions of subsections (b), (c), (d) and (e) of this Section.

(b) Application and Indemnity. Application for exchange and substitution of lost, stolen, destroyed, damaged, or mutilated Certificates shall be made to the City. In every case the applicant for a substitute Certificate shall furnish to the City such deposit for fees and costs as may be required by the City to save it and the Paying Agent/Registrar harmless from liability. In every case of loss, theft, or destruction of a Certificate, the applicant shall also furnish to the City indemnity to the City's satisfaction and shall file with the City evidence to the City's satisfaction of the loss, theft, or destruction and of the ownership of such Certificate. In every case of damage or mutilation of a Certificate, the applicant shall surrender the Certificate so damaged or mutilated to the Paying Agent/Registrar.

(c) Matured Certificates. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in payment of the principal of or interest on the Certificates, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a substitute Certificate, if any, provided security or indemnity is furnished as above provided in this Section.

(d) Expenses of Issuance. Upon the issuance of any substitute Certificate, the City may charge the owner of such Certificate with all fees and costs incurred in connection therewith. Every substitute Certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen, destroyed, damaged, or mutilated shall constitute a contractual obligation of the City, whether or not the lost, stolen, destroyed, damaged, or mutilated Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority to Issue Substitute Certificates. This Ordinance shall constitute sufficient authority for the issuance of any such substitute Certificate without necessity of further action by the City or any other body or person, and the issuance of such substitute Certificates is hereby authorized, notwithstanding any other provisions of this Ordinance.



(f) Destruction of Paid Certificates. At any time subsequent to the payment thereof, the Paying Agent/Registrar is authorized to cancel and destroy any Certificates duly paid, and promptly after any such destruction, the Paying Agent/Registrar shall furnish to the City a certificate evidencing such destruction.

Section 19. **Redemption.** The City reserves the right to redeem the Certificates as described in the Form of Certificates in Section 3 hereof.

Section 20. **Defeasance.** (a) Except to the extent provided in subsection (c) of this Section, any Certificate, and the interest thereon, shall be deemed to be paid, retired, and no longer outstanding within the meaning of this Ordinance (a "Defeased Certificate") when payment of the principal of such Certificate, plus interest thereon to the due date (whether such due date be by reason of maturity, redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to a person described by Section 1207.061(a), Texas Government Code, as amended (a "Depository"), with respect to the safekeeping, investment, administration, and disposition of a deposit made under Section 1207.061, Texas Government Code, as amended, for such payment (the "Deposit") (A) lawful money of the United States of America sufficient to make such payment or (B) Government Obligations, which may be in book-entry form, that mature and bear interest payable at times and in amounts sufficient to provide for the scheduled payment or redemption of any Defeased Certificate. To cause a Certificate scheduled to be paid or redeemed on a date later than the next scheduled interest payment date on such Certificate to become a Defeased Certificate, the City must, with respect to the Deposit, enter into an escrow or similar agreement with a Depository.

In connection with any defeasance of the Certificates, the City shall cause to be delivered: (i) in the event an escrow or similar agreement has been entered into with a Depository to effectuate such defeasance, a report of an independent firm of nationally recognized certified public accountants verifying the sufficiency of the escrow established to pay the Defeased Certificates in full on the maturity or redemption date thereof (the "Verification"); or (ii) in the event no escrow or similar agreement has been entered into, a certificate from the City's financial advisor or the Paying Agent, or any other qualified third party certifying that the amount deposited with a Depository is sufficient to pay the Defeased Certificates in full on the maturity or redemption date thereof. In addition to the required Verification or certificate, the City shall also cause to be delivered an opinion of nationally recognized bond counsel to the effect that the Defeased Certificates are no longer outstanding pursuant to the terms hereof and a certificate of discharge of the Paying Agent/Registrar with respect to the Defeased Certificates. The Verification, if any, and each certificate and opinion required hereunder shall be acceptable in form and substance, and addressed, if applicable, to the Paying Agent/Registrar and the City. The Certificates shall remain outstanding hereunder unless and until they are in fact paid and retired or the above criteria are met.

At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, and all herein required criteria have been met, such Certificate and the interest thereon shall no longer be outstanding or unpaid and shall no longer be entitled to the benefits of the pledge of the security interest granted under this Ordinance, and such principal and interest shall be payable solely from the Deposit of money or Government Obligations; provided, however, the City has reserved the option to be exercised at the time of the defeasance of the Certificates, to call for redemption, at an earlier date, those Certificates which have been defeased to their maturity date, if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Certificates for redemption;

(ii) gives notice of the reservation of that right to the Registered Owners immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of reservation be included in any redemption notices that it authorizes.

(b) Any money so deposited with a Depositary may at the written direction of the City also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from such Government Obligations received by a Depositary which is not required for the payment of the Defeased Certificates and interest thereon, with respect to which such money has been so deposited, shall be used as directed in writing by the City.

(c) Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

**Section 21. Ordinance a Contract; Amendments.** This Ordinance shall constitute a contract with the Owners, from time to time, of the Certificates, binding on the City and its successors and assigns, and shall not be amended or repealed by the City as long as any Certificate remains outstanding except as permitted in this Section. The City may, without the consent of or notice to any Owners, amend, change, or modify this Ordinance as may be required (i) by the provisions hereof, (ii) in connection with the issuance of any Additional Obligations, (iii) for the purpose of curing any ambiguity, inconsistency, or formal defect or omission herein, or (iv) in connection with any other change which is not to the prejudice of the Owners. The City may, with the written consent of the Owners of a majority in aggregate principal amount of Certificates then outstanding affected thereby, amend, change, modify, or rescind any provisions of this Ordinance; provided, however, that without the consent of all of the Owners affected, no such amendment, change, modification, or rescission shall (i) extend the time or times of payment of the principal of and interest on the Certificates, reduce the principal amount thereof to the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on Additional Obligations on a parity with the lien of the Certificates, (ii) give any preference of any Certificate over any other Certificate, (iii) extend any waiver of default to subsequent defaults, or (iv) reduce the aggregate principal amount of Certificates required for consent to any such amendment, change, modification, or rescission. When the City desires to make any amendment or addition to or rescission of this Ordinance requiring consent of the Owners, the City shall cause notice of the amendment, addition, or rescission to be given as described above for a notice of redemption. When at any time within one year after the date of the giving of such notice, the City shall receive an instrument or instruments in writing executed by the appropriate number of Owners of the Certificates then outstanding affected by any such amendment, addition, or rescission requiring the consent of Owners, which instrument or instruments shall refer to the proposed amendment, addition, or rescission described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the City may adopt such amendment, addition, or rescission in substantially such form, except as herein provided. No Owner may thereafter object to the adoption of such amendment, addition, or rescission, or to any of the provisions thereof, and such amendment, addition, or rescission shall be fully effective for all purposes.

**Section 22. Other Documents.** The Mayor and the City Secretary are hereby authorized to execute and attest to such other documents, certificates, letters of instruction, tax information forms, and other agreements of any kind which, in the opinion of Bond Counsel, are necessary or advisable in order to issue the Certificates.

**Section 23. Nonpresentment of Certificates.** In the event any Certificate shall not be presented for payment when the principal thereof or interest thereon, if applicable, becomes due, either at maturity or otherwise, or if any check or draft representing payment of principal of or interest on the Certificates shall not be presented for payment, if funds sufficient to pay the principal of or interest on such Certificate shall have been made available by the City to the Paying Agent/Registrar for the benefit of the Owner thereof, all liability of the City to the Owner thereof for the payment of the principal of or interest on such Certificate shall cease, terminate, and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds in trust, uninvested and without liability for interest thereon, for the benefit of the Owner of such Certificate who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Ordinance with respect to the principal of or interest on such Certificate. To the extent applicable, the Paying Agent/Registrar shall hold and apply any such funds in accordance with Title 6, Texas Property Code, as amended, and shall comply with the reporting requirements of Chapter 74, Texas Property Code, as amended.

**Section 24. Further Procedures.** The Mayor, the City Secretary, the City Manager, the Finance Director, the City's Financial Advisor, and all other officers, employees, attorneys, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the seal and on behalf of the City, all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the Certificates. Prior to the initial delivery of the Certificates, the Mayor and Bond Counsel to the City are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance, (ii) obtain a rating from any of the national bond rating agencies, if any, or (iii) obtain the approval of the Certificates by the Texas Attorney General's office.

**Section 25. Attorney General Examination Fee.** The City recognizes that under Section 1202.004, Texas Government Code, as amended, the Attorney General of Texas requires a nonrefundable examination fee be paid at the time of submission of the transcript of the proceedings authorizing the Certificates and that, based upon the principal amount of the Certificates, such fee is \$3,358. Bond Counsel is accommodating the City by paying such fee upon such submission of such transcript. Officials of the City are, however, hereby authorized to reimburse Bond Counsel such amount as soon as possible and whether or not the Certificates are ever delivered and such amount is hereby appropriated from available funds for such purpose. The City is also authorized to reimburse the fund used for such repayment with proceeds of the Certificates.

**Section 26. No Interest Due on Certificates.** Notwithstanding any language in this Ordinance to the contrary, interest will not be due on the Certificates as the interest rate on all Certificates is 0%.

**Section 27. Miscellaneous Provisions.** (a) General. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa; words importing the masculine gender shall include the feminine and neuter genders and vice versa. Reference to any document means that document as amended or supplemented from time to time. Reference to any party to a document means that party and its successors and assigns. Reference herein to any article, section, subsection or other subdivision, as applicable, unless specifically stated otherwise, means the article, section, subsection or other subdivision, as applicable, of this Ordinance.

(b) Incorporation of Preamble. The preamble and recitals to this Ordinance are incorporated by reference in this Ordinance.

(c) Titles Not Restrictive. The titles assigned to the various sections of this Ordinance are for convenience only and shall not be considered restrictive of the subject matter of any section or of any part of this Ordinance.

(d) Inconsistent Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed and declared to be inapplicable, and the provisions of this Ordinance shall be and remain controlling as to the matters prescribed herein.

(e) Severability. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Ordinance or the application thereof to any person or circumstances shall be held to be invalid, the remainder of this Ordinance shall nevertheless be valid and the City hereby declares that this Ordinance would have been enacted without such invalid word, phrase, clause, paragraph, sentence, part, portion, or provisions.

(f) Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas.

(g) Open Meeting. The City officially finds and determines the meeting at which this Ordinance is adopted was open to the public and that public notice of the time, place, and purpose of such meeting was given, all as required by Chapter 551, Texas Government Code.

(h) Immediate Effect. Notwithstanding any City Charter provision or other rule requiring ordinances to be read at more than one meeting, this Ordinance is passed as an emergency measure and shall take effect immediately and be in full force and effect from and after its passage on the date shown below.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE,  
TEXAS this June 28, 2021.

/s/ Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

/s/ Sam Fugate  
Mayor  
City of Kingsville, Texas

## **EXHIBIT A**

### **PAYING AGENT/REGISTRAR AGREEMENT**

THIS PAYING AGENT/REGISTRAR AGREEMENT entered into as of July 15, 2021 (this “Agreement”), by and between the CITY OF KINGSVILLE, TEXAS (the “Issuer”), and U.S. BANK NATIONAL ASSOCIATION, Houston, Texas, a banking association duly organized and existing under the laws of the United States of America (the “Bank”).

### **RECITALS**

WHEREAS, the Issuer has duly authorized and provided for the issuance of its “City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Taxable Series 2021” (the “Securities”), such Securities to be issued in fully registered form only as to the payment of principal and interest thereon;

WHEREAS, the Securities are scheduled to be delivered to the initial purchasers thereof as provided in the “Ordinance” (hereinafter defined);

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of and interest on the Securities and with respect to the registration, transfer, and exchange thereof by the Owners thereof;

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

### **ARTICLE I. APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR**

**Section 1.01. Appointment.** The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities. As Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal and interest on the Securities as the same become due and payable to the Owners thereof, all in accordance with this Agreement and the Ordinance.

The Issuer hereby appoints the Bank as Registrar with respect to the Securities. As Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Ordinance.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

**Section 1.02. Compensation.** As compensation for the Bank’s services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in Schedule “A” attached hereto for the first year of this Agreement and thereafter the fees and amounts set forth in the Bank’s current fee schedule then in effect for services as Paying Agent/Registrar for municipalities, which shall be supplied to the Issuer on or before 90 days prior to the close of the Fiscal Year of the Issuer, and shall be effective upon the first day of the following Fiscal Year.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements, and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

## **ARTICLE II. DEFINITIONS**

**Section 2.01. Definitions.** For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

“Bank Office” means the designated corporate trust office of the Bank as indicated on the signature page hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

“Financial Advisor” means Estrada Hinojosa, Inc., San Antonio, Texas.

“Fiscal Year” means the fiscal year of the Issuer, ending September 30.

“Holder” and “Security Holder” each means the Person in whose name a Security is registered in the Security Register.

“Issuer Request” and “Issuer Ordinance” means a written request or order signed in the name of the Issuer by its Mayor, Director of Finance, or City Secretary, or any one or more of said officials, and delivered to the Bank.

“Legal Holiday” means a day on which the Bank is required or authorized to be closed.

“Ordinance” means the ordinance of the governing body of the Issuer pursuant to which the Securities are issued, certified by the City Secretary or any other officer of the Issuer and delivered to the Bank.

“Person” means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization, or government or any agency or political subdivision of a government.

“Predecessor Securities” of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Ordinance).

“Redemption Date” when used with respect to any Security to be redeemed means the date fixed for such redemption pursuant to the terms of the Ordinance.

“Responsible Officer” when used with respect to the Bank means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

“Security Register” means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfer of the Securities.

“Stated Maturity” means the date specified in the Ordinance the principal of a Security is scheduled to be due and payable.

**Section 2.02. Other Definitions.** The terms “Bank”, “Issuer”, and “Securities (Security)” have the meanings assigned to them in the recital paragraphs of this Agreement.

The term “Paying Agent/Registrar” refers to the Bank in the performance of the duties and functions of this Agreement.

### **ARTICLE III. PAYING AGENT**

**Section 3.01. Duties of Paying Agent.** As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date, or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the Bank Office.

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and preparing and sending checks by United States mail, first class postage prepaid, on each payment date, to the Holders of the Securities (or their Predecessor Securities) on the respective Record Date, to the address appearing on the Security Register or by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder’s risk and expense.

**Section 3.02. Payment Dates.** The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Ordinance.

### **ARTICLE IV. REGISTRAR**

**Section 4.01. Security Register - Transfers and Exchanges.** The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the “Security Register”) for recording the names and addresses of the Holders of the Securities, the transfer, exchange, and replacement of the Securities, and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. All transfers, exchanges, and replacement of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers, in form satisfactory to the Bank, duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer, or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three business days

after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

**Section 4.02. Certificates.** The Issuer shall provide an adequate inventory of printed Security certificates to facilitate transfers or exchanges thereof. The Bank covenants that the inventory of printed Security certificates will be kept in safekeeping pending their use, and reasonable care will be exercised by the Bank in maintaining such certificates in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other political subdivisions or corporations for which it serves as registrar, or that is maintained for its own securities.

**Section 4.03. Form of Security Register.** The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer, and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

**Section 4.04. List of Security Holders.** The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

Unless required by law, the Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

**Section 4.05. Return of Cancelled Certificates.** The Bank will, at such reasonable intervals as it determines, surrender to the Issuer, Securities in lieu of which or in exchange for which other Securities have been issued, or which have been paid.

**Section 4.06. Mutilated, Destroyed, Lost, or Stolen Securities.** The Issuer hereby instructs the Bank, subject to the applicable provisions of the Ordinance, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an over issuance.

In case any Security shall be mutilated, or destroyed, lost, or stolen, the Bank, in its discretion, may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such destroyed, lost, or stolen Security, only after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss, or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution, and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, or destroyed, lost, or stolen.



**Section 4.07. Transaction Information to Issuer.** The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

## **ARTICLE V. THE BANK**

**Section 5.01. Duties of Bank.** The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner disclosed in the closing memorandum approved by the Issuer as prepared by the Issuer's Financial Advisor or other agent. The Bank may act on a facsimile or e-mail transmission of the closing memorandum acknowledged by the Financial Advisor or the Issuer as the final closing memorandum. The Bank shall not be liable for any losses, costs, or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

**Section 5.02. Reliance on Documents, Etc.** (a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document supplied by the Issuer.

