

# City of Kingsville, Texas

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## **AGENDA CITY COMMISSION TUESDAY, OCTOBER 12, 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.**

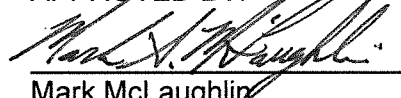
#### **OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – September 27, 2021

APPROVED BY:

  
Mark McLaughlin  
City Manager

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

1. Public Hearing on request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart located at 1202 N. Armstrong St., Kingsville, Texas. (Director of Planning and 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 Fiscal Year 2020-2021 budget to accept and expend donations from Brookshire Foundation and Bright Star Child Development Center for recreation programs. (Parks Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds from the 2022 Local Border Star Security Program for personnel costs. (Police Chief).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the bond issuance costs on the four Texas Water Development Board projects with cash match funds transferred in for this purpose. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend the reimbursement from TxDOT for the City's share of the US 77 Utilities Relocation Project. (Finance Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover FEMA COVID additional funding for eligible items. (Finance Director).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the 2021 bond refunding transaction. (Finance Director).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the final expenditures on Tx. CDBG #7218269. (Finance Director).
8. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover negative line items for the Economic Development Fund 098 for the end of year salary accrual and an additional incentive agreement payment for Marshalls. (Finance Director).
9. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover overage on the equipment purchased with grant funds received from the SWB Rural and Tribal Assistance Grant. (Finance Director).

10. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover coverage on motor gas and oil for the Solid Waste Management Department. (Finance Director).

11. Motion to approve final passage of an ordinance amending the Fiscal Year 2020-2021 budget to cover the Incentive Agreement payments for Chick-fil-a for April through September. (Finance Director).

## **REGULAR AGENDA**

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

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

12. Consider an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart located at 1202 N. Armstrong St., Kingsville, Texas. (Director of Planning and Development Services).

13. Consider final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use in C2 (Retail District) at 1911 S. Brahma Blvd., Kingsville, Texas, also known as Andrews 1, Lot South 90' A. (Director of Planning & Development Services).

14. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 35, 36, also known as 920 E. Ave. D, Kingsville, Texas from C4 (Commercial District) to R1 (Single-Family Residential District). (Director of Planning & Development Services).

15. Consider a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for the fire rescue truck facility at NAS Kingsville. (City Manager).

16. Consider a resolution authorizing the City to submit an application to the State Defense Economic Adjustment Assistance Grant Program for the purpose of requesting grant funding for a new Pass and Tag Facility at NAS Kingsville. (City Manager).

17. Consider a resolution authorizing application to and acceptance of FEMA-DR-4586 (Texas Winter Storm) for infrastructure improvements; authorizing the City Manager to act on the City's behalf with such program. (City Engineer).

18. Consider a resolution authorizing the Mayor to execute the Standard Form Agreements between the City and Etech Construction Inc. for Phase I and Phase II of City-Wide Misc. Concrete and Drainage System Improvements. (Bid #21-11). (City Engineer).

19. Consider a resolution amending the City of Kingsville Travel Policy. (Finance Director).

20. Consider a resolution amending the City of Kingsville Administrative Policy No.731-Flex Leave to provide for additional hours during an employee's birth month. (Human Resources).

21. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (Commissioner Torres).

22. Discussion on flags in downtown. (Commissioner Torres).

#### **VII. Adjournment.**

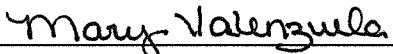
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

October 4, 2021 at 2:30 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)**

**SEPTEMBER 27, 2021**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 27, 2021 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Hector Hinojosa, Commissioner  
Norma N. Alvarez, Commissioner  
Edna Lopez, Commissioner  
Ann Marie Torres, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, IT Manager  
Derek Williams, IT  
Uchechukwu Echeozo, Director of Planning & Development Services  
Deborah Balli, Finance Director  
Susan Ivy, Parks Director  
Rudy Mora, Engineer  
Bill Donnell, Public Works Director  
Ricardo Torres, Police Chief  
Diana Gonzales, Director of Human Resources  
David Solis, Risk Manager  
Emilio Garcia, Health Director  
Joseph Ramirez, Engineers Assistant  
Janine Reyes, Tourism Director  
Alicia Tijerina, Interim Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting - August 23, 2021**

**Motion made by Commissioner Hinojosa to approve the minutes of August 23, 2021 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Fugate voting "FOR". Lopez and Torres "ABSTAINED".**

**Special Meeting – September 7, 2021**

**Motion made by Commissioner Lopez to approve the minutes of September 7, 2021 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa voting "FOR". Fugate "ABSTAINED".**

## **Regular Meeting - September 13, 2021**

Motion made by Commissioner Lopez to approve the minutes of September 13, 2021 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

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

**1. Public Hearing on a request for a special use permit for New or Reconditioned Auto Parts, Indoors use at Andrews 1, Lot South 90' A, also known as 1911 S. Brahma Blvd., Kingsville Texas. Jacob Carmona authorized agent and applicant; Herman Ohlenbusch, owner. (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:02 P.M.

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

Mayor Fugate asked the staff if this location is next door to an old convenience store which is now abandoned.

Mr. Uchechukwu Echeozo, Director of Planning & Development Services responded yes.

There being no further comments Mayor Fugate closed this public hearing at 5:07 P.M.

**2. Public Hearing on a request to rezone Sims 3, Block 3, Lot 35, 36, also known as 920 E. Ave. D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential). Ramona Haskins authorized agent and applicant; Regino Chavana, owner. (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:07 P.M.

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

Mr. Echeozo stated that is a request for a rezone from the current zoning which is C4 (Commercial) to R1 (Single Family Residential). A review was carried out by staff, and it was revealed that the applicant is seeking to rezone the property to enable them to procure GLO disaster recovery funds that would be used to build a new residential home. He further stated that this location is zoned as a commercial zone which does not allow residential building and would be spot zoning. Mr. Echeozo stated that staff recommended to the Planning & Zoning Commission not to allow it as residential. After the Planning & Zoning reviewed this, they decided to overturn the staff's recommendation.

Mayor Fugate asked that if there was one Board that reviews and makes the recommendation, then they went back and denied it?

Mr. Echeozo stated that staff reviews then make the recommendation.

Mayor Fugate further asked why staff denied this. Mr. Echeozo responded that it would be spot zoning.

Mr. Echeozo displayed a map showing the location that is being requested for rezoning.

Mayor Fugate asked if staff received any complaints from the surrounding neighbors. Mr. Echeozo responded that only one individual voiced some concern that when zoned to residential, it would affect her property.

Commissioner Torres asked that next to the property, from the left to the right of it, what do they have on those properties?

Mr. Echeozo stated that to the left of the property are homes and to the right of the property there is a commercial and vacant property.

Commissioner Hinojosa commented that to the right of the property there is a 922 address that is residential and right next to that is a vacant lot. He further asked if in the past the city had allowed for El Corral to have personal property so that their employees could live there?

Commissioner Lopez commented that the city had allowed this sometime back. It was the property behind El Corral.

Mr. McLaughlin commented that it would probably be best for this type of discussion to take place until the Commission gets to the agenda item.

Mayor Fugate for the Planning & Zoning vote on this item. Mr. Echeozo stated that the vote was 6-0 voting unanimously for the item.

There being no further comments Mayor Fugate closed this public hearing at 5:11 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 Fugate presented a proclamation to the Purple Door declaring the month of October as National Domestic Violence Awareness and Prevention Month.

Mr. Mark McLaughlin, City Manager gave an update on street chip sealing of N. 6<sup>th</sup> Street. He also gave an update on the Wine Walk Event that occurred this past weekend. Over 100 Passports were sold for the event which was well attended. He further reported on the Butterfly Blitz event that will be occurring on October 2<sup>nd</sup> and October 3, 2021. The event will take place at Dick Kleberg Park.

Mayor Fugate asked who the non-profit organization was that will be receiving funds from the Wine Walk event?

Ms. Janine Reyes responded that the non-profit organization is the Kingsville Boxing Club.

Ms. Alvarez announced that the next Commission meeting is scheduled for October 12, 2021 with the deadline for staff to submit their agenda items being no later than Wednesday, September 29<sup>th</sup>. She further announced that city offices will be closed on Monday, October 11<sup>th</sup> in observance of Columbus Day.

Commissioner Torres asked if there was a way that we can correct the votes that were taken for the minutes of August 23, 2021, and September 13, 2021. She stated that she voted incorrectly by abstaining from the approval of the minutes for August 23<sup>rd</sup> instead of the September 13<sup>th</sup> minutes.

Mrs. Mary Valenzuela, City Secretary asked for Ms. Courtney Alvarez, City Attorney to advise if the change could be made since the vote on the minutes had already been taken.