The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

**Section 5.03. Recitals of Issuer.** The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

**Section 5.04. May Hold Securities.** The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

**Section 5.05. Money Held by Bank.** A special depository account shall at all times be kept and maintained by the Bank for the receipt, safekeeping, and disbursement of money received from the Issuer and held hereunder for the payment of the Securities, and money deposited to the credit of such account until paid to the Holders of the Securities, to the extent permitted by law, shall be continuously collateralized by securities or obligations which qualify and are eligible under the laws of the State of Texas to secure and be pledged as collateral for deposits of public funds by an instrumentality and political subdivision of the State of Texas to the extent that such money is not insured by the Federal Deposit Insurance Corporation. Payments made from such account shall be made by check drawn on such account unless the owner of such Securities shall, at its own expense and risk, request such other medium of payment.

All funds at any time and from time to time provided to or held by the Bank hereunder shall be deemed, construed, and considered for all purposes as being provided to or held by the Bank in trust. The Bank acknowledges, covenants, and represents that it is acting herein in trust in relation to such funds, and is not accepting, holding, administering, or applying such funds as a banking depository, but solely as a paying agent for and on behalf of the Security thereto. The Holders shall be entitled to the same preferred claim and first lien on the funds so provided as are enjoyed by the beneficiaries of trust funds generally. The funds provided to the Bank hereunder shall not be subject to warrants, drafts, or checks drawn by the Issuer and, except as expressly provided herein, shall not be subject to compromise, setoff, or other charge or diminution by the Bank.

The Bank shall be under no liability for interest on any money received by it hereunder.

Subject to the unclaimed property laws of the State of Texas and any provisions in the Ordinance to the contrary, any money deposited with the Bank for the payment of the principal, premium (if any), or interest on any Security and remaining unclaimed for three years after final maturity of the Security has become due and payable will be paid by the Bank to the Issuer, and the Holder of such Security shall thereafter look only to the Issuer for payment thereof, and all liability of the Bank with respect to such money shall thereupon cease. If the Issuer does not elect, the Bank is directed to report and dispose of the funds in compliance with Title 6 of the Texas Property Code, as amended.

**Section 5.06. Indemnification.** To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

**Section 5.07. Interpleader.** The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the State and Issuer where the administrative offices of the Issuer are located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court

of competent jurisdiction in the State of Texas to determine the rights of any Person claiming any interest herein.

**Section 5.08. Depository Trust Company Services.** It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for “Depository Trust Company” services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the “Operational Arrangements”, currently in effect, which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

**Section 5.09. Reporting Requirements of Paying Agent/Registrar.** To the extent required by the Code and the regulations promulgated and pertaining thereto, it shall be the duty of the Paying Agent/Registrar, on behalf of the Issuer, to report to the owners of the Securities and the Internal Revenue Service (i) the amount of “reportable payments”, if any, subject to backup withholding during each year and the amount of tax withheld, if any, with respect to payments of the Securities and (ii) the amount of interest or amount treating as interest on the Securities and required to be included in gross income of the owner thereof.

## **ARTICLE VI. MISCELLANEOUS PROVISIONS**

**Section 6.01. Amendment.** This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

**Section 6.02. Assignment.** This Agreement may not be assigned by either party without the prior written consent of the other.

**Section 6.03. Notices.** Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page of this Agreement.

**Section 6.04. Effect of Headings.** The Article and Section headings herein are for convenience only and shall not affect the construction hereof.

**Section 6.05. Successors and Assigns.** All covenants and agreements herein made by the Issuer shall bind its successors and assigns, whether so expressed or not.

**Section 6.06. Severability.** In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

**Section 6.07. Benefits of Agreement.** Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

**Section 6.08. Entire Agreement.** This Agreement and the Ordinance constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Ordinance, the Ordinance shall govern.

**Section 6.09. Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

**Section 6.10. Termination.** This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon 60 days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. Furthermore, the Bank and Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay, or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

**Section 6.11. Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

**[Remainder of this page intentionally left blank.]**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

U.S. BANK NATIONAL ASSOCIATION  
Houston, Texas

By \_\_\_\_\_

Title \_\_\_\_\_

Address: 8 Greenway Plaza, Suite 1100  
Houston, Texas 77046

Attest:

**CITY OF KINGSVILLE, TEXAS**

By \_\_\_\_\_

City Secretary

By \_\_\_\_\_

Mayor

Address: 400 West King Avenue  
Kingsville, Texas 78363

(ISSUER SEAL)

SIGNATURE PAGE OF PAYING AGENT/REGISTRAR AGREEMENT

**SCHEDULE A**

**Paying Agent/Registrar Fee Schedule**

[TO COME]

EXHIBIT B

**ESCROW AGREEMENT**

THIS ESCROW AGREEMENT (the "Agreement"), made by and between City of Kingsville, a political subdivision of the State of Texas in Kleberg County, Texas, (the "City"), acting by and through the City Manager and U. S. BANK NATIONAL ASSOCIATION, as Escrow Agent together with any successor in such capacity;

W I T N E S S E T H:

WHEREAS, pursuant to an Ordinance adopted on June 28, 2021 (the "Ordinance"), the City of Kingsville authorized the issuance of \$3,358,000 City of Kingsville, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Series 2021 (Taxable) (the "Certificates"), pursuant to which Ordinance the City will accept certain contractual obligations to obtain financial assistance from the Texas Water Development Board (the "TWDB") for the purpose of funding certain drainage improvements (the "Project"); and

WHEREAS, the Escrow Agent is a state or national bank designated by the Texas Comptroller as a state depository institution in accordance with Texas Government Code, Chapter 404, Subchapter C, or is a designated custodian of collateral in accordance with Texas Government Code, Chapter 404, Subchapter D and is otherwise qualified and empowered to enter into this Agreement, and hereby acknowledges its acceptance of the terms and provisions hereof; and

WHEREAS, a condition to the City receiving financial assistance from the TWDB is the deposit of the proceeds of the Certificates (the "Proceeds") in escrow subject to being withdrawn only with the approval of the Executive Administrator or another designated representative; provided, however, the Proceeds can be transferred to different investments so long as all parties hereto consent to such transfer;

NOW, THEREFORE, in consideration of the mutual agreements herein contained and in consideration of the amount of fees to be paid by the City to the Escrow Agent, as set forth on **EXHIBIT A**, the receipt of which is hereby acknowledged, and in order to secure the delivery of the Certificates, the parties hereto mutually undertake, promise and agree for themselves, their respective representatives and successors, as follows:

**SECTION 1: ESCROW ACCOUNTS.** Upon the delivery of the Certificates, the Proceeds identified under TWDB Commitment Numbers \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ shall be deposited to the credit of special escrow accounts (Escrow Accounts) maintained at the Escrow Agent on behalf of the City and the TWDB and shall not be commingled with any other accounts or with any other proceeds or funds. The Proceeds received by the Escrow Agent under this Agreement shall not be considered as a banking deposit by the City, and the Escrow Agent shall have no right to title with respect thereto except as Escrow Agent under the terms of this Agreement.

The Escrow Accounts shall each be entitled "City of Kingsville Certificates of Obligation, Texas Water Development Board Commitment Number \_\_\_\_\_ [fill in applicable number] Escrow Account" and shall not be subject to warrants, drafts or checks drawn by the City but shall be disbursed or withdrawn to pay the costs of the respective portion of the Project for which the Proceeds were issued or other purposes in accordance with the Ordinance and solely upon written authorization from the Executive Administrator or his/her designated representative. The Escrow Agent shall provide to the City and to the TWDB the Escrow Accounts bank statements upon request.

**SECTION 2: COLLATERAL.** All cash deposited to the credit of such Escrow Accounts and any accrued interest in excess of the amounts insured by the FDIC and remaining uninvested under the terms of this Agreement shall be continuously secured by a valid pledge of direct obligations of the United States of America or other collateral meeting the requirements of the Public Funds Collateral Act, Texas Government Code, Chapter 2257.

**SECTION 3: INVESTMENTS.** While the Proceeds are held in escrow, the Escrow Agent shall only invest escrowed Proceeds in investments that are authorized by the Public Funds Investment Act, Texas Government Code, Chapter 2256 (PFIA). It is the City's responsibility to direct the Escrow Agent to invest all public funds in a manner that is consistent not only with the PFIA but also with its own written investment policy.

**SECTION 4: DISBURSEMENTS.** The Escrow Agent shall not honor any disbursement from the Escrow Accounts, or any portion thereof, unless and until it has been supplied with written approval and consent by the Executive Administrator or his/her designated representative. However, no written approval and consent by the Executive Administrator shall be required if the disbursement involves transferring Proceeds from one investment to another within the Escrow Accounts provided that all such investments are consistent with the PFIA requirements.

**SECTION 5: UNEXPENDED FUNDS.** Any Proceeds remaining unexpended in the Escrow Accounts after completion of the Project and after the final accounting has been submitted to and approved by the TWDB shall be disposed of pursuant to the provisions of the Ordinance. The City shall deliver a copy of such TWDB approval of the final accounting to the Escrow Agent together with instructions concerning the disbursement of unexpended Proceeds hereunder. The Escrow Agent shall have no obligation to ensure that such unexpended Proceeds are used as required by the provisions of the Ordinance, that being the sole obligation of the City.

**SECTION 6: CERTIFICATIONS.** The Escrow Agent shall be authorized to accept and rely upon the certifications and documents furnished to the Escrow Agent by the City and shall not be liable for the payment of any funds made in reliance in good faith upon such certifications or other documents or approvals, as herein recited.

**SECTION 7: LIABILITY OF ESCROW AGENT.** To the extent permitted by law, the Escrow Agent shall not be liable for any act done or step taken or omitted by it or any mistake of fact or law, except for its negligence or default or failure in the performance of any obligation imposed upon it hereunder. The Escrow Agent shall not be responsible in any manner for any proceedings in connection with the Obligations or any recitation contained in the Obligations.

**SECTION 8: RECORDS.** The Escrow Agent will keep complete and correct books of record and account relating to the receipts, disbursements, allocations and application of the money deposited to the Escrow Accounts, and investments of the Escrow Accounts and all proceeds thereof. The records shall be available for inspection and copying at reasonable hours and under reasonable conditions by the City and the TWDB.

**SECTION 9: MERGER/CONSOLIDATION.** In the event that the Escrow Agent merges or consolidates with another bank or sells or transfers substantially all of its assets or corporate trust business, then the successor bank shall be the successor Escrow Agent without the necessity of further action as long as the successor bank is a state or national bank designated by the Texas Comptroller as a state depository institution in accordance with Texas Government Code, Chapter 404, Subchapter C, or is a designated



custodian of collateral in accordance with Texas Government Code Chapter 404, Subchapter D. The Escrow Agent must provide the TWDB with written notification within 30 days of acceptance of the merger, consolidation, or transfer. If the merger, consolidation or other transfer has occurred between state banks, the newly-created entity shall forward the certificate of merger or exchange issued by the Texas Department of Banking as well as the statement filed with the pertinent chartering authority, if applicable, to the TWDB within five business days following such merger, consolidation or exchange.

**SECTION 10: AMENDMENTS.** This Agreement may be amended from time to time as necessary with the written consent of the City and the TWDB, but no such amendments shall increase the liabilities or responsibilities or diminish the rights of the Escrow Agent without its consent.

**SECTION 11: TERMINATION.** In the event that this Agreement is terminated by either the City or by the Escrow Agent, the Escrow Agent must report said termination in writing to the TWDB within five business days of such termination. The City is responsible for ensuring that the following criteria are satisfied in selecting the successor escrow agent and notifying the TWDB of the change in escrow agents: (a) the successor escrow agent must be an FDIC-insured state or national bank designated by the Texas Comptroller as a state depository; (b) the successor escrow agent must be retained prior to or at the time of the termination; (c) an escrow agreement must be executed by and between the City and the successor escrow agent and must contain the same or substantially similar terms and conditions as are present in this Agreement; and (d) the City must forward a copy of the executed escrow agreement with the successor escrow agent within five business days of said termination. No funds shall be released by the TWDB until it has received, reviewed and approved the escrow agreement with the successor escrow agent. If the City has not appointed a successor escrow agent within thirty (30) days of the notice of termination, the Escrow Agent may petition any court of competent jurisdiction in Texas for the appointment of a successor escrow agent or for other appropriate relief, and any such resulting appointment shall be binding upon the City. Whether appointed by the City or a court, the successor escrow agent and escrow agreement must be approved by the TWDB for the appointment to be effective. The Escrow Agent is responsible for performance under this Agreement until a successor has been approved by the TWDB and has signed an acceptable escrow agreement.

**SECTION 12: EXPIRATION.** This Agreement shall expire upon final transfer of the funds in the Escrow Accounts to the City.

**SECTION 13: POINT OF CONTACT.** The points of contact for the Escrow Agent and the TWDB are as follows:

U.S. BANK NATIONAL ASSOCIATION  
8 Greenway Plaza, Suite 1100  
Houston, Texas 77046

Executive Administrator  
Texas Water Development Board  
1700 North Congress Avenue  
Austin, Texas 78701

Mayor  
City of Kingsville, Texas  
400 West King  
Kingsville Texas 78363

**SECTION 14: CHOICE OF LAW.** This Agreement shall be governed exclusively by the applicable laws of the State of Texas. Venue for disputes shall be in the District Court of Travis County, Texas.

**SECTION 15: ASSIGNABILITY.** This Agreement shall not be assignable by the parties hereto, in whole or in part, and any attempted assignment shall be void and of no force and effect.

**SECTION 16: ENTIRE AGREEMENT.** This Agreement evidences the entire Escrow Agreement between the Escrow Agent and the City and supersedes any other agreements, whether oral or written, between the parties regarding the Proceeds or the Escrow Accounts. No modification or amendment of this Agreement shall be valid unless the same is in writing and is signed by the City and consented to by the Escrow Agent and the TWDB.

**SECTION 17: VALIDITY OF PROVISIONS.** If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

**SECTION 18: COMPENSATION FOR ESCROW SERVICES.** The Escrow Agent shall be entitled to compensation for its services as stated in Exhibit A, which compensation shall be paid by the City but may not be paid directly from the Escrow Accounts.

**SECTION 19: ANTI-BOYCOTT VERIFICATION.** The Escrow Agent hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Escrow Agent understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with the Escrow Agent and exists to make a profit.

**SECTION 20: IRAN, SUDAN AND FOREIGN TERRORIST ORGANIZATIONS.** The Escrow Agent represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,  
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or  
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law neither the Escrow Agent nor any wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Escrow Agent understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Escrow Agent and exists to make a profit.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective upon signature of both parties.

City of Kingsville, Texas

By: \_\_\_\_\_  
Authorized Representative

Date: \_\_\_\_\_

Address: City of Kingsville, Texas  
400 West King  
Kingsville, Texas 78363

(Seal)

U.S. BANK NATIONAL ASSOCIATION  
as Escrow Agent

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address:

(Bank Seal)

**EXHIBIT A**

**Fee Schedule**

EXHIBIT C

RESOLUTION OF TWDB

See Tab No. \_\_\_\_

# **AGENDA ITEM #6**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** June 17, 2021

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner; requesting a Special Use Permit for a Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14<sup>th</sup> Street, Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled last evening, June 16, 2021, with 5 members in attendance.

Members deliberated over the issue of granting approval for a Special Use Permit to enable the applicant to operate a Package Liquor Store. Letters were sent out to neighbors and the City received neither comments nor letters (feedback) pertaining to the application. Commissioners, after deliberations, voted to approve the recommendation for a Special Use Permit A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Debbie Tiffie, Idotha Battle and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by 6.22p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



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## MEMO

**Date:** May 6, 2021

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner; requesting a Special Use Permit for a Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14<sup>th</sup> Street, Kingsville, Texas.

The applicant approached the department because they wanted to carry out the business of operating a Package Liquor Store at the premises located at 1010 S. 14<sup>th</sup> Street, Kingsville, TX. A look at the current zoning for the subject property revealed a C2 (Retail District) use which does not allow for such endeavors except under a Special Use Regime.

Consequently, a Special Use Permit application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since the proposed use will be in conformity with the zoning ordinance of the City of Kingsville.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services



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

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 1010 S. 14th St., Kingsville, TX Nearest Intersection E. Ceasar Ave & S. 14th St.  
 (Proposed) Subdivision Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Legal Description: S. 10' of Lot 7, all of Lots 8-17, Block 1, Cadillac Terrace, Kingsville, Kleberg County, TX  
 Existing Zoning Designation C-2 Retail Future Land Use Plan Designation Special Use Permit

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent Patel & Smith, LLC Phone 361-888-9201 FAX 361-888-8353  
 Email Address (for project correspondence only): dog@wbwpc.com  
 Mailing Address 202 S. Vineyard City Sinton State TX Zip 78387  
 Property Owner Sundial Plaza, L.L.C. Phone 361-701-2800 FAX \_\_\_\_\_  
 Email Address (for project correspondence only): janicehaggerton@yahoo.com  
 Mailing Address 317 Trojan City Port Aransas State TX Zip 78373

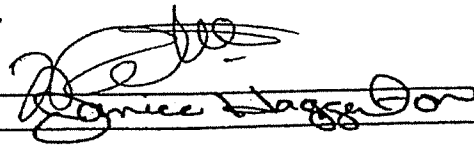
Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input type="checkbox"/> Re-plat	\$250.00
<input checked="" 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

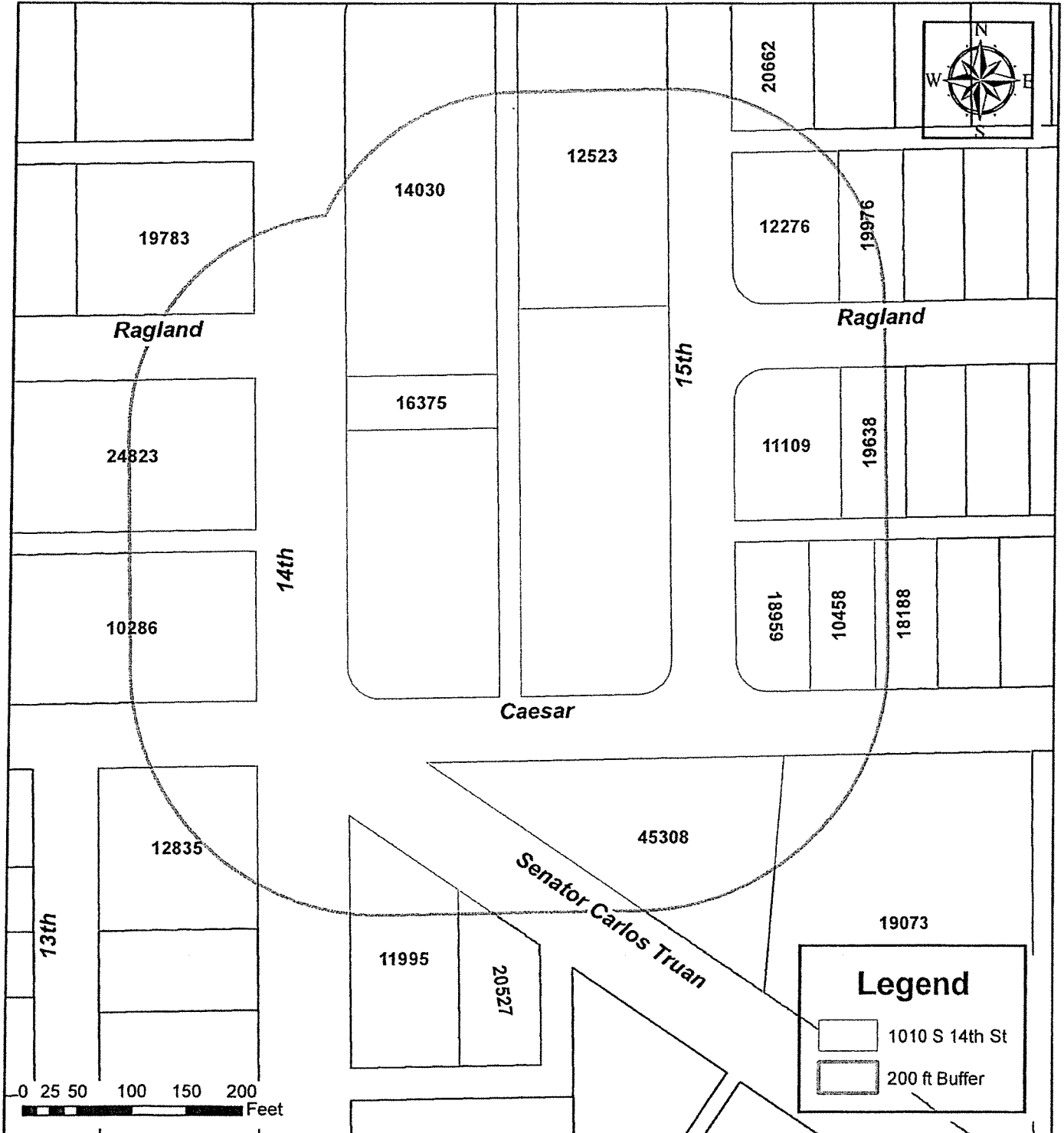
Please provide a basic description of the proposed project:

Applicant seeks a Special Use Permit to operate a package liquor store at the premises located at  
1010 S. 14th St., Kingsville, Texas.

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  Date: 4/14/2021  
 Property Owner's Signature \_\_\_\_\_ Date: 4/14/2021  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

# 200 ft Buffer Map of 1010 S 14th



Document Path: C:\Users\resendez\Desktop\GIS\Maps\New Buffer Maps.mxd

Page 111	Drawn By: Planning Department	<p><b>DISCLAIMER</b> 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><b>CITY OF KINGSVILLE</b> <b>PLANNING DEPARTMENT</b>  410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 4/26/2021		
	Note:		

LOJON PROPERTY LLC  
%LONG JOHN SILVER'S #5203 ATTN:  
R MACNEILL  
10350 ORMSBY PARK PL STE 300  
LOUISVILLE, KY 40223-6177  
#19783

LEILA M SAMADI  
700 S 14<sup>TH</sup> ST STE A  
KINGSVILLE, TX 78363  
#12835

JOSE ALFREDO ALFARO  
1031 E WARREN AVE  
KINGSVILLE, TX 78363-6468  
#20662

LAZARO PAREDEZ JR  
ETUX ASHLEY  
3765 AMANDA LN  
ROBSTOWN, TX 78380  
#11109

GUADALUPE A FERNANDEZ  
LEONOR G FERNANDEZ  
PO BOX 1795  
KINGSVILLE, TX 78364-1795  
#10458

HALEIGH RENTALS LLC  
218 S 14<sup>TH</sup> ST  
KINGSVILLE, TX 78363-5839  
#19073

SOUTHERN MULTIFOODS INC  
101 E CHEROKEE ST  
JACKSONVILLE, TX 75766-4807  
#24823

HERMAN H OHLENBUSCH  
926 S 14<sup>TH</sup> ST, STE 103  
KINGSVILLE, TX 78363  
#14030, 12523, 11995, 20527

AUGUSTINE RUIZ JR  
1032 E RAGLAND AVE  
KINGSVILLE, TX 78363-6478  
#12276

FREDDIE D PIERCE  
ETUX MONICA  
1103 E RAGLAND AVE  
KINGSVILLE, TX 78363-6465  
#19638

BERNARD E BRYANT  
1106 E CAESAR AVE  
KINGSVILLE, TX 78363-6613  
#18188

LEE YOUNG HYU  
ETUX EUN YON IM  
3042 NECHES DR  
CORPUS CHRISTI, TX 78414-4413  
#10286

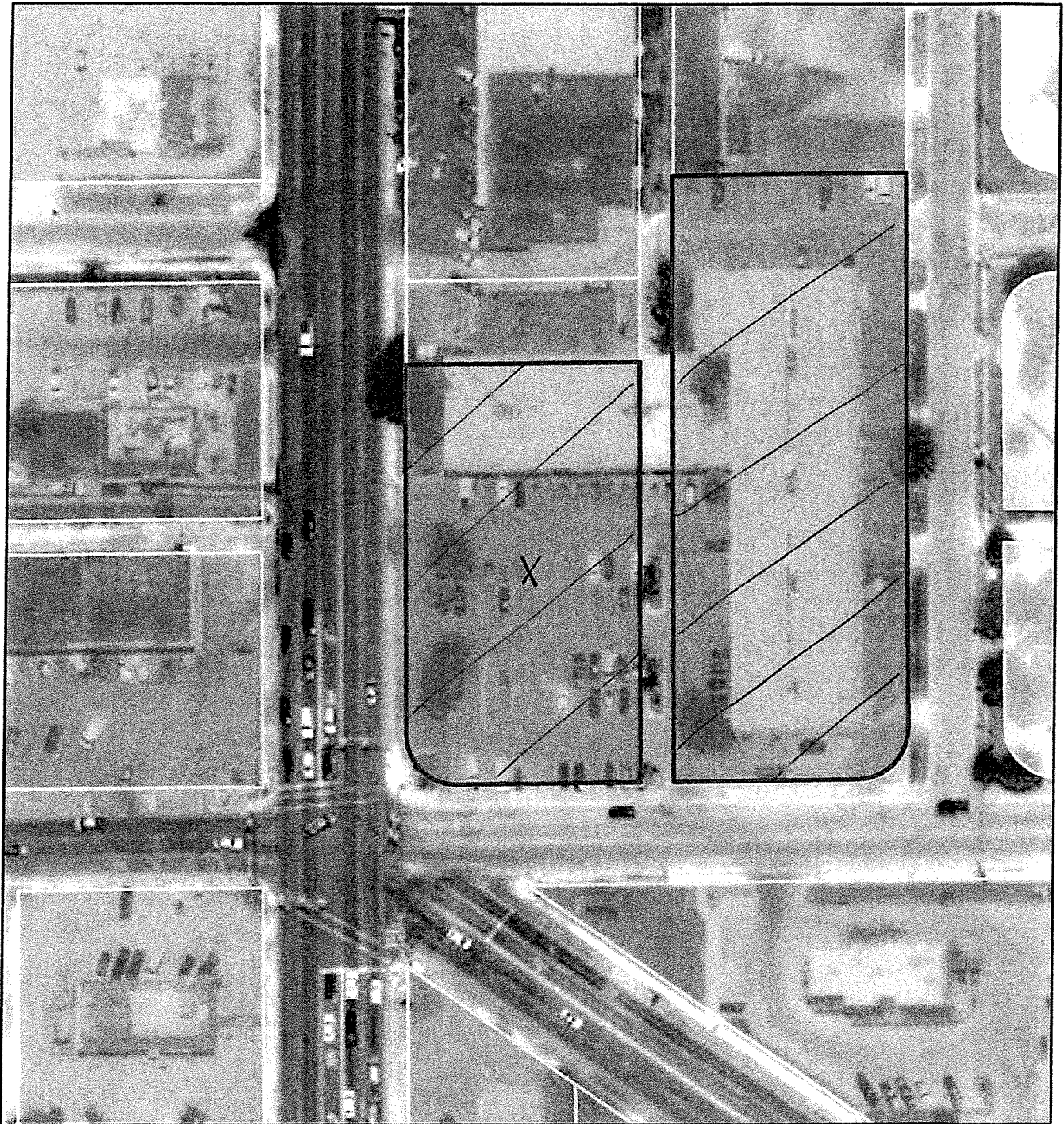
FELIZ HERRERA JR  
DBA: ABC TV CENTER  
1002 S 14<sup>TH</sup> ST  
KINGSVILLE, TX 78363-6422  
#16375

RENE R PEREZ  
1104 E RAGLAND AVE  
KINGSVILLE, TX 78363-6466  
#19976

MARIA E CLEMMONS  
1032 E CEASAR AVE  
KINGSVILLE, TX 78363  
#18959

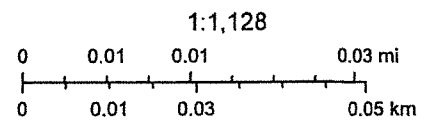
TAMC ENTERPRISES LLC  
1635 ROGERS RD  
FORT WORTH, TX 76107  
#45308

1010 S. 14th



April 14, 2021

X-1010 S 14th  
C2-Retail Zoning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use Chart														↓	
Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag		
Mortuary							S	P	P	P	S		S		
Music store							S	P	P	P					
Office, professional, or general business							S	P	P	P	S				
Optical shop or laboratory							S	P	P	P					
Package liquor store							S	S	P	P					
Pawn shop							S	S	P	P					
Pet shop for small animals birds, fish							P	P	P	P					
Personal custom services such as tailor, milliner, and the like							P	P	P	P					
Repair of appliances, T.V., radio, and similar equipment							P	P	P	P					
Shoe, boot, saddle, or other leather goods sale and repair							S	P	P	P	P	P			
Studio, photographer, artist, music, dance, drama							S	P	P	P					

## Kleberg CAD

### Property Search > 24719 SUNDIAL PLAZA LLC for Year 2021

Tax Year: 2021 - Values not available

#### Property

##### Account

Property ID: 24719 Legal Description: CAD TERR, BLOCK 1, LOT S10'7, 8-17, PT ALLEY, (SUNDIAL PLAZA)  
 Geographic ID: 107700108000192 Zoning: C2  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

##### Location

Address: 1010 S 14TH ST TX Mapsco:  
 Neighborhood: Map ID: 81-I  
 Neighborhood CD:

##### Owner

Name: SUNDIAL PLAZA LLC Owner ID: 28002  
 Mailing Address: % JANICE HAGGERTON % Ownership: 100.0000000000%  
 317 TROJAN  
 PORT ARANSAS, TX 78373  
 Exemptions:

#### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

#### Taxing Jurisdiction

Owner: SUNDIAL PLAZA LLC  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			

Taxes w/Current Exemptions: N/A

Taxes w/o Exemptions: N/A

**Improvement / Building****Improvement #1:** COMMERCIAL **State Code:** F1 **Living Area:** 27435.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1984	8700.0
MA	MAIN AREA	SCT2A		1984	18735.0
CNC	CONCRETE SLAB RESIDENTIAL	FV		1984	1131.0
ASP	ASPHALT (100%)	FV		1984	49855.0

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.8609	37500.00	250.00	150.00	N/A	N/A
2	F1	F1	1.2397	54000.00	360.00	150.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$632,760	\$320,250	0	953,010	\$0	\$953,010
2019	\$963,710	\$320,250	0	1,283,960	\$0	\$1,283,960
2018	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2017	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2016	\$932,650	\$320,250	0	1,252,900	\$0	\$1,252,900
2015	\$585,120	\$320,250	0	905,370	\$0	\$905,370
2014	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2013	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2012	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2011	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2010	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2009	\$473,590	\$320,250	0	793,840	\$0	\$793,840
2008	\$520,950	\$183,000	0	703,950	\$0	\$703,950
2007	\$473,590	\$183,000	0	656,590	\$0	\$656,590

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

## Spice Station makes Top 100 places to eat in Texas

LAURA NEWMAN  
REPORTER

You may know them for their Chicken 65, Spinach Chicken, Butter Chicken or their spice, but everyone knows them for their great customer service.

The famous Kingsville Indian cuisine, Spice Station located on E. Lott Avenue made Yelp's Top 100 Places to Eat in Texas.

Yelp released the list last Wednesday and Spice Station came out at number 36, which is 50 points higher than the last time in 2020.

Spice Station is a family owned and operated restaurant that is most known for their delicious flavors and excellent customer service.

Spice Station is owned by Rahila Charania (mother and recipe creator), Muhammad Iqbal Charania (father), Zohair Charania and Hassan Charania. Hassan and Zohair are two of three brothers and the main operator of Spice Station. They're youngest brother,

Rohan Charania works when he is not at school.

Zohair said they all rely on one another and that family always shows up and contributes to making the restaurant a better place.

Husna Charania, Hassan's wife, is the creator of one of their most popular menu items, Butter Chicken.

Family values and treating people how you want to be treated is important to this family and it shines through their restaurant.

Hassan Charania said that all of their customers and employees are treated like family and that is something they were taught to do at a young age.

When Yelp released their list, both brothers were in shock and thankful to see they shot up 50 points and to see their restaurant on the list.