Ms. Alvarez stated that the Commission would need to go back and entertain a corrected motion. If the two Commissioners that made the initial motions to approve the minutes would like to amend their first and their second, then we would be able to take a new vote on the minutes.

**Commissioner Hinojosa made a motion to amend the vote for the minutes of August 23, 2021, to correct the vote taken for the approval of such minutes, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR". Lopez "ABSTAINED".**

**Commissioner Lopez made a motion to amend the vote for the minutes of September 13, 2021 to correct the vote taken for the approval of such minutes, seconded by Commissioner Alvarez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR". Torres "ABSTAINED".**

Reports from Commission and Staff continued at this point.

Commissioner Alvarez asked what the city's plan is if some of the immigrants come to Kingsville. Does the City have a place to house them?

Mayor Fugate responded that the City of Kingsville will not be in the immigration business. This is a job for the Federal Government, and we will insist that they step in and do their job. Our law enforcement is here to serve and protect our citizens and if there are any violations Chief Torres and his staff will be there to assist. Mayor Fugate further commented that we will not go and open, as we did in the past, a location as we did for Katrina evacuees, this is a different situation. He further commented that the Federal Government needs to stand up and do its job.

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

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

Christopher Torres, 434 W. Sage Rd, Kingsville, TX commented that he is currently serving as the representative for VFW Post 2375 Kingsville, and they are concerned with the flags on Kleberg Street. He commented that he has been a resident of Kingsville for 2011 after returning from Iraq and has been active with the VFW since then. He stated that he recalls every parade event and one of their responsibilities was to post flags and holders which were permanent fixtures on the sidewalks. He stated that the new sidewalks don't have those fixtures and there has been some miscommunication whether it's their responsibility to put the flags up, which they can't

put on the poles or if it's the city's responsibility. He further commented that as an organization, not only the VFW but the DAV and American Legion, wondering if the city will have the future sidewalk will have the flag holders and if there is a way to retrofit the existing sidewalk, the new one that was put in, and they will continue as they have been for 20 plus years Veteran's Day, Memorial Day, and now Patriot Day should have those flags lining the streets. Mr. Torres further commented that they have no problem, as they have the flags to put them in. Flags can be placed in the morning and taken down in the evening. As an organization, they would like to know what the city's plans are, either to continue the tradition or take it over and place the flags out. He further asked if it was up to them to let the city know when the flags need to be displayed on certain days. He further commented that this is their main concern as all these flags need to be displayed and can the city have the new sidewalk have the flag holders in place, as they were in the old sidewalk.

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)*

None.

### **REGULAR AGENDA**

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

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

1. **Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use in C2 (Retail District) at 1911 S. Brahma Blvd., Kingsville, Texas, also known as Andrews 1, Lot South 90' A. (Director of Planning & Development Services).**

Introduction item only.

2. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 35, 36, also known as 920 E. Ave. D, Kingsville, Texas from C4 (Commercial District) to R1 (Single-Family Residential District). (Director of Planning & Development Services).**

Commissioner Hinojosa commented that he would like for this agenda item to be placed on the next agenda under the regular section of the agenda for staff to give a better explanation on whether spot zoning is legal or not legal.

Ms. Alvarez stated that there is a picture in the agenda packet that shows more topographical than just the zoning that was shown during the public hearing for this item. She stated that it shows that it appears from the topographical that there are residential structures to the east than the two lots to the west of this property also have

residences on them. It would also appear that there is at least one lot to the north that is in the C4 that also has a residence on it. Ms. Alvarez further stated that this was a very unique and odd situation, so at some point in history, which nobody knows exactly when this portion of the block was zoned C4 and other portions of the block were zoned R1. She further stated that there are R1 structures on some of the lots that are zoned C4. She also stated that in the city's zoning chart you cannot build a residence in C4. A residence can be built in a C3, C2, and other more restrictive classifications, but in a C4 which is why there is an issue with the zoning for this lot. She further stated that the other properties are considered grandfathered as this property was. Once repairs are being done, 50% or more, you lose your grandfathering, which is why staff made their analysis and made the recommendation the way that they did. Alvarez further stated that spot zoning is the process where you single out a small tract of land and you treat it differently from the surrounding land without showing any justifiable change and condition. Alvarez also stated that if you look at it as an R1 amongst C4, it looks bad. There are a couple of layers of analysis to look at as the Supreme Court did a case in 1981 where they set out a balance test. You look at all the factors then answer the questions. It isn't just looking at the zoning but also looking at the use. Ms. Alvarez further stated that she can see how the Planning & Zoning Commission got to the decision that they did because if they are showing R1 to the east and R1 to the west they can think as to why this is not a consistent use with the properties adjoining it. Alvarez further stated that it would have been a good position if that property and the ones around it if they have residences on them, be zoned as C2 so that the applicant can still have the R1 use or just do all of them that are currently having houses on them be an R1. Alvarez further stated that she does not know with this individual if their GLO Grant has any restrictions as it would probably take about six weeks for this to be brought to the Commission with different zoning, either the C2 or have all the houses that are there be R1.

Mayor Fugate commented that this is what needs to happen, and it can probably be done later.

Ms. Alvarez stated that because our zoning chart says zero residences in a C4, they couldn't issue a building permit for this property with C4 zoning.

Mayor Fugate commented that the Commission can change the status on this property then come back later and change the status of the other surrounding properties.

Ms. Alvarez responded that this could be done. She further stated that whenever staff analyzes the master plan, you see if the plan and the use is consistent as well as look at the nature and degree and adverse impact from changing the current zoning to the new requested zoning to see if it's compatible with surrounding uses and it would seem to be compatible with the surrounding uses but not necessarily compatible with surrounding zoning. Alvarez further stated that it wouldn't be an issue if it was already zoned C2 or R1 before all the houses got built there. It is hard to say which came first the zoning or the houses.

Commissioner Alvarez asked that the requestor for this rezone is making more than 50% repairs to their property?

Ms. Alvarez responded that it is her understanding from staff that the house is going to be raised and rebuilt with the GLO Grant.

Commissioner Alvarez asked why it would take staff six weeks.

Ms. Alvarez responded that if the Commission doesn't feel comfortable with moving forward with the R1 and want all of it to be rezoned C2. You will then have the transition from C4 to C2 to R1 and you can still build residences in C2. She further stated that there is a process whether its city initiated or public initiated rezone where notice letters need to be mailed and place an advertisement in the newspaper for public hearings for both the Planning & Zoning Commission and City Commission meeting, which takes time.

Commissioner Hinojosa asked if this item would be on the consent or regular agenda for the next meeting. Mayor Fugate responded that the item will be on the regular section of the agenda.

No further action was taken on this item.

Mayor Fugate moved agenda item #23 before agenda #3 due to visitors being in the audience for agenda item #23. No objections were made by the Commission.

**3. Consider a resolution approving the City of Kingsville's 2021 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).**

Motion made by Commissioner Hinojosa to approve the resolution approving the City of Kingsville's 2021 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e), seconded by Commissioner Alvarez and Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**4. Consider a resolution approving and authorizing execution of a Participation Agreement and Trust Instrument for participation in a public funds investment pool, designating the Board of Trustees of the Pool as an agency and instrumentality to supervise the Pool, approving investment policies of the Pool, appointing authorized representatives, and designating investment officers. (Local Government Investment Cooperative-LOGIC). (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that this is to enroll the city to be able to make investments into the TexPool as another source for an investment pool.

Motion made by Commissioner Alvarez to approve the resolution approving and authorizing execution of a Participation Agreement and Trust Instrument for participation in a public funds investment pool, designating the Board of Trustees of the Pool as an agency and instrumentality to supervise the Pool, approving investment policies of the Pool, appointing authorized representatives, and designating investment officers. (Local Government Investment Cooperative-LOGIC), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**5. Consider a resolution authorizing participation in the TxPool Investment Pools and Designating Authorized Representatives. (Finance Director).**

Motion made by Commissioner Hinojosa to approve the resolution authorizing participation in the TxPool Investment Pools and Designating Authorized Representatives, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".



**6. Consider a resolution authorizing the City Manager to enter into an Agreement between the City of Kingsville, Texas and Garver for Professional (engineering) Services for Wastewater Treatment Plant Performance Evaluation. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that the purpose of this agenda item is to provide a performance evaluation of the city's Wastewater Treatment Plant and create an asset management program. This will allocate funds for annual reliable and sustainable infrastructure improvements, including growth. On July 12, 2021, the Commission awarded the Request for Qualifications #21-08 to Garver to begin contract negotiations for Professional Engineering Services. The total amount of the contract is \$250,634.00. Garver will provide Preliminary Engineering Performance Evaluation Report and funding sources for the project.

**Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to enter into an Agreement between the City of Kingsville, Texas and Garver for Professional (engineering) Services for Wastewater Treatment Plant Performance Evaluation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".**

**7. Consider City support for events and parades for FY21-22. (Interim Downtown Manager).**

Mrs. Alicia Tijerina, Interim Downtown Manager reported that the city has a tradition of granting support for certain parades and events that are held in the downtown area each year. Support that is provided by the city is a waiver of certain fees for temporary closures of streets. It is recommended by staff that street closing fees be waived and the services provided by the city in support of these parades and events be considered in-kind sponsorship.

Commissioner Torres asked if Academy School has its events in the downtown area, as they are not listed on the list provided.

Mrs. Tijerian responded that Academy School does not have its events in the downtown area.

**Motion made by Commissioner Alvarez to approve the City's support for events and parades for FY21-22, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**8. Consider accepting donations from Brookshire Foundation and Bright Star Child Development Center for Park recreation programs. (Parks Director).**

**Motion made by Commissioner Hinojosa to accept the donation from the Brookshire Foundation and Bright Star Child Development Center for Park recreation programs, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

**9. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend donations from Brookshire Foundation and Bright Star Child Development Center for recreation programs. (Parks Director).**

Introduction item.

**10. Consider a resolution accepting award of funds for Local Border Security Program FY2022 from the Office of the Governor, Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Motion made by Commissioner Torres to approve the resolution accepting the award of funds for Local Border Security Program FY2022 from the Office of the Governor, Public Safety Office for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

**11. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend funds from the 2022 Local Border Star Security Program for personnel costs. (Police Chief).**

Introduction item.

**12. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover the bond issuance costs on the four Texas Water Development Board projects with cash match funds transferred in for this purpose. (Finance Director).**

Mrs. Balli stated that staff believes that this funding would not be used until FY 21-22, but it was determined that part of these funds would be used in FY 20-21 for closing costs on the bond issue for the loan funding. The budget amendment request is to cover the bond issue cost expenditures incurred in the current fiscal year 2020-2021.

Introduction item.

**13. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to accept and expend the reimbursement from TxDOT for the City's share of the US 77 Utilities Relocation Project. (Finance Director).**

Mrs. Balli stated that in fiscal year 20-21 the city received reimbursement from TxDOT of \$370,861.07 which needs to be accounted for through a budget amendment.

Introduction item.

**14. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover FEMA COVID additional funding for eligible items. (Finance Director).**

Mrs. Balli reported that FEMA has made available additional COVID funding for supplies related to COVID which include disinfecting supplies, PPE, and other related items. The Budget Amendment covers the expenditures that have been transferred over to Fund 111 in anticipation that they will meet eligibility guidelines.

Introduction item.

**15. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover the 2021 bond refunding transaction. (Finance Director).**

Mrs. Balli stated that the City did a 2021 bond refunding which requires a budget amendment to book the transaction as there is not a way to determine during budget adoption that we will be doing a refunding and what the result will be until the transaction has been completed.

Commissioner Alvarez asked which bond was refunded? Mrs. Balli responded that it was for the 2013 CO Series.

Introduction item.

**16. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover the final expenditures on Tx. CDBG #7218269. (Finance Director).**

Mrs. Balli stated that TX CDBG Grant #7218269 was a project that began in FY 18-19 for the manhole rehabilitation and was completed in FY 20-21. At the end of each fiscal year, Finance must estimate what the payment status will be during the budget process that begins in April of each fiscal year. The budget entered for FY 20-21 was not enough to cover the remaining project expenditures for the current year.

Introduction item.

**17. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover negative line items for the Economic Development Fund 098 for the end of year salary accrual and an additional incentive agreement payment for Marshalls. (Finance Director).**

Mrs. Balli stated that the Economic Development fund is a small fund that is used to account for economic development expenditures and is funded through transfers and in-lieu of tax payments. This fund is needing a budget amendment to cover some personnel line items due to end-of-year salary accruals. Last year, the accrual was 4 days and this FY there are 5 days to accrue due to how the pay periods fall. The other item covered with the requested budget amendment pertains to the additional incentive payment for Marshalls. This was the first year of incentive payments and our obligation exceeded our projections.

Introduction item.

**18. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover coverage on the equipment purchased with grant funds received from the SWB Rural and Tribal Assistance Grant. (Finance Director).**

Mrs. Balli stated that The City received a grant from the Southwest Border Rural & Tribal Assistance Grant for \$83,147.88 for equipment. The equipment purchased totaled \$83,221.95 resulting in a negative of \$74.07. This budget amendment will cover the \$74.07 funding shortage.

Commissioner Torres asked what the shortage was on? Mrs. Balli responded that it was for equipment for \$74.07.

Introduction item.

**19. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover coverage on motor gas and oil for the Solid Waste Management Department. (Finance Director).**

Mrs. Balli stated that The Solid Waste Management Department has incurred additional Motor Gas & Oil costs due to the rising cost of fuel for their operations. To finish out the year, the Sanitation Division 1702 will need an additional \$17,000 and the Landfill

Division 1703 will need an additional \$10,000. These shortages cannot be covered by other line items.

Introduction item.

**20. Consider introduction of an ordinance amending the Fiscal Year 2020-2021 budget to cover the Incentive Agreement payments for Chick-fil-a for April through September. (Finance Director).**

Mrs. Balli stated that the city entered into an incentive agreement for Chick-Fil-A which opened in April 2021. The company is required to provide sales tax payment information to the city so that we know how much our obligation is to them. The incentive agreement was approved after the budget was adopted and sales tax information was only recently made available. Now that we have the information needed to fulfill our obligation of this Fiscal Year, a budget amendment is required.

Introduction item.

**21. Consider a resolution authorizing the City Manager to enter into a Lease Agreement with Kleberg First National Bank for parking on the north side of the Municipal Building downtown. (City Manager).**

Mayor Fugate commented that this is not a property that is owned by the city.

Mr. McLaughlin stated that the property is owned by Kleberg Bank with some of the area leased to the city to be used for parking in exchange for in-kind service by resurfacing the parking lot, which needs to be done soon.

Commissioner Alvarez asked for a cost to resurface the parking lot.

Mr. McLaughlin stated that the estimated cost is around \$6,000 to \$7,000.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to enter into a Lease Agreement with Kleberg First National Bank for parking on the north side of the Municipal Building downtown, seconded by Commissioner Alvarez.**

Commissioner Torres asked if city offices would be moving from this area at some point or will Kleberg Bank sell the parking lot to the city?

Mr. McLaughlin responded that the city will still occupy the old Municipal Building. He further stated that he doesn't think the Bank has any intention of selling the property and the city has never asked either.

Commissioner Torres asked if the city would ever consider purchasing the property if the city will be maintaining it?

Mr. McLaughlin responded that the city only has to maintain it every five years. He further stated that you can see where the repairs are most needed, which is around the bank ATM.

Commissioner Alvarez commented that when the restaurant was located across the street from this parking lot, everyone from the restaurant would park there.

Commissioner Hinojosa commented that the city received sales tax from that restaurant.

Commissioner Lopez commented that the parking lot is needed to allow our city employees to park in that area.

Commissioner Torres commented that this is why she is asking if the Bank would sell the parking lot to the city.

Commissioner Lopez commented that the agreement that is currently in place is a good agreement, why try and purchase it.

Commissioner Torres commented that if the city is going to continue to fix it, why not just purchase it instead of leasing it.

Commissioner Hinojosa commented that the city can consider it when it comes up for sale.

Mayor Fugate commented that this lease agreement has been in place since Kleberg Bank moved across the street back in 1971.

**The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".**

**22. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District. (Commissioner Torres).**

Mrs. Alvarez stated that the names of nominees to this Board must be turned in no later than December 15<sup>th</sup>.

Mayor Fugate commented that there is a Commission meeting scheduled for October 12, 2021, and further commented that his concern on this is that the city has never done this before. The city has always had only one candidate and the city barely having enough votes to have one candidate in place. Fugate further stated that he doesn't want to get into a situation where the city doesn't have any candidates on this ballot. He also stated that the Commission can pursue this but he asked the Commission to take no action and bring back this item on the October 12<sup>th</sup> agenda. This will give the Commission some time to vote on it and get those candidates on the ballot.

Commissioner Torres commented that she read that the city can have up to five candidates and have spoken with the individuals and they necessarily don't have to vote for whomever they considered, and some may not put anyone on the ballot. The city may even have the option for them to vote for another individual that the city has nominated.