Zohair said when he found out he text his mom, his dad, his brother and his wife, and instantly started to think of ways to improve and get



Muhammad Iqbal & Rahila Charania

even higher on the list next time.

"At first I thought, we don't deserve this, I thought how? We don't deserve this," Hassan said.

"It just keeps us motivated. It makes us think, okay, how can we do bet-

ter reviews with more than hundreds of reviews across all major reviewing platforms: Facebook, Yelp and Google. They said their secret is great customer service and never serving something they wouldn't eat themselves.

Zohair said for example, if food has been sitting out for 45 minutes, they pack it up and donate it.

Both brothers believe they got to where they are now because of their customer service. They said it is all about how you interact with people and correcting unpleasant experiences.

They said they always ask customers how their meal was the last time they were in, if it wasn't good, they fix it and make it right.

Samples are always something that they have done, because they want to make sure their customers get what they like. Zohair said samples are the first connection with their customers.

Spice Station has five

out in their apartment; it started to become popular and their parking lot was always full.

In 2013, they opened in a gas station and after a few years they became popular. Zohair said the parking lot was always full and the line was out the door.

Their location in the gas station only had two tables and in 2017, they decided to expand to their current location.

Zohair said they rented the building at first, but in 2019 they were able to purchase the building and make it their own.

They are always looking for areas of improvements and are currently experimenting with new menu items and looking for ways to become more eco-friendly.

They are very thankful for all of their staff and especially thankful for Emily Garcia, Juan Garcia and Mitchell Wulverton, who are all at the front of the house and hold true to their motto—treating others how you want to be treated.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 16, 2021 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PHOP ID 26942 and 268 E Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 28, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KTRC CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6th Street, PHOP ID 26942 and 268 E Escondido Road, Kingsville, Texas (off East Escondido Road near South 6th St. across from Dick Kleberg Park).

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

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 16, 2021 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner; requesting a Special Use Permit for Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY, (SUNDIAL PLAZA) also known as 1010 S. 14th St., Kingsville, Texas.

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

### PUBLIC HEARING NOTICE

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

## Wanted!



**\$250 reward**

for information leading to this person's conviction.

Information for the arrest and conviction of the person who has stolen two head stones from The Monument Place over the course of the past few weeks.

To report information, call The Monument Place of the City of Kingsville Police Department.



City Sanitation, City Hall and other Administrative Offices will be closed on Monday, May 31, 2021 in observance of Memorial Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of May 31 through June 4, 2021.

### Residential Sanitation Schedule

Monday/Thursday service will be done on Tuesday/Thursday  
Tuesday/Friday service will be done Wednesday/Friday

### Commercial Sanitation Schedule

Monday/Tuesday service will be done Thursday

The schedule will resume to its normal schedule on June 7, 2021.

**SUBSCRIBE**

(361)

345-1333

\*Military Discount:

Rates:

Mail (in county)

Mail (out of county)

6 months - \$26.00

6 months - \$29.00

1 year - \$48.00

1 year - \$55.00

Online Only: \$45.00

Mail (in county)

Mail (out of county)

6 months - \$20.00

6 months - \$25.00

1 year - \$40.00

1 year - \$50.00

Online Only: \$40.00



**ORDINANCE NO. 2021-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR PACKAGE LIQUOR STORE USE IN C2 (RETAIL DISTRICT) AT 1010 S. 14<sup>TH</sup> ST., KINGSVILLE, TEXAS (SUNDIAL PLAZA), ALSO KNOWN AS CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Patel & Smith, LLC (applicant), Sundial Plaza, LLC (owner) for amendment to the zoning map of the City of Kingsville;

**WHEREAS**, the property is currently zoned C2-Retail District and it is desired for the area to be used for package liquor store use, while its prior use was a meat processing plant;

**WHEREAS**, the City Code of Ordinances, Chapter XV-Land Usage, Appendix A- Land Use Categories states that in C2 a special use permit is required to have a package liquor store use as listed on the SUP application; and

**WHEREAS**, the City of Kingsville Code of Ordinances section 15-6-142 regulates special use permits; and

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, June 16, 2021, during a meeting of the Planning Commission, and on Monday, June 28, 2021, a public hearing was held during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, a majority of the Planning and Zoning Commission voted 5-0 to APPROVE, with 0 abstentions, the requested special use permit; 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 and a Special Use Permit is granted for package liquor store use on the premises known as 1010 S. 14<sup>th</sup> St. (Sundial Plaza), Kingsville, Texas, also known as Cadillac Terrace, Block 1, Lots

8-17, South 10' of Lot 7, and part alley, as more specifically describe on site plan attached as Exhibit A.

**SECTION 2.** That the Special Use Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "C2" Retail District use is for package liquor store use.

2. **STATE LICENSE:** The premises or operator will be licensed or registered by the State of Texas, if needed, to have such a business.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain all required background checks, business licenses and have and cooperate with all annual fire safety, health, and sanitation inspections, or other inspections required for this type of use by the City of Kingsville or any State or Federal requirement, in order to maintain compliance with federal, state and city regulations for the facility.

**SECTION 3.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 4.** 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 5.** That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 6.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 7.** 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 28th day of June, 2021.

**PASSED AND APPROVED** on this the 12th day of July, 2021.

Effective Date: \_\_\_\_\_, 2021

**THE CITY OF KINGSVILLE**

---

Sam R. Fugate, Mayor

**ATTEST:**

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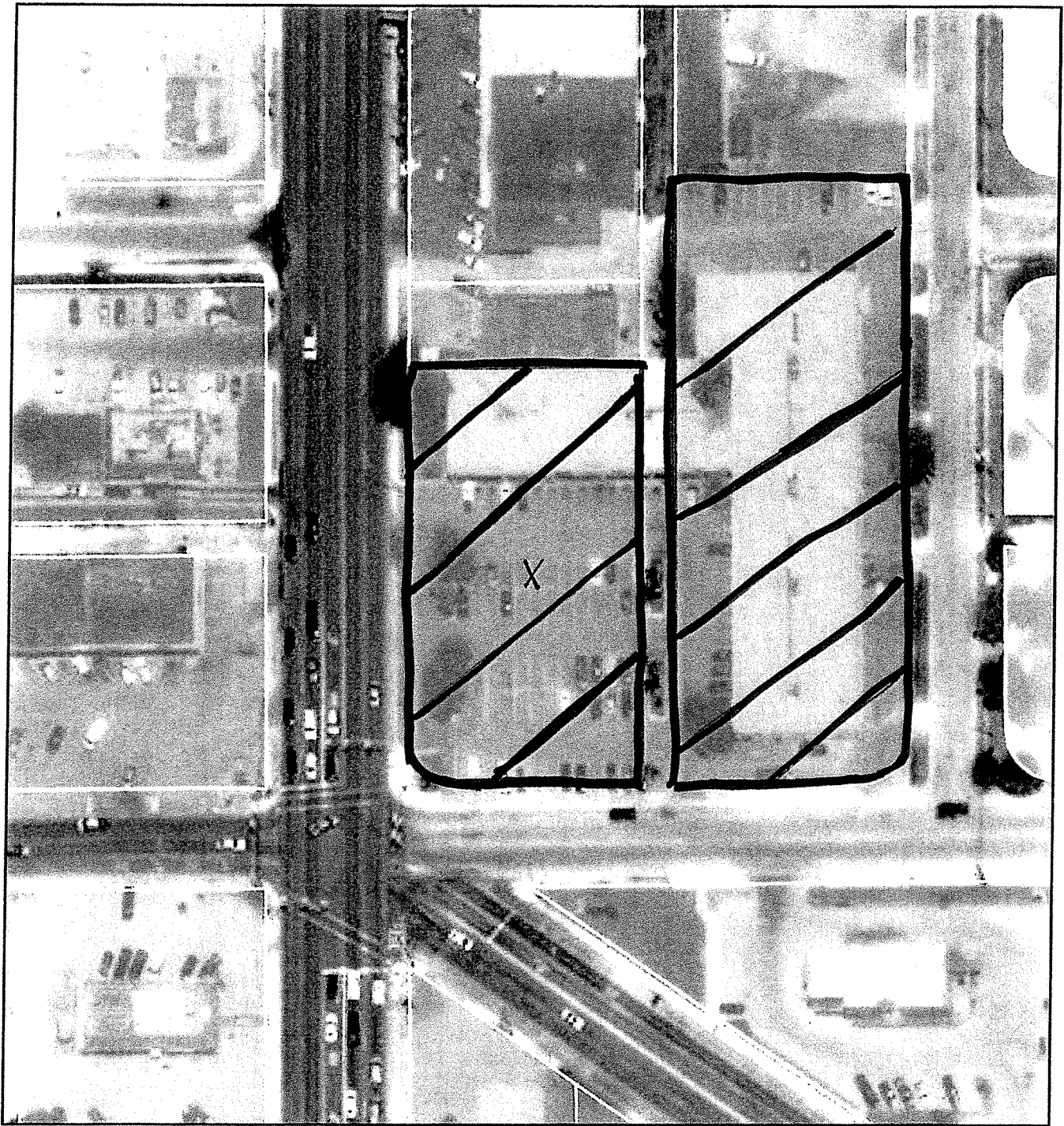
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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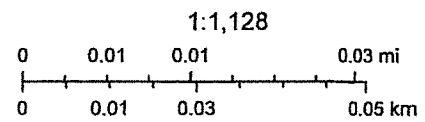
Courtney Alvarez, City Attorney

1010 S. 14th



April 14, 2021

X-1010 S 14th  
C2-Retail Zoning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# **AGENDA ITEM #7**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



## MEMO

**Date:** June 17, 2021

**To:** Mark McLaughlin (City Manager)

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** **John and Velinda Sanchez, applicant and owner, requesting a replat of K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6<sup>th</sup> Street across from Dick Kleberg Park).**

The Planning and Zoning Commission meeting held as scheduled last evening, June 16, 2021, with 5 members in attendance.

Members deliberated over the issue of granting approval for a replat of the properties KT&I CO BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Letters were sent out to neighbors and the City received neither comments nor letters (feedback) pertaining to the application. Commissioners, after deliberations, voted to approve the recommendation for a replat of the said properties according to the proposed design. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Debbie Tiffie, Idotha Battle and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by 6.22p.m.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8093



## MEMO

**Date:** May 6, 2021

**To:** Planning and Zoning Commission Members

**From:** Uche Echeozo (Director of Planning and Development Services)

**Subject:** John and Velinda Sanchez, applicant and owner, requesting a replat of K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas (off East Escondido Road near South 6<sup>th</sup> Street across from Dick Kleberg Park).

The applicant approached the department because they wanted to carry out a replat of the properties KT&I CO BLOCK 21, LOT SW PT 11, ACRES 1.00; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00, KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00 also known as 4100 S. 6<sup>th</sup> Street, PROP ID 36942 and 268 E. Escondido Road, Kingsville, Texas and currently zoned R1(Single Family Residential). At the moment, the three properties (owned by the same persons) are not regularly shaped as shown in the attached map. They would like to subdivide the three lots into three more regular lots. This would enable a more orderly development.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage and enable a more orderly development within the City of Kingsville.

Thank you.

**Uche Echeozo**  
Director of Planning and  
Development Services

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

**PROPERTY INFORMATION: (Please PRINT or TYPE)**

Project Address 4100 S. 6th St. / 268 E. Escondido Rd Nearest Intersection Walt St + Escondido Rd Property ID 36942

(Proposed) Subdivision Name \_\_\_\_\_ Lot S10 P11 Block 21

Legal Description: KT & J CO.

Existing Zoning Designation R1 Future Land Use Plan Designation C1

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**

Applicant/Authorized Agent John + Velinda Sanchez Phone 361-455-3948 FAX \_\_\_\_\_  
361-455-1167

Email Address (for project correspondence only): John.Velinda@yaho.com

Mailing Address 4100 S. 6th St. City Kingsville State TX Zip 78363

Property Owner John + Velinda Sanchez Phone \_\_\_\_\_ FAX \_\_\_\_\_

Email Address (for project correspondence only): \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

<input type="checkbox"/> Annexation Request	No Fee	<input type="checkbox"/> Preliminary Plat	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)	\$250.00	<input type="checkbox"/> Final Plat	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request	\$250.00	<input type="checkbox"/> Minor Plat	\$100.00
<input type="checkbox"/> Re-zoning Request	\$250.00	<input checked="" 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:

Request to replat 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.

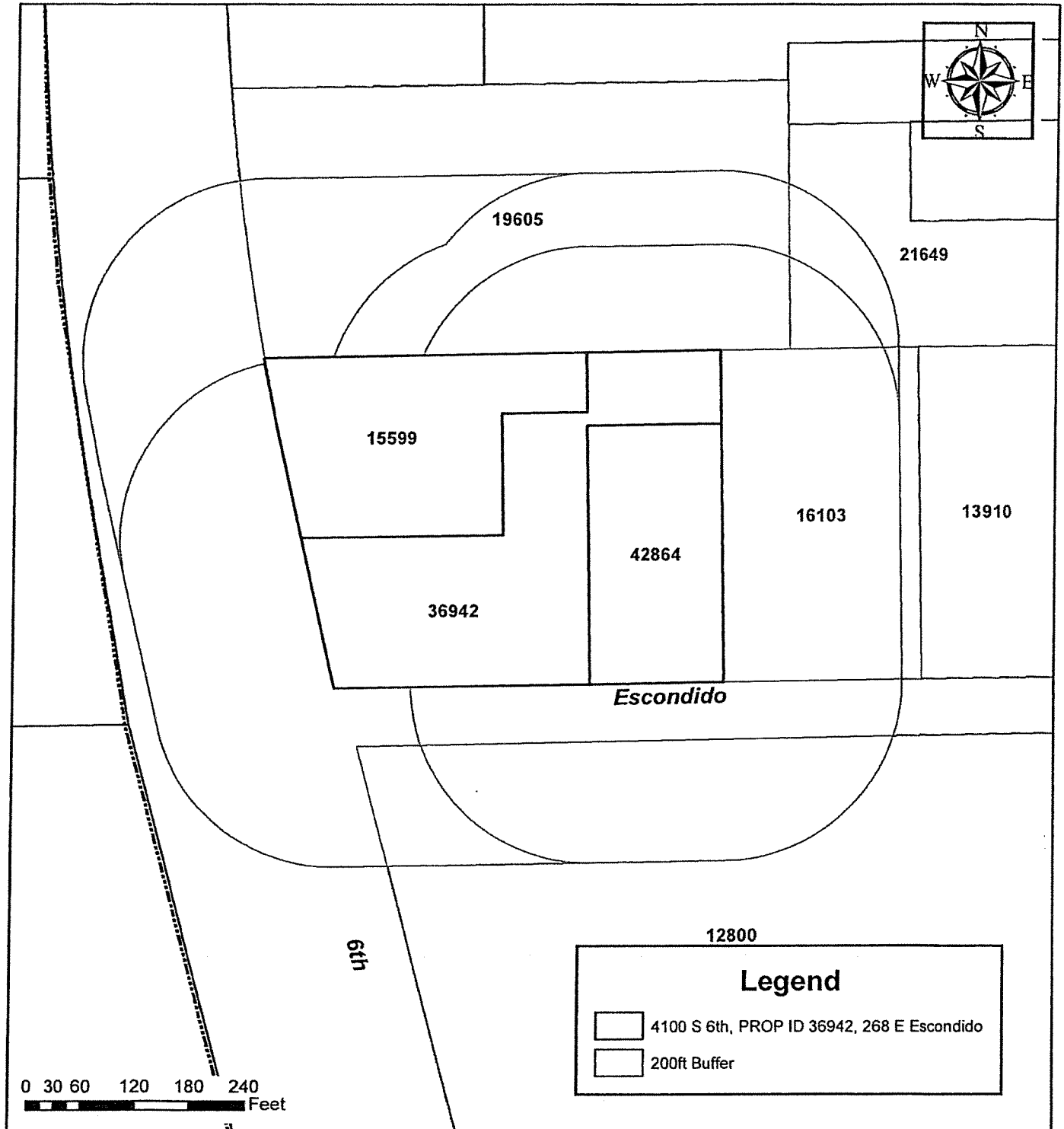
Applicant's Signature John Sanchez Date: 4-26-21

Property Owner's Signature Velinda Sanchez Date: 4-26-21


Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



# 200 ft Buffer Map of 4100 S 6th, PROP ID 36942. 268 E Escondido



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

Page 1 / 1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 <b>CITY OF KINGSVILLE</b> PLANNING DEPARTMENT  410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 4/29/2021		
	Note:		

JOHN SANCHEZ  
ETUX VELINDA  
234 E TRANT RD  
KINGSVILLE, TX 78363-7321  
#19605

MARIA ELMA SALDANA  
AKA MARIA ELMA ZAMORA  
320 E ESCONDIDO RD  
KINGSVILLE, TX 78363-7447  
#13910

LEONEL OMAR GONZALEZ  
ETUX MARGIE YBARRA  
402 NELDA ST  
KINGSVILLE, TX 78363-7417  
#21649

KLEBERG COUNTY PARK  
PO BOX 72  
KINGSVILLE, TX 78364-0072  
#12800

DEMETRIA MONTES  
310 E ESCONDIDO RD  
KINGSVILLE, TX 78363  
#16103



# Kleberg CAD

## Property Search > 15599 SANCHEZ JOHN for Year 2021

Tax Year: 2021 - Values not available

### Property

#### Account

Property ID:	15599	Legal Description:	K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0
Geographic ID:	290002111000118	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

#### Location

Address:	4100 S 6TH ST	Mapsc:	
Neighborhood:		Map ID:	A3
Neighborhood CD:			

#### Owner

Name:	SANCHEZ JOHN	Owner ID:	52313
Mailing Address:	ETUX VELINDA 234 E TRANT RD KINGSVILLE, TX 78363-7321	% Ownership:	100.0000000000%
		Exemptions:	HS, DP

### Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

### Taxing Jurisdiction

Owner: SANCHEZ JOHN  
 % Ownership: 100.000000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

## Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 2741.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF5	EW1	1950	2741.0
PCFA	PATIO COVERED FRAME AVERAGE	*		1950	280.0
OPFA	OPEN PORCH FRAME AVERAGE	*		1950	468.0
DGFU	DETACHED GARAGE FRAME UNFINISHED	*		1950	420.0
STPP	STORAGE (CONSIDERED PP)	NV		0	384.0
STGG	STORAGE FRAME (GOOD)	*		0	360.0

Improvement #2: RESIDENTIAL State Code: A1 Living Area: 736.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF3	EW1	1950	576.0
OPFA	OPEN PORCH FRAME AVERAGE	*		2011	16.0
MADF	MAIN ADDITION FRAME	*		2011	160.0
CPFA	CARPORT FRAME AVERAGE	*		2011	120.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	1.0000	43560.00	0.00	0.00	N/A	N/A

## Roll Value History


Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$209,480	\$25,000	0	234,480	\$24,315	\$210,165
2019	\$209,480	\$25,000	0	234,480	\$43,421	\$191,059
2018	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2017	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2016	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2015	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2014	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2013	\$148,690	\$25,000	0	173,690	\$0	\$173,690
2012	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2011	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2010	\$127,330	\$25,000	0	152,330	\$0	\$152,330
2009	\$127,330	\$40,000	0	167,330	\$0	\$167,330
2008	\$124,800	\$40,000	0	164,800	\$0	\$164,800
2007	\$124,800	\$40,000	0	164,800	\$27,981	\$136,819

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	7/17/2007	WDVL	WARRANTY DEED W/VENDOR'S LEIN	NORRIS ELVIA M	SANCHEZ JOHN	368	229	
2	1/1/2005	PROB	PROBATE	NORRIS ROBERT E DR EST	NORRIS ELVIA M			5282
3	10/12/2004	PROB	PROBATE	NORRIS ROBERT E DR EST	NORRIS ROBERT E DR EST			5282

**Tax Due**

Property Tax Information as of 04/19/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
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NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

Website version: 1.2.2.33

Database last updated on: 4/18/2021 8:17 PM

© N. Harris Computer Corporation

# Kleberg CAD

Property Search > 36942 SANCHEZ JOHN for Year 2021

Tax Year: 2021 - Values not available

## Property

### Account

Property ID: 36942 Legal Description: K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 2.00  
 Geographic ID: 290002111010118 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

### Location

Address: ESCONDIDO RD TX Mapsco:  
 Neighborhood: Map ID: A3  
 Neighborhood CD:

### Owner

Name: SANCHEZ JOHN Owner ID: 52313  
 Mailing Address: ETUX VELINDA % Ownership: 100.0000000000%  
 234 E TRANT RD  
 KINGSVILLE, TX 78363-7321  
 Exemptions:

## Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
-----			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
-----			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
-----			
(=) Assessed Value:	=	N/A	

## Taxing Jurisdiction

Owner: SANCHEZ JOHN  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
	Total Tax Rate:	N/A			
Taxes w/Current Exemptions:					N/A

Taxes w/o Exemptions:

N/A

**Improvement / Building**

No improvements exist for this property.

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	EO	EO	2.0000	87120.00	0.00	0.00	N/A	N/A

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$10,000	0	10,000	\$0	\$10,000
2019	\$0	\$10,000	0	10,000	\$0	\$10,000
2018	\$0	\$10,000	0	10,000	\$0	\$10,000
2017	\$0	\$10,000	0	10,000	\$0	\$10,000
2016	\$0	\$10,000	0	10,000	\$0	\$10,000
2015	\$0	\$10,000	0	10,000	\$0	\$10,000
2014	\$0	\$15,000	0	15,000	\$0	\$15,000
2013	\$0	\$15,000	0	15,000	\$0	\$15,000
2012	\$0	\$15,000	0	15,000	\$0	\$15,000
2011	\$0	\$15,000	0	15,000	\$0	\$15,000
2010	\$0	\$15,000	0	15,000	\$0	\$15,000

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
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**Tax Due**

Property Tax Information as of 04/19/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**



# Kleberg CAD

Property Search > 42864 SANCHEZ JOHN JR for Year 2021

Tax Year: 2021 - Values not available

## Property

### Account

Property ID: 42864 Legal Description: K T & I CO, BLOCK 21, LOT SW PT 11, ACRES 1.00  
 Geographic ID: 290002111015118 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

### Location

Address: 268 E ESCONDIDO RD, TX Mapsco:  
 Neighborhood: Map ID: A3  
 Neighborhood CD:

### Owner

Name: SANCHEZ JOHN JR Owner ID: 60915  
 Mailing Address: AMANDA NICOLE ARRIAGA SANCHEZ % Ownership: 100.0000000000%  
 4100 S 6TH ST  
 KINGSVILLE, TX 78363  
 Exemptions:

## Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A
<hr/>			
(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	
<hr/>			
(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	
<hr/>			
(=) Assessed Value:	=	N/A	

## Taxing Jurisdiction

Owner: SANCHEZ JOHN JR  
 % Ownership: 100.0000000000%  
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A

Taxes w/o Exemptions:

N/A

**Improvement / Building**

No improvements exist for this property.

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	EO	EO	1.0000	43560.00	0.00	0.00	N/A	N/A

**Roll Value History**


Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$5,000	0	5,000	\$0	\$5,000
2019	\$0	\$5,000	0	5,000	\$0	\$5,000
2018	\$0	\$5,000	0	5,000	\$0	\$5,000
2017	\$0	\$5,000	0	5,000	\$0	\$5,000
2016	\$0	\$5,000	0	5,000	\$0	\$5,000
2015	\$0	\$5,000	0	5,000	\$0	\$5,000

**Deed History - (Last 3 Deed Transactions)**

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/23/2015	WDVL	WARRANTY DEED W/VENDOR'S LEIN	SANCHEZ JOHN	SANCHEZ JOHN JR	528	640	

**Tax Due**

Property Tax Information as of 04/26/2021

Amount Due if Paid on: 

Year	Taxing Jurisdiction	Taxable Value	Base Tax	Base Taxes Paid	Base Tax Due	Discount / Penalty & Interest	Attorney Fees	Amount Due
------	---------------------	---------------	----------	-----------------	--------------	-------------------------------	---------------	------------

NOTE: Penalty & Interest accrues every month on the unpaid tax and is added to the balance. Attorney fees may also increase your tax liability if not paid by July 1. If you plan to submit payment on a future date, make sure you enter the date and RECALCULATE to obtain the correct total amount due.

**Questions Please Call (361) 595-5775****This year is not certified and ALL values will be represented with "N/A".**

Website version: 1.2.2.33

Database last updated on: 4/25/2021 8:17 PM

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## Spice Station makes Top 100 places to eat in Texas

LAURA NEWMAN  
REPORTER

You may know them for their Chicken 65, Spinach Chicken, Butter Chicken or their spice, but everyone knows them for their great customer service.

The famous Kingsville Indian cuisine, Spice Station located on E. Lott Avenue made Yelp's Top 100 Places to Eat in Texas.

Yelp released the list last Wednesday and Spice Station came out at number 36, which is 50 points higher than the last time in 2020.

Spice Station is a family owned and operated restaurant that is most known for their delicious flavors and excellent customer service.

Spice Station is owned by Rabila Charania (mother and recipe creator), Muhammad Iqbal Charania (father), Zohair Charania and Hassan Charania. Hassan and Zohair are two of three brothers and the main operator of Spice Station. Their youngest brother,

Roshan Charania works when he is not at school.

Zohair said they all rely on one another and that family always shows up and contributes to making the restaurant a better place.

Husna Charania, Hassan's wife, is the creator of one of their most popular menu items, Butter Chicken.

Family values and treating people how you want to be treated is important to this family and it shines through their restaurant.

Hassan Charania said that all of their customers and employees are treated like family and that is something they were taught to do at a young age.

When Yelp released their list, both brothers were in shock and thankful to see they shot up 50 points and to see their restaurant on the list.

Zohair said when he found out he text his mom, his dad, his brother and his wife and instantly started to think of ways to improve and get



Muhammad Iqbal & Rabila Charania

even higher on the list next time.

"At first I thought, we don't deserve this. I thought how? We don't deserve this," Hassan said.

"It just keeps us motivated. It makes us think, okay, how can we do bet-

ter reviews with more than hundreds of reviews across all major reviewing platforms, Facebook, Yelp and Google. They said their secret is great customer service and never serving something they wouldn't eat themselves.

Zohair said for example, if food has been sitting out for 45 minutes, they pack it up and donate it.

Both brothers believe they got to where they are now because of their customer service. They said it is all about how you interact with people and correcting unpleasant experiences.

They said they always ask customers how their meal was the last time they were in. If it wasn't good, they fix it and make it right.

Samples are always something that they have done, because they want to make sure their customers get what they like. Zohair said samples are the first connection with their customers.

Spice Station started

out in their apartment; it started to become popular and their parking lot was always full.

In 2014, they opened in a gas station and after a few years they became popular. Zohair said the parking lot was always full and the line was out the door.

Their location in the gas station only had two tables and in 2017, they decided to expand to their current location.

Zohair said they rented the building at first, but in 2019 they were able to purchase the building and make it their own.

They are always looking for areas of improvements and are currently experimenting with new menu items and looking for ways to become more eco-friendly.

They are very thankful for all of their staff and especially thankful for Emily Garcia, Joan Garcia and Mitchell Waverston, who are all at the front of the house and hold true to their motto—treating others how you want to be treated.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, June 16, 2021 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; also known as 4100 S. 6th Street, PHOP ID 36942 and 268 E Escandido Road, Kingsville, Texas (off East Escandido Road near South 6th St. across from Dick Kleberg Park).

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

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, June 28, 2021 at 5:00 p.m. wherein the City Commission will discuss and act on the following item and at which time all interested persons will be heard:

John and Velinda Sanchez, applicant and owner, requesting the replat of KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; KT&I CO, BLOCK 21, LOT SW PT 11, ACRES 1.0; also known as 4100 S. 6th Street, PHOP ID 36942 and 268 E Escandido Road, Kingsville, Texas (off East Escandido Road near South 6th St. across from Dick Kleberg Park).

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

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Patel & Smith, LLC, applicant; Sundial Plaza LLC, owner, requesting a Special Use Permit for Package Liquor Store use at CADILLAC TERRACE, BLOCK 1, LOTS 8-17, SOUTH 10' OF LOT 7, AND PART ALLEY (SUNDIAL PLAZA) also known as 1010 S. 14th St., Kingsville, Texas.

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## Wanted!



**\$250 reward**  
for information leading to this person's conviction.

Information for the arrest and conviction of the person who has stolen two head stones from The Monument Place over the course of the past few weeks.

To report information, call The Monument Place of the City of Kingsville Police Department.



City Sanitation, City Hall and other Administrative Offices will be closed on Monday, May 31, 2021 in observance of Memorial Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of May 31 through June 4, 2021.

### Residential Sanitation Schedule

Monday/Thursday service will be done on Tuesday/Thursday  
Tuesday/Friday service will be done Wednesday/Friday

### Commercial Sanitation Schedule

Monday/Tuesday service will be done Thursday

The schedule will resume to its normal schedule on June 7, 2021.

**SUBSCRIBE**

(361)

345-1333

### Rates:

Mail (in country)	Mail (out of country)
6 months - \$26.00	6 months - \$29.00
1 year - \$48.00	1 year - \$55.00

Online Only: \$15.00

### \* Military Discount:

Mail (in country)	Mail (out of country)
6 months - \$20.00	6 months - \$25.00
1 year - \$40.00	1 year - \$50.00

Online Only: \$10.00

# **AGENDA ITEM #8**

Donation

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Susan Ivy, Parks Director

**DATE:** June 20 , 2021

**SUBJECT:** Agenda Request – Receipt of donation from Brookshire Foundation

**Summary:** We are requesting that Commission authorize the receipt of up to \$13,432.15 from the B.C. & Addie Brookshire Foundation for assistance with recreational programming and equipment for the Kingsville Parks & Recreation Department.

**Background:** The Brookshire Foundation has a long history of supporting youth programming in Kleberg County. The Parks Department has received tens of thousands of dollars over the years that have benefitted our programs and facilities. Last week they dropped off two unsolicited checks for assistance for youth recreation. We are committing those funds to the areas below.

**Financial Impact:** These donations will increase our funding for recreational needs as follows:

Minor Equipment -4513-21700	-	\$3130.00	2 bay swing set for Corral Park
Swim Team	4513-31497	1000.00	
Track Team	4513-31496	1000.00	
Rec Programs	4513-31499	5302.15	
Youth Pony league	4514-21700	3000.00	

**Recommendation:** We ask that Commission authorize the receipt of up to \$13432.15 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line items as shown above.



# **AGENDA ITEM #9**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Susan Ivy, Parks Director  
**DATE:** June 20 , 2021  
**SUBJECT:** Agenda Request – Receipt of donation from Brookshire Foundation

---

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Track Team	4513-31496	1000.00
Rec Programs	4513-31499	5302.15
Youth Pony league	4514-21700	3000.00

**Recommendation:** We ask that Commission authorize the receipt of up to \$13432.15 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line items as shown above.



**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND DONATIONS FROM THE B.C. & ADDIE BROOKSHIRE FOUNDATION FOR ASSISTANCE WITH RECREATIONAL PROGRAMMING AND EQUIPMENT FOR THE PARKS DEPARTMENT.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Revenues - 4</u>					
4513	Park & Rec	Donations-Recreational	58003	\$10,432.15	
4514	Park & Rec	Donations-League	58003	\$3,000.00	
<u>Expenditures - 5</u>					
4513	Park & Rec	Minor Equipment	21700	\$3,130.00	
4513	Park & Rec	Swim Team	31497	\$1,000.00	
4513	Park & Rec	Track Team	31496	\$1,000.00	
4513	Park & Rec	Recreational Programs	31499	\$5,302.15	
4514	Park & Rec	Minor Equipment	21700	\$3,000.00	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend the donation from the Brookshire Foundation for Park & Rec recreational program funding and equipment. The funding will come from the donation received.]

II.

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



III.

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

IV.

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

**INTRODUCED** on this the 28th day of June 2021.

**PASSED AND APPROVED** on this the 12th day of July 2021.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #10**

**City of Kingsville  
Parks & Recreation Department**

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**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Susan Ivy, Parks Director

**DATE:** June 20, 2021

**SUBJECT:** Agenda Request – Request for Budget Amendment to meet Health Insurance needs of Park Division 4503 – Park Maintenance

---

**Summary:** The line item for Park Maintenance 4503 was underfunded due to change in staffing in the latter part of the fiscal year last year. We are requesting a budget amendment to fully fund the needed cost of health insurance for our current staff.