Mayor Fugate commented that it would be great if the city can get two individuals on the Board, but we have never done that before. He further stated that he wants to look at this as he has some concerns. Mayor Fugate commented that if the Commission wants to pursue this tonight that is fine, but he is asking that the item be tabled until October 12<sup>th</sup>. This will give the Commission time, if the city has an extra candidate, it gives the city time to get it on the ballot by December 15<sup>th</sup>.

Commissioner Torres asked if the Commission made the nomination tonight, can the Commission still make another nomination on October 12<sup>th</sup>.

Mayor Fugate commented that once an item is voted on and the item does not pass, that item can not be brought back to the Commission for consideration for six months, as per city ordinance.

Mrs. Alvarez commented that if the items fail, there is a six-month waiting period before bringing them back for consideration.

Mayor Fugate stated that it is his recommendation to wait on this item and bring it back on October 12<sup>th</sup>. He further commented that the city has never done this before. The city has always only had one candidate for this ballot as the city has only so many votes to give a candidate.

No action was taken.

### **23. Discussion on American flags in downtown area. (Commissioner Torres).**

Commissioner Torres stated that the discussion about the American Flags originally started with Master Sergeant Torres who was the Chair for their committee that would go out and place the flags which he did for over 25 years. She further commented that there was a certain placeholder on the sidewalk where he would place the flags in. Commissioner Torres further stated that Master Sergeant Torres suffered a heart attack about 3 years ago and therefore had to have two volunteers that assisted with placing the flags out. She stated that when Master Sergeant recovered, he took it over as this was something that he wanted to do. In the new areas, there are no placeholders on there and with the new master plan, there is nothing on there that is going to continue the placeholders on there. She stated that it was discussed that the brackets would go up, which the brackets went up but the flags that were used and look nicer and larger weren't fitting the brackets that were installed plus it requires a lift and the flags that were bought were smaller than the flags that the VFW has. Commissioner Torres stated that on Patriots Day which is 9/11 no flags were displayed. The flags were missed because it was said that nobody told them to display the flags. Commissioner Torres commented that this bothered her. She stated that this was brought up to her attention as she hadn't gone by the area, but once they made her aware of it, she did drive by the area and noticed that flags were not displayed. She further stated that it shouldn't be told and the issue is that the lift wasn't working anyway so flags couldn't go up and even if other equipment was bought to go out there and place them, which was a suggestion that was made. She stated that she spoke with the veterans', and they came up with if the placeholders are the water tanks, when they go out there who would fill them up with water, and if there was an issue with the lift not working what says that there wouldn't be an issue with someone being able to fill the containers with water for the flags to hold up. She further commented that if anyone had gone downtown, as she went downtown to look for herself, if you are not looking for that hole for the placeholders, you wouldn't know it's there. They are the proper size for the flag poles that they have, and they look nice when they put them out, so she doesn't understand why the placeholder hole can't go back on there.

Mayor Fugate commented that this is a tradition in Kingsville that is about 50 years old and this is a mistake on our part by not getting the holes in the sidewalk, which would make it a lot easier. But with now having a brand-new sidewalk he doesn't think the city would be interested in drilling holes. He further asked Mr. McLaughlin if the other side is the sidewalk going to be done anytime soon?

Mr. McLaughlin responded that between 6<sup>th</sup> and 7<sup>th</sup> on the southside no. On both sides between 6<sup>th</sup> and 7<sup>th</sup> street, those sidewalks are not done. It's from 7<sup>th</sup> to 8<sup>th</sup> Street, both

sides are done and will continue down to the east and branch out north to Yoakum., like it is being done on 7<sup>th</sup> it will have to be done on 8<sup>th</sup> as these sidewalks are in poor condition.

Mayor Fugate asked if there is any way that from now on so that we don't have this issue, we can get the holes put into the sidewalks.

Mr. McLaughlin responded that there is nothing that is stopping us from putting a hole, it is just that when you put \$400,000 in sidewalks, he would hate to drill a hole in it as in 20 years, the sidewalk will crack. If this is something the Commission wants to do, then it will be done.

Commissioner Torres commented that \$400,000 is pennies in a bucket regarding what all our veterans have done. There is a World War II Veteran, Iraq, Afghanistan, Korean War Veteran who is 93 years old who has been doing this for a long time and we are going to put a price of \$400,000.

Mayor Fugate commented that it is important that the American Flags be displayed downtown and thinks that the Commission feels the same way. He further asked Mr. McLaughlin to look into what he could come up with and provide the Commission with a report.

Commissioner Alvarez asked how many flags are displayed?

Commissioner Torres responded that they had 48 flags. She further stated that there was another suggestion that other in other cities Rotaries placed the flags out and charged. She stated that they went away in charging businesses as they thought it was something important. She further stated that they looked at all their paperwork and that was done away over 25 years ago. This is something that the Veterans organization will not do for downtown. For other businesses, it's something that they say they would possibly do, but not for downtown.

Mayor Fugate asked staff to look into this and see what plan the city can come up with.

Mr. McLaughlin stated that he would look into this but would like a flagpole from the Veterans for hole measurement purposes. He further stated that he also wants a list as to when flags are to be displayed and the holiday that they will be displayed for.

Mayor Fugate commented that he feels that someone from the Veterans organization should be part of the solution for this.

Ms. Janine Reyes, Tourism Director stated that she did speak with Commissioner Torres last week, and what she had recommended was a water base flag holder that cost \$29.95 each. If we were to buy 48 for all of the flags the total cost would be around \$1,437.60. She further stated that she didn't like the holders as a lot of them fell which is a concern if they fall and hit someone and does not want to have a man lift out there as it is extra work. She stated that what she recommended was that they can place these in an even location across the street which holds water that makes it 40 pounds which should hold the flags. Ms. Reyes further asked Commissioner Torres if something like this would be able to hold her flags.

Commissioner Torres responded that that was the issue, maintaining the water so it could hold it as the canisters are not made for our windy city.

Ms. Reyes stated that they are 40 pounds, and her staff can place them and fill them with water then coordinate with the VFW to display the flags.

Commissioner Torres responded that this is what they discussed with the Veterans that the issue is if something comes up such as the man lift.

Ms. Reyes commented that a man lift was needed which is why she recommended the water base holders, and her staff could get it done.

Commissioner Torres commented that Ms. Reyes's staff could have had it done on Patriots Day and it wasn't done.

Ms. Reyes stated that nobody had a schedule, and her staff has never displayed the flags before the sidewalks.

Commissioner Torres commented that Patriots Day is 9/11 and 9/11 has been going on for 20 years.

Ms. Reyes responded that she is aware of this but that she did ask Commissioner Torres to coordinate dates with her that she would have liked her staff to put them out there as well as times so that the water flag holders could be placed and the VFW following staff behind to display the flags of if she wanted staff to do it, staff would need possession of those flags.

Commissioner Torres commented that it would be a lot easier just to maintain what we already have. She stated that she went out there and looked and measured.

Ms. Reyes stated that when the sidewalks first got laid down the first thing they said to them was that there were no holes for the flags poles. She further stated that between now and Veterans Day we need to have a plan together, even if the plan is to order, as we know that the existing sidewalks have holes.

Commissioner Torres asked what would be the temporary solution? Ms. Reyes responded that she wants to make sure that Veterans Day that the flags look appropriate.

Commissioner Alvarez commented that for the sidewalks that have not been redone yet when they are redone can the city have those holes put in place.

Ms. Reyes stated that what she would recommend for the time being and the next holiday, order the water flag holders for the sidewalks that don't have the holes.

Mr. McLaughlin commented that this can be engineered in, but the issue is that when the original sidewalk there were three sidewalks built on top of each other having some of the concrete in certain areas being 18 inches thick of concrete. What it was replaced with was six inches, so punching a hole through it and with the sand below it over time, what will it do underneath the sidewalk. Mr. McLaughlin further commented that he would come up with a plan for this.

Commissioner Torres asked why they weren't in the plan, to begin with? Mr. McLaughlin responded that the flags were not the city's program and it never crossed staff's mind of placing flag holes on the sidewalks.



Mayor Fugate commented that this was an honest mistake, not something that was done intentionally. City staff will look into how to remedy this situation.

Commissioner Torres stated that for the temporary it is okay, but it's the long-term that she is more concerned about.

#### **24. Discussion on Animal Control and days of stay. (Commissioner Torres).**

Commissioner Torres asked that reason for this item is to make sure that the city is in compliance with the law regarding days of stay.

Mr. McLaughlin stated that there is no requirement in any Texas Code that says that you can only hold an animal for a certain number of days. He further stated that there is a limit on the minimum that an animal is required to be on hold, which is 72 hours, to allow the proper owner to locate its pet, but after 72 hours the pet becomes the property of the City, and the City can dispose of it as its discretion. He further commented that since he has been City Manager, the city has not euthanized any animals due to overcrowding in the shelter. Mr. McLaughlin stated that the animal shelter has had some dogs for over 100 days, but the city has kept them fed, watered, and sheltered.