**Background:** One of our full-time employees retired late in the year last year after the budget had been finalized. He had elected earlier to stop using City Health Insurance when his wife passed away earlier in the year. When we replaced him after the fiscal year started, the new employee accepted the health insurance option and increased our health insurance line item.

**Financial Impact:** The Budget Amendment needed will increase the 001-5-45033-11600 – Group Health Insurance line item by \_\$4700.00\_\_\_\_\_.

**Recommendation:** I ask that you authorize the budget amendment in the amount of \_\$4700.00\_ to fully fund our health insurance line item.



**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER ADDITIONAL HEALTH CARE COSTS FOR STAFFING CHANGES.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Expenditures - 5</u>					
4503	Park & Rec	Group Health	11600	\$4,700.00	

[To amend the City of Kingsville FY 20-21 Budget to cover additional health care costs due to staffing changes. The funding will come from the unappropriated fund balance.]

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.

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**INTRODUCED** on this the 28th day of June 2021.

**PASSED AND APPROVED** on this the 12th day of July 2021.

**EFFECTIVE DATE:**\_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #11**

## **City of Kingsville Downtown**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Alicia Tijerina, Interim Downtown Manager

DATE: June 11, 2021

SUBJECT: Request for City Support for Events & Parades

**Summary:**

The City Commission has a tradition of granting support for certain community parades and events that are held each year downtown. Instead of bringing these forward as individual agenda items, it is requested that the City Commission waive the street closing fees and support costs for the attached listing of parades and events for the remainder of this fiscal year.

**Background:**

For any event requiring temporary closure of one or more streets, City ordinances require a fee to be paid for the requisite street closure(s) and require that City be reimbursed any actual costs and expenses incurred by them in support of the event. Ordinances also allow the City Commission to waive these requirements. Event organizers are still required to comply with all City ordinances and state laws with regards to health and safety issues. And are still required to submit a request for a permit for the required street closure(s).

**Financial Impact:**

The total parade/event costs to the City for the remainder of FY 2020-2021 is \$1,674 of which \$150 are street closing fees.

**Recommendation:**

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

## **Downtown Parades and Events FY 2020-2021 requiring street closings**

4<sup>th</sup> of July Parade & Celebration, Sat., July 3, 2021, 10 am, Kleberg Ave. & Downtown Pavilion

4<sup>th</sup> of July Concert, Sun., July 4, 2021, 5pm – 10pm, 300 Block of East Kleberg Ave.

Kingsville Main Street Wine Walk, Aug 28, 2021, 1pm-4pm, 100 & 200 Block of E. Kleberg Ave.

Kingsville Main Street Wine Walk, Sep. 25, 2021, 1pm-4pm, 100 & 200 Block of E. Kleberg Ave.

## **Parade Costs to the City FY 2020-2021**

### **COMMUNITY PARADE (1)**

#### **4<sup>th</sup> of July Parade, July 3, 2021**

##### **Public Works**

Barricades: Build-up & Tear-down \$17/hr. (10 men/6 hrs) = \$1,020

Parade permit = 0

Cost of \$1,020 per parade

**Total parade costs \$1,020**

### **COMMUNITY EVENT (2)**

#### **4<sup>th</sup> of July Concert, July 4, 2021**

##### **Public Works**

Barricades: Build-up & Tear-down \$0 (will be left out from previous day)

Street Closing Event permit = \$150

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 10 containers = \$60

Cost of \$210

#### **Kingsville Wine Walk, August 28 & Sept. 25, 2021**

##### **Public Works**

Barricades: Build-up & Tear-down \$17/hr (3men/4hrs) x 2 = \$408

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x 3 containers x 2 = \$36

Street closing permit for large events = \$0

Cost of \$444

**Total Event costs \$654**



# **AGENDA ITEM #12**

# CITY OF KINGSVILLE

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P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: June 18, 2021

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

**Summary:** The Tourism Department in partnership with Main Street would like to host a series of monthly Wine Walk Sip & Shop events beginning in the month of August. These events will be smaller in scale than the Wine Walk events we hosted in December, but we anticipate the events drawing shoppers into downtown Kingsville and will economically impact Main Street in a positive way. The events will be hosted in partnership with a non-profit entity in order to benefit the community while allowing for a significant amount of in-kind marketing. Big House Burgers has offered to provide in-kind services and staff to help benefit the event. They will provide the TABC license, purchase the beverages and provide staff to assist with pour stations that must be staffed by TABC certified individuals. The first series of wine walks will be for a three month period.

Total value of the in-kind donations are as follows:

- TABC Permit  $\$500 \times 3 = \$1,500$
- TABC Certified Staff  $\$100 \times 4 \times 3 = \$1,200$

The financial impact of Big House Burgers donation produces a savings of approximately \$2,700 for the event series.

Recommendation: Staff recommends accepting the above-mentioned donations.



# **AGENDA ITEM #13**

Donation

## CITY OF KINGSVILLE

---



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

**Date:** June 18, 2021

**To:** City Commission via City Manager Mark McLaughlin

**CC:** Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The Tourism Department has set a goal to expand on its merchandise line and incorporate locally produced boutique quality merchandise. The line achieves to expand awareness of Kingsville's Monarch City USA partnership and our butterfly buds gardens while increasing our merchandise revenue. Our first partnership line incorporates the local boutique "Stef & Bec's" exclusive line of boutique quality shirts and a design created by "Ultra Screen Printing." The total number of shirts created on this first development of the line is approximately 160. Tourism plans to sell the shirts for \$30 each.

During the course of our planning the first line of shirts, both local companies have offered donation of their products and time.

Total value of the in-kind donations are as follows:

- Stef & Bec's Boutique: \$497.00
- Ultra Screen Printing: \$640.00

The financial impact is approximately \$25 per shirt after cost of the sale and sales tax, for a total revenue of approximately \$4,000.

**Recommendation:** Staff recommends accepting the above-mentioned donations.



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[www.cityofkingsville.com](http://www.cityofkingsville.com)



Kingsville, TX

## **AGENDA ITEM #14**

Budget Am

## CITY OF KINGSVILLE

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P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: June 18, 2021

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

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[www.cityofkingsville.com](http://www.cityofkingsville.com)

## CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

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To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

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Recommendation: Staff recommends accepting the above-mentioned donations.





**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND IN-KIND SERVICES FROM BIG HOUSE BURGERS FOR TABC EXPENDITURES OF \$2,700 FOR THE SIP AND SHOP EVENT AND STEF AND BEC'S BOUTIQUE ALONG WITH ULTRA SCREEN PRINTING FOR MERCHANDISE COSTS OF \$1,137 FOR CUSTOM SHIRTS.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2020-2021 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 002 – Tourism</b>					
<u>Revenues - 4</u>					
1070	Tourism	Donations	72030	\$3,837	
<u>Expenditures - 5</u>					
1071	Tourism	Special Events & Festivals	31441	\$2,700	
1071	Tourism	Promotional Items	23200	\$1,137	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend in-kind services donations from Big House Burgers, Stef and Bec's Boutiques and Ultra Screen Printing. The Funding will come from the donated in-kind services.]

II.

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

III.

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

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

IV.

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

**INTRODUCED** on this the 28th day of June 2021.

**PASSED AND APPROVED** on this the 12th day of July 2021.

**EFFECTIVE DATE:** \_\_\_\_\_

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #15**

**City of Kingsville**  
**Human Resource Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: June 23, 2021

SUBJECT: Proposed Change to Policy # 731 Flex Leave

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**Summary:**

On June 17, 2021, a bill was signed into law making June 19<sup>th</sup> a national holiday (Juneteenth National Independence Day). The speed at which the bill was signed into law was unanticipated by most local, state, and federal agencies.

Staff views the new national holiday as a positive occurrence and is proposing a method of providing employees with leave time to recognize the significance of the new holiday. As the holiday was not part of the approved holiday list, the day could not be observed as an eligible authorized holiday, so an alternate method is proposed.

To allow employees the opportunity to take leave in recognition of June 19<sup>th</sup>, Staff is proposing to amend the existing Flex Leave policy to include a one-time occurrence. The proposal would provide **ALL** employees with a one-time allowance of either 8 hours for full-time employees or 4 hours for part-time employees. In addition, removing the date by which Flex Leave must be utilized and/or forfeited will allow employees and departments greater latitude to schedule employee leave.

This will provide employees with leave available immediately and provide Staff an opportunity to address additional employee benefits for Fiscal Year 2021-2022 in the upcoming weeks.

**Background:**

Current Policy 731 Flex Leave was approved on 11/14/2016 by City Resolution # 2016-80. The existing policy allows non-civil service full time and part-time employees with (8) eight hours of leave each December.

**Financial Impact:**

Minimal to no additional cost as this would be a scheduling issue for supervisors to ascertain sufficient staffing is available to conduct the duties of the respective departments.

**Recommendation:**

Amend Policy 731 Flex Leave to allow a one-time accrual of eight (8) hours leave for ALL full-time and four (4) hours leave for ALL part-time employees.



**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AMENDING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICY NO. 731 -FLEX LEAVE.**

**WHEREAS**, the City Commission previously adopted an administrative policy handbook for employees and adopted Policy No. 731-Flex Leave via Resolution #2016-80 on November 14, 2016 and that policy is now being proposed for temporary amendment; and

**WHEREAS**, flex leave provides employees with the ability to use paid time off to meet personal needs, while recognizing the employer's need to manage employee time off; and

**WHEREAS**, the flex leave would expire if not used by October 31<sup>st</sup> each year and is not able to be cashed out upon separation of employment nor is it available to civil service employees or temporary or seasonal workers; and

**WHEREAS**, on June 17, 2021, the federal government recognized June 19<sup>th</sup>, as the Juneteenth National Independence Day, and that date has passed but the City would like to provide time to employees this fiscal year to commemorate that day and plans to consider adding that day to the holiday policy for the upcoming fiscal year;

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

I.

**THAT** Policy No. 731-Flex Leave Policy, attached as Exhibit A, is hereby approved;

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 28<sup>th</sup> day of June, 2021.

---

Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

**POLICY NO. 731      FLEX LEAVE**

Flex Leave provides employees with the ability to use paid time off to meet personal needs, while recognizing the employer's need to manage employee time off.

All non-exempt and exempt full-time non-civil service employees and regular part-time non-civil service employees shall earn eight (8) hours of Flex Leave the first payroll of December of each year. Temporary and seasonal employees are ineligible for Flex Leave.

For Fiscal Year 2020-2021 all full-time City employees shall accrue a one-time addition of 8 hours of Flex Leave effective 06/28/2021. All regular part-time employees shall accrue a one-time addition of 4 hours of flex leave effective 06/28/2021. \*Temporary/Seasonal employees are not eligible for Flex Leave.

~~Flex Leave hours do not accumulate and/or roll-over and must be utilized by October 31<sup>st</sup> of each year. Any unused Flex Leave shall be forfeited.~~

- Flex Leave may be taken in increments of one hour, or fraction thereof, upon proper approval.
- Employees are required to provide supervisors with reasonable advance notice and obtain approval prior to leave. This allows for the employee and supervisor to prepare for employee's scheduled time off and assure all staffing needs are met.
- No cash payments for unused Flex Leave shall be authorized at any time nor upon separation of employment.
- Flex Leave is not transferable between Employees.
- Flex Leave shall not be used to extend an employee's separation date. The last day worked shall be the official separation date.
- Employees shall take Flex Leave concurrently with any FMLA leave for which they are eligible in appropriate circumstances.
- Employees on Flex Leave are subject to recall in emergency situations as deemed appropriate by the Employee's supervisor.

*Approved by Resolution # 2016-80 — 11/14/2016*

*Proposed Amendment 06/28/2021*

# **AGENDA ITEM #16**



**KLEBERG COUNTY APPRAISAL DISTRICT**  
**P.O. BOX 1027 \* 502 E. KLEBERG \* KINGSVILLE, TEXAS 78364**  
**PHONE: (361) 595-5775 \* FAX: (361) 595-7984**

June 9, 2021

City of Kingsville  
Sam Fugate, Mayor  
P.O. Box 1458  
Kingsville, TX 78364

Dear Mayor Fugate:

It is time for the selection of the Kleberg County Appraisal District Board of Directors for the 2022-2023 term. The board consists of 5 members. Every odd year, Board of Director elections for the Kleberg County Appraisal District take place. Please take the time to consider who your district would like to nominate to serve on the Kleberg County Appraisal District's board of directors. The quality of the property tax system depends on the appraisal district board of directors. Individuals nominated should bring the board knowledge, judgment and expertise in establishing policies and procedures for the district's organization and operation.

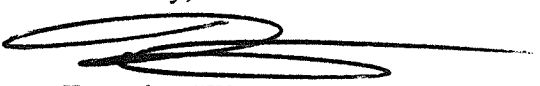
I am enclosing information on what is involved in the Board of Director elections process. This process requires interaction between each taxing entity and the appraisal district. The number of votes allocated to a voting unit is based on the ratio of its tax levy on the preceding year to the total tax levy of all voting units. The Chief Appraiser is required to use the most recent official tabulation of each voting unit's prior year levy. This is the amount levied not the amount allocated by the voting unit. The votes for each jurisdiction are as shown in the enclosed document titled Calculation of Votes.

The information I have enclosed is taken out of the state comptroller's Board of Directors Manual and Texas Property Tax Code. I have also enclosed an outline of required dates for your records. Please be sure to review the eligibility guidelines for appointed members located in your Governance enclosure on pages 4 and 5.

I have enclosed a copy of the Texas Property Tax Code section 6.03 Board of Directors, which discusses the Board of Directors election and your roll in the process.

If you have any questions, please feel free to contact me at 595- 5775.

Sincerely,



Ernestina "Tina" Flores, R.P.A.  
Chief Appraiser

Cc: Mark McLaughlin, City Manager  
Deborah Balli, Finance Director  
Mary Valenzuela, City Secretary

# Governance

## Composition of Board of Directors

The board of directors is composed of five members.<sup>4</sup> The number of directors can be increased up to 13 by action of the board of directors.<sup>5</sup> However, in most cases, the board of directors may not make this change if a voting taxing unit adopts a resolution opposing the change.<sup>6</sup>

Taxing units participating in the CAD may increase the number of directors up to 13 members if three-fourths of voting taxing units adopt resolutions.<sup>7</sup> A change is not valid if it reduces the voting entitlement of one or more taxing units (unless the taxing unit adopts one of two specified resolutions) or if it expands the types of taxing units that are entitled to vote on the appointment of directors.<sup>8</sup>

The county TAC is a nonvoting director, if not appointed as a voting director.<sup>9</sup> If a commissioner's court of the county enters into a contract for assessment and collections under Tax Code Section 6.24(b) or if the CAD board of directors enters into a contract for appraisal under Tax Code Section 6.05(b), then the county TAC is ineligible to serve on the board of directors.<sup>10</sup>

Board members may not receive compensation for service on the board but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.<sup>11</sup> This reimbursement is as provided by the budget adopted the board of directors.<sup>12</sup>



## Appointment, Eligibility and Terms

**Appointment:** Taxing units—counties, cities/towns, school districts, junior colleges and certain conservation and reclamation districts—select directors in the fall of odd-numbered years.<sup>13</sup> Conservation and reclamation districts may participate in this process if at least one conservation and reclamation district in the CAD delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year.<sup>14</sup> On request, the chief appraiser must certify all eligible conservation and reclamation districts that are imposing taxes and that participate in the CAD by June 15.<sup>15</sup>

The board of directors is selected by appointment; it is not an election governed by the Texas Election Code.<sup>16</sup> The method or procedure for appointing members can be changed by the board of directors or by three-fourths of the voting taxing units acting through resolutions.<sup>17</sup>

The voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the CAD.<sup>18</sup> The chief appraiser makes this calculation for each taxing unit (other than conservation and reclamation districts) and delivers written notice before Oct. 1 of each odd-numbered year of the number of votes to which each taxing unit is entitled.<sup>19</sup> Each taxing unit (other than a conservation and reclamation district)

<sup>4</sup> Tex. Tax Code §6.03(a)

<sup>5</sup> Tex. Tax Code §6.031(a)

<sup>6</sup> Tex. Tax Code §6.031(a)

<sup>7</sup> Tex. Tax Code §6.031(b)

<sup>8</sup> Tex. Tax Code §6.031(b)

<sup>9</sup> Tex. Tax Code §6.03(a)

<sup>10</sup> Tex. Tax Code §6.03(a)

<sup>11</sup> Tex. Tax Code §6.04(c)

<sup>12</sup> Tex. Tax Code §6.04(c)

<sup>13</sup> Tex. Tax Code §6.03

<sup>14</sup> Tex. Tax Code §6.03(c)

<sup>15</sup> Tex. Tax Code §6.03(c)

<sup>16</sup> Tex. Att'y Gen. Op. JM-166 (1984)

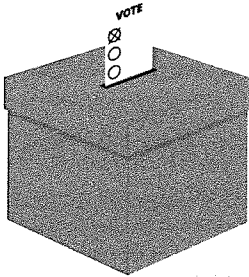
<sup>17</sup> Tex. Tax Code §6.031(a) and (b)

<sup>18</sup> Tex. Tax Code §6.03(d)

<sup>19</sup> Tex. Tax Code §6.03(e)

that is entitled to vote may submit to the chief appraiser one nominee for each position to be filled before Oct. 15.<sup>20</sup>

The chief appraiser also must calculate the number of votes that an eligible conservation and reclamation district is entitled to and must deliver before July 1 of each odd-numbered year, a written notice to the district of its voting entitlement and right to nominate one candidate for director.<sup>21</sup> All eligible conservation and reclamation districts must submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year.<sup>22</sup> Before Aug. 1, the chief appraiser must prepare a nominating ballot listing all the nominees of conservation and reclamation districts and deliver a ballot to the presiding officer of the board of directors of each district.<sup>23</sup> The board of directors of each district must submit its vote for the nominee of conservation and reclamation districts before Aug. 15.<sup>24</sup> The winning nominee of the conservation and reclamation districts in the CAD becomes a nominee for CAD director.<sup>25</sup>



The chief appraiser must prepare a ballot before Oct. 30 with candidates whose names were timely submitted, including the nominee of conservation and reclamation districts if applicable.<sup>26</sup> Each taxing unit entitled to vote must determine its vote by resolution and submit it to the chief appraiser before Dec.