Commissioner Alvarez commented that the last report she received shows that there were 46 dogs at the shelter. She further asked if there were enough kennels to house these dogs.

Mr. McLaughlin responded that there is, as there may be a litter of puppies that can be housed in the kennel.

Commissioner Torres commented that she is aware of the State report and asked if the shelter was at 100%.

Mr. McLaughlin stated that you don't receive a percentage score, you get satisfactory. He further stated that in the past you would receive where you can use improvement or get satisfactory with additional comments. He further stated that for two years in a row, the shelter has received a satisfactory with no recommendation comments.

#### **25. Consider a resolution adopting the City of Kingsville Fire Department Charity Care Assistance Policy. (Finance Director/Fire Chief).**

Mr. Juan Adame, Fire Chief stated that each year the State allocates funding of federal match funds to assist offset the compensated care cost for persons transported by the Fire Department ambulance services. The individuals that meet certain Federal Poverty Level criteria to possibly be eligible for 100% charitable care discounting of their ambulance bill. This is only provided if they do not have insurance or other financial resources that would pay for such transport. For the city to qualify for this funding, the city would need to have a Charitable Case Assistance Policy in place that has been accepted by the City Commission.

Commissioner Torres asked if this program was for those who are uninsured? Chief Adame responded yes. Commissioner Torre further asked if the individual must apply for this.

Ms. Alvarez responded that the individual would need to apply for it.

Chief Adame stated that the city does not apply, the billing company handles that part of the process. When the Fire Department transports patients, they fill out an electronic reporting form, which is handled by the billing company. The billing company starts the process of applying for the matching funds. As patients are determined that fit into the category of the policy, then the city will qualify for the reimbursement. The city will then accept that reimbursement as payment paid in full.

Commissioner Torres asked if the patient had to do anything to apply. Chief Adame responded that he doesn't believe the patient has to do anything to apply.

Mrs. Balli commented that the other part of this is for when we do ambulance runs that get paid by Medicare. Medicare will pay a certain amount and the city cannot bill them for the remaining amount so these funds will offset those costs that we cannot collect.

**Motion made by Commissioner Lopez to approve a resolution adopting the City of Kingsville Fire Department Charity Care Assistance Policy, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".**

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 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**

**City of Kingsville  
Planning and Development Services Department**

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Uche Echeozo, Director  
**DATE:** September 30, 2020  
**SUBJECT:** Request for alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise License (BQ) for the establishment known as Javelina Mart Located at 1202 N Armstrong Street, Kingsville TX 78363

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**Summary:** The property owner, Evergreen 786 LLC, is requesting this variance for a Wine and Malt Beverage business, known as Javelina Mart, situate at 1202 N Armstrong Street, Kingsville TX 78363.

**Background:** The said property falls within the 300-foot boundary of a school known as Texas A&M University Kingsville, Islamic Society of Kingsville and a Church – College View Baptist Church and therefore, would require a variance according to City Ordinance, sections 11-3-4. Notices have been sent to property owners within the 300-foot radius boundary and a notice published in the local newspaper with respect to the public hearing to be held on Tuesday October 12, 2021, in the City Hall. The Planning Department received one citizen feedback who had no concerns. This property was used as a convenience store prior to this application but now has new business owners hence the application.

**Financial Impact:** None.

**Recommendation:** Approve the alcohol variance as requested.



Pub. Hrg.

received  
9-8-2021



TEXAS ALCOHOLIC  
BEVERAGE COMMISSION  
Texas Helping Businesses & Protecting Communities

Document reference ID : 424

## Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Next** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID:	424
Applicant Name:	Evergreen786 LLC
License Type applied for:	Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)
Address:	1520 Wildwood Trail Blvd, Kingsville, TX, 78363
Email Address:	lee@leeandkimcpas.com
Phone Number:	361-225-4431
Business Structure:	Limited liability company
Business Name:	Evergreen786 LLC
FEIN/SSN Number:	871647710
Historically Underutilized Business:	No
Veteran-owned business:	No
Secretary of State Filing Number:	0804142986
Date Filed:	7/8/2021 12:00:00 AM
Filing State:	TX

### Principal Parties

Principal Parent Entity	Principal Party	Role	%Ownership
179.209.4943 ← Evergreen786 LLC	Hassan Charania	Manager	50
Evergreen786 LLC	Rahila Charania	Manager	50

Savelina Mart

## Location Address

**Address:** 1202 N. Armstrong St. , Kingsville, TX, United States 78363

## Location Investment

Investment Category	Investment By	Amount Invested	Term
Principal	Hassan Charania	\$75000.00	Personal saving from current employment
Principal	Rahila Charania	\$75000.00	Personal saving from current employment

# CLASSIFIEDS

Thursday, September 16, 2021

www.kingsvillerecord.com

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## PUBLIC NOTICES

TY OF KINGSVILLE, TEXAS ADOPTING THE CITY MANAGER'S BUDGET, AS AMENDED, OF THE CITY OF KINGSVILLE, TEXAS, AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 1, 2022 IN THE PARTICULARS HEREINAFTER STATED. INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October 2021

**ORDINANCE NO. 2021-63**  
AN ORDINANCE OF THE CITY OF KINGSVILLE, TEXAS ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 1, 2022, DISTRIBUTING

## PUBLIC NOTICES

THE TAX LEVY AMONG THE VARIOUS FUNDS, AND PROVIDING FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED. INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October 4, 2021

**ORDINANCE NO. 2021-64**  
AN ORDINANCE OF THE CITY OF KINGSVILLE, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October

## PUBLIC NOTICES

4, 2021

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's Off-Premise Permit by Evergreen 786LLC, dba Javelina Mart, to be located at 1202 N. Armstrong St. Kingsville, Kleberg County, Texas 78363. Officers of said Company are Hassan Charanja and Rahila Charanja, Managers.

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit (BG) by Reparo Bar & ST. Tacos LLC, dba Reparo Bar & ST. Tacos to be located at 1115 S 6th St Kingsville Texas 78363. The Only Member and Secretary of this LLC is Jose F Flores.

## PUBLIC NOTICES

## PUBLIC NOTICES

### CITATION BY PUBLICATION

Cause No. 21-230-D

THE STATE OF TEXAS

BARNES & BERGER, AN ARIZONA GENERAL PARTNERSHIP AND BARNES & BERGER, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY | IN THE DISTRICT COURT OF THE 105TH JUDICIAL DISTRICT OF KLEBERG COUNTY, TEXAS  
VS  
DYLAN JENKINS, RILEY COOK, AND TREVOR JENKINS | KLEBERG COUNTY, TEXAS

TO: DYLAN JENKINS, RILEY JENKINS COOK AND TREVOR JENKINS

NOTICE TO DEFENDANTS: "You have been sued. You may employ a lawyer to do not file a written answer with the clerk who issued this citation by 10:00 following the expiration of 42 days after the date this citation was issued against you." In addition to filing a written answer with the clerk, you must disclose to the other parties of this suit. These disclosures generally must be filed 42 days after you file your answer with the clerk. Find out more at TexasLaw.com

You are hereby commanded to appear by filing a written answer to the Petition by 10:00 o'clock A.M. on the Monday next after the expiration of 42 days after the date of citation, before the Honorable 105th District Court of Kleberg County in Kingsville, Texas. Said Plaintiff's Petition was filed in said Court on August 11, 2021 in the above entitled cause number 21-230-D.

A brief statement of the nature of this suit is as follows, to-wit: PETITION FOR CITATION BY PUBLICATION TO APPEAR AND ANSWER HEREIN AS PROVIDED BY THE TEXAS RULES OF CIVIL PROCEDURE AND FURTHER GENERAL RELIEF TO WHICH PETITIONER IS ENTITLED, more fully shown by plaintiff's Petition on file in this suit.

Issued and given under my hand and seal of said Court at KINGSVILLE, TEXAS on August 11, 2021.

Attorney for Plaintiff or Plaintiff:  
R. Lee Murphy, Attorney At Law  
P.O. Box 1538  
Kingsville, Texas 78364

Clerk of the Court:  
Jennifer L. Whittington, District Clerk  
Kleberg County, Texas

By Amelia Carbajal, Deputy Clerk



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STAVROS, RUSLER, BELLAMY & SCHULTZ  
Attorneys at Law

J. Lindsey Rusler  
7200 North MoPac Expy., Suite 310  
Austin, Texas 78731

July 20, 2021

Re: **Foreclosure Sale - Cause No. 20-406-D**

Dear Officer:

I am an attorney with Stavros, Rusler, Bellamy & Schultz, PLLC. My firm is referenced case. Although my client is not a government entity, this is a tax sale. I purchased a tax lien from the County Taxing Units, through which it is now seeking 32.065(c), Texas Property Tax Code, my client is subrogated to every right and remedy. For all intents and purposes, my client is the same as a taxing unit for this foreclosure sale. I proceeded through trial and the court rendered judgment.

If on the other hand, you are receiving this letter through the Clerk, the Clerk is to attach a copy of the signed Order of Sale to this letter and forward every request regarding judicial foreclosure sales vary from county to county. I want to ensure that the process requirements. Attached to this letter is a list of the statutory requirements thereof. Please either check the first box in that section of the form, indicating that you will perform. Alternatively, check only the boxes associated with tasks you will perform. One thing I want to clarify is that the process by which the Plaintiff can bid at public auction varies from county to county is the process by which the Plaintiff can bid at public auction. If you need assistance with the Notice, please contact me. I can draft the form asking for clarification of the bidding process in your county. Finally, you will receive the form. If there is any specific policy or procedure in your county that requires I explain it there.

Please fill out the attached form, as your answers might require me to take action. We will provide you with a Receipt and Deed Request Form before the sale, which you will need to complete.

I truly appreciate your time and effort. If there is anything you need, or you would like to contact me.

Respectfully,





CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, September 13, 2021

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1202 N Armstrong St

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1202 N Armstrong St, we have concluded that the property in question does fall within the 300 ft boundary of 1 school; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

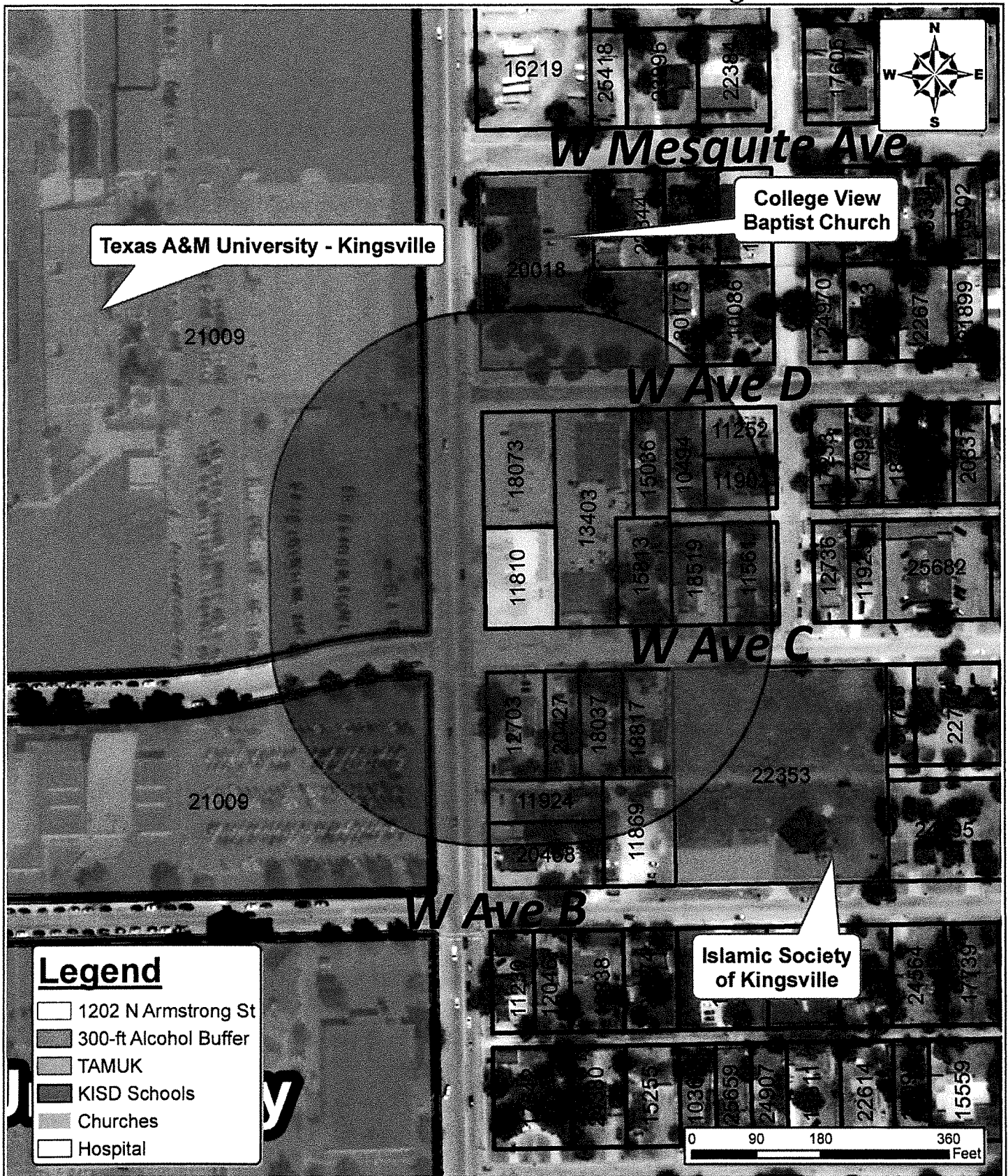
Thank you,

Engineering Department

**Attachment 1** shows the property and the relative location of the 1 school; suspected to be close to the property. Texas A&M University Kingsville is within the 300 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.

# Alcohol Permit - 1202 N Armstrong St





### **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Tuesday, October 12, 2021 at 5:00 P.M. to discuss and/or take action on the following item:

**Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart at 1202 N. Armstrong 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.

# Local artist encourages use of imagination when viewing new mural at library

LAURA NEWMAN  
REPORTER

Guests of the Robert J. Kleberg Public Library now have the opportunity to experience a new mural by the outdoor garden area.

The mural allows viewers to escape from reality and use their imagination for a "dream-like or spiritual experience."

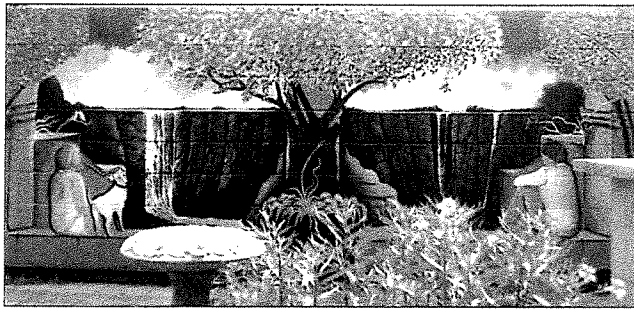
Artist Joseph "Joe" Saenz had a passion for art that started at a young age; he said throughout grade school he would often times color and draw during lessons.

Saenz said he enjoys abstract art the most, because it allows him to escape reality and create something that allows him to use his imagination.

He has two other murals at the library that he painted more than 20 years ago; he said he used to do research at the library and saw potential for murals.

After approaching the Library Director Robert Rodriguez about his idea, his mural became a reality.

Rodriguez reached out to him earlier this year and said they wanted



Joseph "Joe" Saenz is seen painting the Robert J. Kleberg Public Library's newest addition. The mural is located by the outdoor garden area. (Photo by Laura Newman)

another mural located in their garden area.

Saenz wanted to create something that allowed

viewers minds to wander and imagine what the two children may be thinking about or what they may want to do by the waterfall.

"You have these two little children and they are looking at the waterfall—they are say-

ing 'wow, wow, I wish I could be there,'" Saenz said.

"And you can go down there—you have to use your imagination that you can walk down there and go to the little beach over there."

Saenz said viewers

have to let their imagination run and imagine what they could be doing.

"For instance, he could be thinking about going kayaking down there and same for her, she could be walking the dog down there," he said.

Abstract art allows Saenz to be expressive and create something that may not actually look like something from the real world.

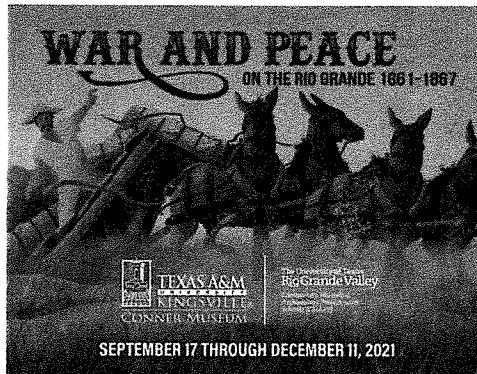
"You might say those mountains over there don't actually look real, but that's what an artist does; An artist gets away from reality and you use your imagination as to how you think it would look, Saenz said.