15.<sup>27</sup> The five candidates who receive the largest cumulative vote totals become the board of directors.<sup>28</sup> The chief appraiser announces the new directors before Dec. 31.<sup>29</sup> Ties must be resolved by the chief appraiser by any method of chance.<sup>30</sup>

Both the board of directors and taxing units may propose to change the method or procedure for appointing directors.<sup>31</sup> If the board of directors makes the proposal, then a voting

taxing unit may veto the proposal by filing a resolution before Sept. 1.<sup>32</sup> If a participating taxing unit proposes a change, the change is adopted if three-fourths of the voting taxing units adopt resolutions providing for the change.<sup>33</sup> A resolution to change the method or procedure for appointing directors must be filed with the chief appraiser after June 30 and before Oct. 1 of a year in which members are appointed, or the resolution is ineffective.<sup>34</sup>

Throughout the selection process, the Tax Code specifies dates for action by the chief appraiser and the taxing units. The dates provided in Tax Code Section 6.03(f) and (g) are directory and not mandatory.<sup>35</sup> However, the advice of legal counsel should be obtained in such situations.

**Eligibility:** To be eligible to serve on a board of directors, an individual must be a resident of the CAD and must have resided in the CAD for at least two years immediately preceding the date of taking office.<sup>36</sup> This residency requirement does not apply to a county TAC serving as a nonvoting director.<sup>37</sup>

An employee of a taxing unit that participates in the CAD is not eligible to serve on the board of directors, unless that individual also is a member of the governing body of the taxing unit or an elected official of a taxing unit.<sup>38</sup> Membership on the governing body of a taxing unit does not make an otherwise eligible individual ineligible to serve on the board of directors.<sup>39</sup>

Owing delinquent property taxes disqualifies a person from serving on the CAD board of directors.<sup>40</sup> The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.<sup>41</sup> This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.<sup>42</sup>

<sup>20</sup> Tex. Tax Code §6.03(g)

<sup>21</sup> Tex. Tax Code §6.03(f) and (h)

<sup>22</sup> Tex. Tax Code §6.03(h)

<sup>23</sup> Tex. Tax Code §6.03(h)

<sup>24</sup> Tex. Tax Code §6.03(h)

<sup>25</sup> Tex. Tax Code §6.03(h)

<sup>26</sup> Tex. Tax Code §6.03(j)

<sup>27</sup> Tex. Tax Code §6.03(k)

<sup>28</sup> Tex. Tax Code §6.03(k)

<sup>29</sup> Tex. Tax Code §6.03(k)

<sup>30</sup> Tex. Tax Code §6.03(k)

<sup>31</sup> Tex. Tax Code §6.031(a) and (b)

<sup>32</sup> Tex. Tax Code §6.031(a)

<sup>33</sup> Tex. Tax Code §6.031(b)

<sup>34</sup> Tex. Tax Code §6.031(c)

<sup>35</sup> Tex. Att'y Gen. Op. JM-166 (1984)

<sup>36</sup> Tex. Tax Code §6.03(a)

<sup>37</sup> Tex. Tax Code §6.03(a)

<sup>38</sup> Tex. Tax Code §6.03(a)

<sup>39</sup> Tex. Tax Code §6.03(a)

<sup>40</sup> Tex. Tax Code §6.035(a)(2)

<sup>41</sup> Tex. Tax Code §6.035(a)(2)

<sup>42</sup> Tex. Tax Code §6.035(a)(2)

## Degrees of Consanguinity and Affinity

1 <sup>st</sup> DEGREE	2 <sup>nd</sup> DEGREE	3 <sup>rd</sup> DEGREE
<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Children</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed under first degree consanguinity</li> <li>• Spouse</li> <li>• Spouse's parents</li> <li>• Spouse's children</li> <li>• Stepparents</li> <li>• Stepchildren</li> </ul>	<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Grandparents</li> <li>• Grandchildren</li> <li>• Brothers &amp; sisters</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed by second degree consanguinity</li> <li>• Spouse's grandparents</li> <li>• Spouse's grandchildren</li> <li>• Spouse's brothers &amp; sisters</li> </ul>	<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Great grandparents</li> <li>• Great grandchildren</li> <li>• Nieces &amp; nephews</li> <li>• Aunts &amp; uncles</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• No prohibitions</li> </ul>

A person who has appraised property for compensation for use in proceedings or represented property owners for compensation in proceedings in the CAD at any time within the preceding three years is ineligible to serve on the board of directors.<sup>43</sup>

A person is ineligible to serve on the board of directors if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:

- an appraiser who appraises property for use in a proceeding under the Tax Code; or
- a person who represents property owners for compensation in proceedings under the Tax Code in the CAD.<sup>44</sup>

A director who continues to hold office knowing he or she is related in this manner to the above named persons commits a Class B misdemeanor offense.<sup>45</sup>

An individual is not eligible to be appointed to or to serve on the board of directors if an individual has a substantial interest in a business entity that is party to a contract or the individual is a party to a contract with the CAD.<sup>46</sup> This prohibition also applies to contracts with a taxing unit that participates in the CAD if the contract relates to the performance of an activity

governed by the Tax Code.<sup>47</sup> A CAD may not enter into a contract with a board member or with a business entity in which a board member has a substantial interest.<sup>48</sup> A taxing unit may not enter into a contract relating to the performance of an activity governed by the Tax Code with a board member in which the taxing unit participates or with a business entity in which a board member has a substantial interest.<sup>49</sup>

An individual has substantial interest in a business entity if:

- the combined ownership of the director and the director's spouse is at least 10 percent of the voting stock or shares of the business entity; or
- the director or director's spouse is a partner, limited partner or officer of the business entity.<sup>50</sup>



**Term of Office and Vacancy:** CAD directors serve two-year terms.<sup>51</sup> Each term begins on Jan. 1 of an even-numbered year.<sup>52</sup> The two-year term of office does not apply to the county TAC who serves as a nonvoting director.<sup>53</sup>

<sup>43</sup> Tex. Tax Code §6.035(a-1)

<sup>44</sup> Tex. Tax Code §6.035(a)(1)

<sup>45</sup> Tex. Tax Code §6.035(b)

<sup>46</sup> Tex. Tax Code §6.036(a)

<sup>47</sup> Tex. Tax Code §6.036(a)

<sup>48</sup> Tex. Tax Code §6.036(b)

<sup>49</sup> Tex. Tax Code §6.036(c)

<sup>50</sup> Tex. Tax Code §6.036(d)

<sup>51</sup> Tex. Tax Code §6.03(b)

<sup>52</sup> Tex. Tax Code §6.03(b)

<sup>53</sup> Tex. Tax Code §6.03(b)

Voting taxing units may adopt staggered one and two-year terms.<sup>54</sup> To adopt staggered terms, taxing units must take two actions.<sup>55</sup> First, at least three-fourths of the voting taxing units are required to adopt resolutions for staggered terms.<sup>56</sup> Second, the voting taxing units must have changed the method for appointing members to end cumulative voting (casting all or part of the votes to which the taxing unit is entitled). These two actions may be proposed concurrently.<sup>57</sup>

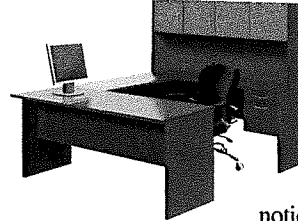
A resolution proposing staggered terms must be filed with the chief appraiser after June 30 and before Oct. 1.<sup>58</sup> If the chief appraiser determines that enough taxing units filed valid resolutions, he or she must notify all taxing units of the change before Oct. 10.<sup>59</sup> Staggered terms take effect on Jan. 1 of the next even-numbered year.<sup>60</sup> To start staggering terms, all members are appointed for that year without regard to staggered terms.<sup>61</sup> At the earliest practical date after Jan. 1, the board determines by lot which of its members will serve one- and two-year terms.<sup>62</sup>

Boards with an even number of members divide the one- and two-year terms in half. Boards with an odd number of members must have one more member with a two-year term than members with one-year terms.<sup>63</sup> For example, a six-member board would choose three members to serve one-year terms. A five-member board would choose two.

For each director's term that expires on Jan. 1, the CAD must annually appoint directors for a term that begins on that Jan. 1.<sup>64</sup>

Staggered terms may be rescinded by resolution of a majority of voting taxing units.<sup>65</sup> The resolution must be adopted and filed with the chief appraiser after June 30 and before Oct. 1 of odd-numbered years.<sup>66</sup> After a valid rescission, the terms of all current members expire on the next Jan. 1, even if a member

will have only served one year of a two-year term.<sup>67</sup> The entire board will be appointed for two-year terms on that date.<sup>68</sup> Staggered terms are automatically rescinded if the CAD makes a change in the method of appointing board members that results in a method of using cumulative voting.<sup>69</sup>



If a vacancy occurs on the board, each voting taxing unit nominates by resolution a candidate to fill the vacancy.<sup>70</sup>

Within 45 days after receiving notice from the board of directors that a vacancy exists, a taxing unit must submit the nomination to the chief appraiser.<sup>71</sup> The chief appraiser delivers a list of the nominees to the directors within the next five days.<sup>72</sup> Directors select by majority vote one of the nominees to fill the vacancy.<sup>73</sup> If a vacancy occurs for a board with staggered terms, the vacancy is filled by appointment of the voting taxing unit that nominated the person whose departure caused the vacancy.<sup>74</sup>

## Conflicts of Interest

Board members are subject to conflict of interest provisions in law, including Tax Code Section 6.036 which excludes certain individuals from serving on the board of directors. Local Government Code Chapter 171 applies to all local officials, including boards of directors of CADs. Local Government Code Chapter 176 applies to officers of political subdivisions of the state.<sup>75</sup>

For more information, see the Texas Ethics Commission's conflict of interest forms at [ethics.state.tx.us/forms/conflict](http://ethics.state.tx.us/forms/conflict).

## Ex Parte Communications

A board member commits a Class C misdemeanor offense if the member directly or indirectly communicates with the chief appraiser on any matter relating to the appraisal of property by the CAD.<sup>76</sup> However, this type of communication is allowed in:

<sup>54</sup> Tex. Tax Code §6.034(a)

<sup>55</sup> Tex. Tax Code §6.034(a)

<sup>56</sup> Tex. Tax Code §6.034(a)

<sup>57</sup> Tex. Tax Code §6.034(a)

<sup>58</sup> Tex. Tax Code §6.034(b)

<sup>59</sup> Tex. Tax Code §6.034(c)

<sup>60</sup> Tex. Tax Code §6.034(d)

<sup>61</sup> Tex. Tax Code §6.034(d)

<sup>62</sup> Tex. Tax Code §6.034(d)

<sup>63</sup> Tex. Tax Code §6.034(d)

<sup>64</sup> Tex. Tax Code §6.034(e)

<sup>65</sup> Tex. Tax Code §6.034(g)

<sup>66</sup> Tex. Tax Code §6.034(g)

<sup>67</sup> Tex. Tax Code §6.034(g)

<sup>68</sup> Tex. Tax Code §6.034(g)

<sup>69</sup> Tex. Tax Code §6.034(h)

<sup>70</sup> Tex. Tax Code §6.03(l)

<sup>71</sup> Tex. Tax Code §6.03(l)

<sup>72</sup> Tex. Tax Code §6.03(l)

<sup>73</sup> Tex. Tax Code §6.03(l)

<sup>74</sup> Tex. Tax Code §6.034(i)

<sup>75</sup> Tex. Local Government Code §171.001(1) and §176.001(3) and (4)

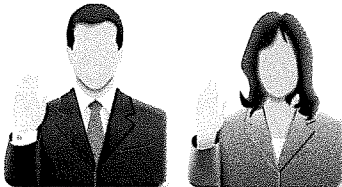
<sup>76</sup> Tex. Tax Code §6.15(a) and (d)

- an open meeting of the CAD board of directors or another public forum; or
- a closed meeting of the board of directors held to consult with its attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and its attorney.<sup>77</sup>

These ex parte communication provisions do not apply to a routine communication between the chief appraiser and the county TAC relating to the administration of an appraisal roll, including a communication made in connection with the certification, correction or collection of an account.<sup>78</sup> This exception applies regardless of whether the county TAC was appointed to the board of directors or serves as a nonvoting director.<sup>79</sup>

These ex parte communication provisions do not prohibit a CAD board member from transmitting in writing to a chief appraiser, without comment, a complaint by a property owner or taxing unit about the appraisal of a specific property.<sup>80</sup>

## Oath of Office



The Texas Constitution requires all elected and appointed officers to sign an anti-bribery statement and take an oath of office before beginning the duties of the office.<sup>81</sup>

The constitutionally prescribed anti-bribery statement is located on the Secretary of State's website as Form 2201 at [sos.state.tx.us/statdoc/forms/2201.pdf](http://sos.state.tx.us/statdoc/forms/2201.pdf). A director signs this statement before the oath of office is administered.<sup>82</sup> Directors should retain the statement in the official records of the appraisal district.<sup>83</sup>

The official oath of office is found on the Secretary of State's website as Form 2204 at [sos.state.tx.us/statdoc/forms/2204.pdf](http://sos.state.tx.us/statdoc/forms/2204.pdf).