"I don't believe there's any place in the world where you could sit and look at a place like that—it's just your imagination and that's what abstract art is."

Saenz spent four hours, five to six days a week in the blazing heat for more than two months painting this mural.

He said music, lots of water and his sister, who kept him company and brought him coke, helped him to get through the hot days.

Saenz spent more than three years in the U.S. Army; during his time in, he continued his passion and would sketch portraits for his friends and scenery from West Germany where he was stationed.



Art: Cotton wagons bound for ports along the Rio Grande, traversing the Nueces Strip, through the South Texas Sand Sheet near King Ranch.  
Illustration by Daniel Cardenas at UTRGV Marketing and Creative Services.

**OPENING EVENTS: TUESDAY, SEPTEMBER 21**

**2 p.m. Lecture - The Civil War on the Rio Grande 1846-1876**

Lecture by Roseann Bacha-Garza and Christopher L. Miller of UTRGV

**4:30 - 6:30 p.m. - Opening Reception & Lecture**

Reception in conjunction with TAMUK Foundation.

**5 p.m. Lecture - War and Peace on the Rio Grande 1861-1867**

Lecture by Roseann Bacha-Garza and Christopher L. Miller of UTRGV

**John E. Conner Museum**  
Texas A&M University-Kingsville\*  
905 West Santa Gertrudis | Kingsville, TX 78363  
P: 361.593.2810 | connermuseum@tamuk.edu

**Museum Hours:**

Sunday & Monday - Closed

Tuesday - Wednesday - 2 - 4:30 p.m.

Thursday - Saturday - 10 a.m. - 4 p.m.



For more information go to [www.tamuk.edu/artsci/departments/museum](http://www.tamuk.edu/artsci/departments/museum)

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## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Tuesday, October 12, 2021 at 5:00 P.M. to discuss and/or take action on the following item:  
Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart at 1202 N. Armstrong 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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# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**FROM:** Susan Ivy, Parks Director

**DATE:** September 1, 2021

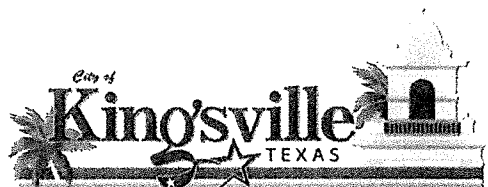
**SUBJECT:** Agenda Request – Receipt of donation from Brookshire Foundation and Bright Stars Child Development Center

**Summary:** We are requesting that Commission authorize the receipt of up to \$3,750 in additional revenue received by Parks Department for Transportations costs for summer camp and Movie in the Park Sponsorship.

**Background:** For many years Brookshire Foundation has contributed to the costs of our summer camps. They approved \$3,300 this year to help us offset the cost of transportation and equipment needs. We also received a movie sponsorship from Bright Stars Child Development Center in the amount of \$450.00.

**Financial Impact:** These donations will increase our funding for recreational needs in the amount of \$3,750 and will be recorded to line item 001-5-4513-31499.

**Recommendation:** We ask that Commission authorize the receipt of up to \$3,750.00 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 BROOKSHIRE FOUNDATION AND BRIGHT STAR CHILD DEVELOPMENT CENTER FOR RECREATION PROGRAMS.**

**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</u>					
4513	Recreation	Park Donations	58003	\$3,750	
<u>Expenditures</u>					
4513	Recreation	Recreation	31499	\$3,750	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend donations from the Brookshire Foundation and Bright Star Development Center for recreation programs. Funds will come from the donations 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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #2**

Budget Am.

**City of Kingsville  
Police Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: September 13, 2021  
Originally Approved March 9, 2021 (Resolution #2021-16)

SUBJECT: 2022 Local Border Security Program (LBSP)

---

**Summary:**

The Kingsville Police Department has been awarded the 2022 Local Border Security Program (LBSP). The grant period is from 09/01/2021 to 08/31/2022. Our application #2994107 was awarded \$78,000.00 to be used to cover personnel costs.

**Background:**

Operation Border Star centers on the use of intelligence to increase the effectiveness of federal, state, and local law enforcement assets. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

1. Increase the effectiveness and impact of Steady State and Surge Operations.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of air operations mission planning and prioritization.
9. Increase the coordination and integration of air-ground team operations to include Texas Military Forces (TMF) aviation, United States Customs and Border Protection



## **City of Kingsville Police Department**

(USCBP) Air and Marine, Texas Department of Public Safety (DPS) Aircraft Division, and United States Coast Guard (USCG) aviation support.

10. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
11. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
12. Increase intelligence-based operations at the Unified Command level through integration of TxMap, sector specific information, and intelligence analysis.

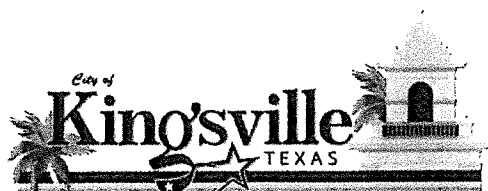
### **Financial Impact:**

The grant for "Operation Border Star" is a reimbursement type and does not require any cash match.

### **Recommendation:**

The City of Kingsville Commission issued Resolution #2021-16 authorizing our application, for participation, and acceptance of funds when awarded. Since this award will be expended during the next fiscal cycle we request a resolution authorizing acceptance as well as a budget amendment for acceptance and eventual expenditure of the award.

Please place this on the next available agenda. Thank you for your assistance regarding this matter.





GOVERNOR GREG ABBOTT

Dear Grantee:

Congratulations on your award! To activate your agency's grant, the Authorized Official must log on to eGrants at <https://eGrants.gov.texas.gov> and go to the 'My Home' tab. In the 'Pending Applications' section, locate the application with a 'Current Status' of "Pending AO Acceptance of Award". Click on the grant number and proceed to the 'Accept Award' tab. From this tab, click on the 'Accept' button. Grants must be accepted within 45 calendar days of the date the award was issued.

Be sure to review the Grantee Conditions and Responsibilities Memo for a quick overview of general items every grantee should be aware of. You can also find more detailed information on the eGrants website including helpful resources, links, and tools needed to properly administer HSGD grants. The Guide to Grants, also on the website, contains answers to questions frequently asked by grantees.

If you have any questions regarding this award, feel free to contact your grant manager, whose name is referenced in the Statement of Grant Award or you may always contact our office via the eGrants Help Desk at [eGrants@gov.texas.gov](mailto:eGrants@gov.texas.gov).

We look forward to working with you to ensure the success of your program

*Nancy N Carrales*

Nancy N. Carrales  
Executive Director  
Homeland Security Grants Division

## Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Uniform Grant Management Standards (UGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

<b>Grant Number:</b>	2994107	<b>Award Amount:</b>	\$78,000.00
<b>Date Awarded:</b>	9/13/2021	<b>Grantee Cash Match:</b>	\$0.00
<b>Grant Period:</b>	09/01/2021 - 08/31/2022	<b>Grantee In Kind Match:</b>	\$0.00
<b>Liquidation Date:</b>	11/29/2022	<b>Total Project Cost:</b>	\$78,000.00
<b>Program Fund:</b>	BL-Local Border Security Program (LBSP)		
<b>Grantee Name:</b>	Kingsville, City of		
<b>Project Title:</b>	Local Border Security Program		
<b>Grant Manager:</b>	Lynne Crow		
<b>DUNS Number:</b>	618308118		

<b>CFDA:</b>	N/A
<b>Federal Awarding Agency:</b>	N/A - State Funds
<b>Federal Award Date:</b>	N/A - State Funds
<b>Federal/State Award ID Number:</b>	2022-BL-ST-0016
<b>Total Federal Award/State Funds Appropriated:</b>	\$5,100,000.00
<b>Pass Thru Entity Name:</b>	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
<b>Is the Award R&amp;D:</b>	No
<b>Federal/State Award Description:</b>	Grants for local law enforcement agencies to support Operation Border Star. The grant funds may also support the humane processing of remains of undocumented migrants, when specifically

awarded for that purpose.





Office of the Governor

## Public Safety Office

Criminal Justice Division &  
Homeland Security Grants Division

### *Grantee Standard Conditions and Responsibilities*

September 2021

*About This Document*

In this document, grantees (also referred to as subrecipients) will find state and federal requirements and conditions applicable to grant funds administered by the Office of the Governor (OOG). These requirements and conditions are incorporated into the Grant Agreement accepted by a grant's Authorized Official.

These requirements are in addition to those that can be found on the eGrants system – including the Grant Application and Grant Award – or in documents identified there, to which grantees agreed when applying for and accepting the grant. Other state and federal requirements and conditions may apply to your grant, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code; Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code; the Texas Grant Management Standards (TxGMS) published by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made; for federal funding, the Funding Announcement or Solicitation under which OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice (DOJ), the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the grantee.