<sup>77</sup> Tex. Tax Code §6.15(a)

<sup>78</sup> Tex. Tax Code §6.15(c)

<sup>79</sup> Tex. Tax Code §6.15(c)

<sup>80</sup> Tex. Tax Code §6.15(c)

<sup>81</sup> Tex. Const. XVI, §1(a) and (b)

<sup>82</sup> Tex. Const. XVI, §1

<sup>83</sup> Tex. Const. XVI, §1(c)

## Recalling a Director

A taxing unit may ask for the recall of any director the taxing unit voted for in the appointment process.<sup>84</sup> A recall starts when a taxing unit files a resolution with the chief appraiser stating that the taxing unit is calling for the recall of a named member.<sup>85</sup> Within 10 days after a taxing unit files a recall resolution, the chief appraiser must give written notice of the filing of the resolution to the presiding officer of each voting taxing unit.<sup>86</sup>

Only the taxing units that voted for the member may vote.<sup>87</sup> A recall-voting taxing unit has the same number of votes in the recall that it cast in appointing the board member.<sup>88</sup> A taxing unit votes by submitting a resolution to the chief appraiser on or before the 30th day after the recall resolution is filed.<sup>89</sup>

Not later than the 10th day after the last day for voting in favor of the recall, the chief appraiser must count the casted votes.<sup>90</sup> A director is recalled if the number of votes cast in favor of recall equals or exceeds a majority of the votes cast appointing the board member.<sup>91</sup> The chief appraiser must immediately notify in writing the presiding officer of the board of directors and the governing body of each recall-voting taxing unit of the results.<sup>92</sup> If the chair is the subject of the recall, the board secretary shall also be notified.<sup>93</sup>

After a recall, the director's vacancy is filled by the recall-voting taxing units appointing a new board member.<sup>94</sup> Each recall-voting taxing unit may nominate by resolution one candidate and is entitled to the same number of votes it originally cast to appoint the recalled member.<sup>95</sup>

On or before the 15th day after the last day nominations must be submitted, the chief appraiser must prepare a ballot and deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote to fill

<sup>84</sup> Tex. Tax Code §6.033(a)

<sup>85</sup> Tex. Tax Code §6.033(a)

<sup>86</sup> Tex. Tax Code §6.033(a)

<sup>87</sup> Tex. Tax Code §6.033(b)

<sup>88</sup> Tex. Tax Code §6.033(b)

<sup>89</sup> Tex. Tax Code §6.033(b)

<sup>90</sup> Tex. Tax Code §6.033(c)

<sup>91</sup> Tex. Tax Code §6.033(c)

<sup>92</sup> Tex. Tax Code §6.033(c)

<sup>93</sup> Tex. Tax Code §6.033(c)

<sup>94</sup> Tex. Tax Code §6.033(d)

<sup>95</sup> Tex. Tax Code §6.033(d)

minerals for purposes of ad valorem taxation by calculating the percentage of surface acres in the county and applying that percentage to the mineral interest; its burden under Tex. Tax Code Ann. § 21.01 to prove the situs of the taxable property allowed it to tax only minerals actually in the county, in accordance with the provisions of Tex. Const. art. VIII, § 11 and Tex. Const. art. VIII, § 20 for property to be assessed at fair market

value in the county where situated, and of Tex. Tax Code Ann. § 6.01(a), (b) and Tex. Tax Code Ann. § 6.02(a) for an appraisal district in each county. *Devon Energy Prod., L.P. v. Hockley County Appraisal Dist.*, 178 S.W.3d 879, 169 Oil & Gas Rep. 78, 2005 Tex. App. LEXIS 9177 (Tex. App. Amarillo Nov. 3, 2005, no pet.).

#### ATTORNEY GENERAL OPINIONS

##### Analysis

Jurisdiction.  
Savings Clause.

##### Jurisdiction.

Despite the enactment of House Bill 1010 by the Eightieth Legislature, an appraisal district operating in overlapping territory by operation of Tex. Tax Code Ann. § 6.02(b) retains authority to hear and determine pending corrective motions and taxpayer protests concerning property in that territory that relate to the 2007, or prior, tax year. 2008 Tex. Op. Att'y Gen. GA-0631, 2008 Tex. AG LEXIS 45.

##### Savings Clause.

After the 2007 legislation that altered the legal framework for appraising property for ad valorem taxation in taxing units located in more than one county, an appraisal district is still responsible for litigation filed against it prior to January 1, 2008, and involving property that is no longer in its appraisal district; the general savings clause continues in effect relevant portions of Tex. Tax Code Ann. § 6.02, such that a taxing district has continuing authority to defend itself in the pending litigation, and a taxing unit has a continuing obligation to pay the related costs. 2008 Tex. Op. Att'y Gen. GA-0590, 2008 Tex. AG LEXIS 2.

#### Sec. 6.025. Overlapping Appraisal Districts; Joint Procedures [Repealed].

Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(3), effective January 1, 2008.

**HISTORY:** Enacted by Acts 1995, 74th Leg., ch. 186 (H.B. 623), § 1, effective January 1, 1996; am. Acts 1997, 75th Leg., ch. 1357 (H.B. 670), § 1, effective January 1, 1998; am. Acts 1999, 76th Leg., ch. 250 (H.B. 1037), § 1, 2, effective January 1, 2000; am. Acts 2003, 78th Leg., ch. 455 (H.B. 703), § 1, effective January 1, 2004; am. Acts 2003, 78th Leg., ch. 1041 (H.B. 1082), § 1, effective January 1, 2004.

#### ATTORNEY GENERAL OPINIONS

##### Overlapping Districts.

With respect to property lying in overlapping appraisal districts, section 6.025(d) of the Tax Code requires the chief appraiser of each of the overlapping districts to enter in the

appraisal records the lowest values, appraised and market, listed by any of the overlapping districts. 2004 Tex. Op. Att'y Gen. GA-0283.

#### Sec. 6.03. Board of Directors.

(a) The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the district as provided by this section. If the county assessor-collector is not appointed to the board, the county assessor-collector serves as a nonvoting director. The county assessor-collector is ineligible to serve if the board enters into a contract under Section 6.05(b) or if the commissioners court of the county enters into a contract under Section 6.24(b). To be eligible to serve on the board of directors, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.

(b) Members of the board of directors other than a county assessor-collector serving as a nonvoting director serve two-year terms beginning on January 1 of even-numbered years.

(c) Members of the board of directors other than a county assessor-collector serving as a nonvoting director are appointed by vote of the governing bodies of the incorporated cities and towns, the school districts, the junior college districts, and, if entitled to vote, the conservation and reclamation districts that participate in the district and of the county. A governing body may cast all its votes for one candidate or distribute them among candidates for any number of directorships. Conservation and reclamation districts are not entitled to vote unless at least one conservation and reclamation district in the district delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year. On receipt of a request, the chief appraiser shall certify a list by June 15 of all eligible conservation and reclamation districts that are imposing taxes and that participate in the district.

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district.

(e) The chief appraiser shall calculate the number of votes to which each taxing unit other than a conservation and reclamation district is entitled and shall deliver written notice to each of those units of its voting entitlement before October 1 of each odd-numbered year. The chief appraiser shall deliver the notice:

- (1) to the county judge and each commissioner of the county served by the appraisal district;
- (2) to the presiding officer of the governing body of each city or town participating in the appraisal district, to the city manager of each city or town having a city manager, and to the city secretary or clerk, if there is one, of each city or town that does not have a city manager;
- (3) to the presiding officer of the governing body of each school district participating in the district and to the superintendent of those school districts; and
- (4) to the presiding officer of the governing body of each junior college district participating in the district and to the president, chancellor, or other chief executive officer of those junior college districts.

(f) The chief appraiser shall calculate the number of votes to which each conservation and reclamation district entitled to vote for district directors is entitled and shall deliver written notice to the presiding officer of each conservation and reclamation district of its voting entitlement and right to nominate a person to serve as a director of the district before July 1 of each odd-numbered year.

(g) Each taxing unit other than a conservation and reclamation district that is entitled to vote may nominate by resolution adopted by its governing body one candidate for each position to be filled on the board of directors. The presiding officer of the governing body of the unit shall submit the names of the unit's nominees to the chief appraiser before October 15.

(h) Each conservation and reclamation district entitled to vote may nominate by resolution adopted by its governing body one candidate for the district's board of directors. The presiding officer of the conservation and reclamation district's governing body shall submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year. Before August 1, the chief appraiser shall prepare a nominating ballot, listing all the nominees of conservation and reclamation districts alphabetically by surname, and shall deliver a copy of the nominating ballot to the presiding officer of the board of directors of each district. The board of directors of each district shall determine its vote by resolution and submit it to the chief appraiser before August 15. The nominee on the ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district if the nominee received more than 10 percent of the votes entitled to be cast by all of the conservation and reclamation districts in the appraisal district, and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(i) If no nominee of the conservation and reclamation districts receives more than 10 percent of the votes entitled to be cast under Subsection (h), the chief appraiser, before September 1, shall notify the presiding officer of the board of directors of each conservation and reclamation district of the failure to select a nominee. Each conservation and reclamation district may submit a nominee by September 15 to the chief appraiser as provided by Subsection (h). The chief appraiser shall submit a second nominating ballot by October 1 to the conservation and reclamation districts as provided by Subsection (h). The conservation and reclamation districts shall submit their votes for nomination before October 15 as provided by Subsection (h). The nominee on the second nominating ballot with the most votes is the nominee of the conservation and reclamation districts in the appraisal district and shall be named on the ballot with the candidates nominated by the other taxing units. The chief appraiser shall resolve a tie vote by any method of chance.

(j) Before October 30, the chief appraiser shall prepare a ballot, listing the candidates whose names were timely submitted under Subsections (g) and, if applicable, (h) or (i) alphabetically according to the first letter in each candidate's surname, and shall deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote.

(k) The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15. The chief appraiser shall count the votes, declare the five candidates who receive the largest cumulative vote totals elected, and submit the results before December 31 to the governing body of each taxing unit in the district and to the candidates. For purposes of determining the number of votes received by the candidates, the candidate receiving the most votes of the conservation and reclamation districts is considered to have received all of the votes cast by conservation and reclamation districts and the other candidates are considered not to have received any votes of the conservation and reclamation districts. The chief appraiser shall resolve a tie vote by any method of chance.

(l) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

(m) [Repealed by Acts 2007, 80th Leg., ch. 648 (H.B. 1010), § 5(4), effective January 1, 2008.]

**HISTORY:** Enacted by Acts 1979, 66th Leg., ch. 841 (S.B. 621), § 1; am. Acts 1981, 67th Leg., 1st C.S., ch. 13 (H.B. 30), §§ 15, 167(a), effective January 1, 1982; am. Acts 1987, 70th Leg., ch. 59 (S.B. 469), § 1, effective September 1, 1987; am. Acts 1987, 70th Leg., ch. 270 (H.B. 268), § 1, effective August 31, 1987; am. Acts 1989, 71st Leg., ch. 1123 (H.B. 2301), § 2, effective January 1, 1990; am. Acts 1991, 72nd Leg., ch. 20 (S.B. 351), § 15, effective August 26, 1991; am. Acts 1991, 72nd Leg., ch. 371 (H.B. 864), § 1, effective



## OUTLINE OF REQUIRED DATES

1. *Before October 1* of an odd-numbered year, the chief appraiser must notify each voting taxing unit of the number of votes it may cast.
2. *Before October 15* each voting unit may nominate **by resolution** adopted by its governing body, one candidate for each position on the board of directors and must submit the names and addresses of the nominees to the chief appraiser.
3. *Before October 30* the chief appraiser must prepare a ballot listing all nominees alphabetically by each candidate's last name. The chief appraiser must deliver a copy of this ballot to the presiding officer of the governing body of each voting unit.
4. *Before December 15* the governing body of each taxing unit entitled to vote may cast votes for one candidate or may distribute the votes among a number of candidates on the ballot and shall determine its vote **by resolution** and submit it to the chief appraiser.
5. *Before December 31* the chief appraiser must count the votes and declare the candidates who received the largest vote totals elected and submit the results to the governing body of each taxing unit in the district and to the candidates.

KLEBERG COUNTY APPRAISAL DISTRICT  
2022-2023 BOARD OF DIRECTORS  
TAXING ENTITY CALCULATION OF VOTES

**KLEBERG COUNTY**

$$\begin{array}{rcl}
 \$12,199,834.50 & \div & \$39,809,013.07 \\
 0.306459 & \times & 1000 \\
 306.46 & = & 306 \\
 306 & \times & 5 \\
 & = & \underline{1530}
 \end{array}$$

**CITY OF KINGSVILLE**

$$\begin{array}{rcl}
 \$7,331,592.33 & \div & \$39,809,013.07 \\
 0.184169 & \times & 1000 \\
 184.17 & = & 184 \\
 184 & \times & 5 \\
 & = & \underline{920}
 \end{array}$$

**KINGSVILLE I.S.D.**

$$\begin{array}{rcl}
 \$13,237,495.77 & \div & \$39,809,013.07 \\
 0.332525 & \times & 1,000 \\
 332.53 & = & 333 \\
 333 & \times & 5 \\
 & = & \underline{1665}
 \end{array}$$

**RICARDO I.S.D.**

$$\begin{array}{rcl}
 \$2,083,702.02 & \div & \$39,809,013.07 \\
 0.052342 & \times & 1000 \\
 52.34 & = & 52 \\
 52 & \times & 5 \\
 & = & \underline{260}
 \end{array}$$

**RIVIERA I.S.D.**

$$\begin{array}{rcl}
 \$2,764,186.22 & \div & \$39,809,013.07 \\
 0.069436 & \times & 1,000 \\
 69.44 & = & 69 \\
 69 & \times & 5 \\
 & = & \underline{345}
 \end{array}$$

**SANTA GERTRUDIS I.S.D.**

$$\begin{array}{rcl}
 \$1,098,656.54 & \div & \$39,809,013.07 \\
 0.027598 & \times & 1,000 \\
 27.60 & = & 28 \\
 28 & \times & 5 \\
 & = & \underline{140}
 \end{array}$$

KLEBERG COUNTY APPRAISAL DISTRICT  
2022-2023 BOARD OF DIRECTORS  
TAXING ENTITY CALCULATION OF VOTES

**SOUTH TEXAS WATER AUTHORITY**

$$\begin{array}{rcl}
 \$1,039,951.49 & \div & \$39,809,013.07 \\
 0.026124 & \times & 1,000 \\
 26.12 & = & 26 \\
 26 & \times & 5 \\
 & = & \underline{130}
 \end{array}$$

**KENEDY COUNTY GROUNDWATER**

$$\begin{array}{rcl}
 \$47,717.90 & \div & \$39,809,013.07 \\
 0.001199 & \times & 1,000 \\
 1.20 & = & 1 \\
 1 & \times & 5 \\
 & = & \underline{5}
 \end{array}$$

**CITY OF CORPUS CHRISTI**

$$\begin{array}{rcl}
 \$5,876.30 & \div & \$39,809,013.07 \\
 0.00015 & \times & 1,000 \\
 0.15 & = & 1 \\
 1 & \times & 5 \\
 & = & \underline{5}
 \end{array}$$

KLEBERG COUNTY APPRAISAL DISTRICT  
2022-2023 BOARD OF DIRECTORS  
TAXING ENTITY VOTES

TAXING JURISDICTIONS	2020 LEVIES	PERCENT	TOTAL VOTES	CALCULATED DISTRICT VOTES	ACTUAL VOTES
KLEBERG COUNTY	\$12,199,834.50	0.306459	5000	1532	1530
CITY OF KINGSVILLE	\$7,331,592.33	0.184169	5000	921	920
KINGSVILLE I.S.D.	\$13,237,495.77	0.332525	5000	1663	1665
RICARDO I.S.D.	\$2,083,702.02	0.052342	5000	262	260
RIVIERA I.S.D.	\$2,764,186.22	0.069436	5000	347	345
SANTA GERTRUDIS I.S.D.	\$1,098,656.54	0.027598	5000	138	140
SOUTH TEXAS WATER AUTHORITY	\$1,039,951.49	0.026124	5000	131	130
KENEDY COUNTY GROUNDWATER	\$47,717.90	0.001199	5000	6	5
CITY OF CORPUS CHRISTI	<u>\$5,876.30</u>	0.000148	5000	1	5
TOTAL	\$39,809,013.07	100.00%		5000	5000

RESOLUTION NO. 2021- \_\_\_\_\_

**A RESOLUTION NOMINATING CERTAIN PERSON(S) AS CANDIDATE(S) FOR ELECTION TO THE BOARD OF DIRECTORS FOR THE KLEBERG COUNTY APPRAISAL DISTRICT; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, it is time to select the Kleberg County Appraisal District Board of Directors for the 2022-2023 term and the City (as a taxing unit) has the right to nominate a candidate(s) to the Board and later will have the right to vote on candidates for the Board;

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

I.

**THAT** the City of Kingsville herewith nominates the following person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District:

\_\_\_\_\_  
**KINGSVILLE, TEXAS 78363**

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 28<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

## **AGENDA ITEM #17**

## **AGENDA ITEM #18**