It is important for grantees to review all of these policies to successfully manage their grant, maintain eligibility for funding, and avoid violating the terms of the Grant Agreement, any of which could result in the revocation of funding or other actions.

For clarification or further information, please see the Guide to Grants and other support materials at <https://eGrants.gov.texas.gov> or contact the grant manager assigned to the relevant grant. If no grant manager has been assigned, please contact the eGrants help desk via email at: [eGrants@gov.texas.gov](mailto:eGrants@gov.texas.gov), or via telephone at: (512) 463-1919 or dial 7-1-1 for relay services.

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## 1 Grant Agreement Requirements and Conditions

### 1.1 *Applicability of Grant Agreement and Provisions*

The Grant Agreement is intended to be the full and complete expression of and constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and all prior and contemporaneous understandings, agreements, promises, representations, terms and conditions, both oral and written, are superseded and replaced by this Grant Agreement.

If any term or provision of this Grant Agreement is found to be invalid or unenforceable, such construction shall not affect the legality or validity of any of its other provisions. The invalid term or invalid provision shall be deemed severable and stricken from the Grant Agreement as if it had never been incorporated herein, but all other provisions shall continue in full force and effect.

Notwithstanding any expiration or termination of this Grant Agreement, the rights and obligations pertaining to the grant close-out, maximum liability of OOG, cooperation and provision of additional information, return of grant funds, audit rights, records retention, public information, disclaimers and limitation of liability, indemnification, and any other provision implying survivability shall remain in effect after the expiration or termination of this Grant Agreement.

### 1.2 *Legal Authority to Apply*

The grantee certifies that it possesses legal authority to apply for the grant. A resolution, motion or similar action has been or will be duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative, or their designee of the organization to act in connection with the application and to provide such additional information as may be required. State agencies are not required to adopt a resolution.

### 1.3 *Amendments and Changes to the Grant Agreement*

OOG and the grantee may agree to make adjustments to the grant budget and detailed budget as documented in eGrants. Adjustments include, but are not limited to, modifying the scope of the grant project, adding funds to previously un-awarded cost items or categories, or changing funds in any awarded cost items or category or changing grant officials. OOG, at its sole discretion, and upon written notice by OOG to the grantee of any proposed adjustment, and after the grantee has had an opportunity to respond to the proposed adjustment, may adjust the grantee's Budget, Grant Narrative, Special Conditions, Period of Performance, and/or any other items as deemed appropriate by OOG, at any time, during the term of this Grant Agreement.

The grantee has no right or entitlement to reimbursement with grant funds. OOG and grantee agree that any act, action or representation by either Party, their agents or employees that purports to waive or alter the terms of the Grant Agreement or increase the maximum liability of OOG is void unless a written amendment to this Grant Agreement is first executed and documented in eGrants. The grantee agrees that nothing in this Grant Agreement will be interpreted to create an obligation or liability of OOG in excess of the "Maximum Liability of the OOG" as set forth in the Statement of Grant Award (SOGA).

Any alterations, additions, or deletions to the terms of this Grant Agreement must be documented in eGrants to be binding upon the Parties.

#### *1.4 General Responsibility*

The grantee is responsible for the integrity of the fiscal and programmatic management of the grant project; accountability for all funds awarded; and compliance with OOG administrative rules, policies and procedures, and applicable federal and state laws and regulations.

Grant funds may be used only for the purposes in the grantee's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with grant funds, without prior written approval from OOG.

The grantee will maintain an appropriate financial management and grant administration system to ensure that all terms, conditions and specifications of the grant are met.

#### *1.5 Terms and Conditions*

The grantee will comply with the terms and conditions as set forth and required in the funding announcement under which the approved application was submitted, the application, and award in eGrants. Notwithstanding the imposition of corrective actions, financial hold, and/or sanctions, the grantee remains responsible for complying with these terms and conditions. Corrective action plans, financial hold and/or sanctions do not excuse or operate as a waiver of prior failure to comply with the grant agreement. The failure of OOG to insist upon strict performance of any of the terms or conditions herein, irrespective of the length of time of such failure, shall not be a waiver of OOG's right to demand strict compliance in the future. No consent or waiver, express or implied, to or of any breach or default in the performance of any obligation under this grant agreement shall constitute a consent or waiver to or of any breach or default in the performance of the same or any other obligation of this grant agreement.

To the extent the terms and conditions of this grant agreement do not address a particular circumstance or are otherwise unclear or ambiguous, such terms and conditions are to be construed consistent with the general objectives, expectations and purposes of this grant agreement and in all cases, according to its fair meaning. The parties acknowledge that each party and its counsel have reviewed this grant agreement and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this grant agreement. Any vague, ambiguous or conflicting terms shall be interpreted and construed in such a manner as to accomplish the purpose of the grant agreement.

#### *1.6 Special Conditions*

Special Conditions may be imposed by OOG, at its sole discretion and at any time, without amending this Grant Agreement. Failure by OOG to provide notice does not absolve grantee of compliance with any special conditions. OOG may place grantee on immediate financial hold, without further notice, until all Special Conditions, if any, are met.

#### *1.7 Public Information*

Notwithstanding any provisions of this Grant Agreement to the contrary, the grantee acknowledges that the State of Texas, OOG, and this Grant Agreement are subject to the Texas Public Information Act,

Texas Government Code Chapter 552 (the "PIA"). The grantee acknowledges that OOG will comply with the PIA, as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas.

The grantee acknowledges that information created or exchanged in connection with this Grant Agreement, including all reimbursement documentation submitted to OOG, is subject to the PIA, whether created or produced by the grantee or any third party, and the grantee agrees that information not otherwise excepted from disclosure under the PIA, will be available in a format that is accessible by the public at no additional charge to OOG or State of Texas. The grantee will cooperate with OOG in the production of documents or information responsive to a request for information.

Information provided by or on behalf of the grantee under, pursuant to, or in connection with this Grant Agreement that the grantee considers proprietary, financial, trade secret, or otherwise confidential information (collectively "Confidential Information") shall be designated as such when it is provided to OOG or State of Texas or any other entity in accordance with this Grant Agreement. Merely making a blanket claim that the all documents are protected from disclosure because they may contain some proprietary or confidential information may not render the whole of the information confidential. Any information which is not clearly identified as proprietary or confidential is subject to release in accordance with the Act. OOG agrees to notify the grantee in writing within a reasonable time from receipt of a request for information covering the grantee's Confidential Information. OOG will make a determination whether to submit a Public Information Act request to the Attorney General.

The grantee agrees to maintain the confidentiality of information received from OOG or State of Texas during the performance of this Grant Agreement, including information which discloses confidential personal information particularly, but not limited to, personally identifying information, personal financial information and social security numbers.

The grantee must immediately notify and provide a copy to OOG of any Public Information Request or other third-party request for the disclosure of information it receives related to this Grant award.

### *1.8 Remedies for Non-Compliance*

If OOG determines that the grantee materially fails to comply with any term of this grant agreement, whether stated in a federal or state statute or regulation, an assurance, in a state plan or application, a notice of award, or any other applicable requirement, OOG, in its sole discretion and consistent with any applicable OOG Administrative Rules, may take actions including:

1. Temporarily withholding cash payments pending correction of the deficiency or more severe enforcement action by OOG;
2. Disallowing or denying use of funds for all or part of the cost of the activity or action not in compliance;
3. Disallowing claims for reimbursement;
4. Wholly or partially suspending or terminating this grant;
5. Requiring return or offset of previous reimbursements;
6. Prohibiting the grantee from applying for or receiving additional funds for other grant programs administered by OOG until repayment to OOG is made and any other compliance or audit finding is satisfactorily resolved;
7. Reducing the grant award maximum liability of OOG;



8. Terminating this Grant Agreement;
9. Imposing a corrective action plan;
10. Withholding further awards; or
11. Taking other remedies or appropriate actions.

The grantee costs resulting from obligations incurred during a suspension or after termination of this grant are not allowable unless OOG expressly authorizes them in the notice of suspension or termination or subsequently.

OOG, at its sole discretion, may impose sanctions without first requiring a corrective action plan.

#### *1.9 False Statements by Grantee*

By acceptance of this grant agreement, the grantee makes all the statements, representations, warranties, guarantees, certifications and affirmations included in this grant agreement. If applicable, the grantee will comply with the requirements of 31 USC § 3729, which set forth that no grantee of federal payments shall submit a false claim for payment.

If any of the statements, representations, certifications, affirmations, warranties, or guarantees are false or if the grantee signs or executes the grant agreement with a false statement or it is subsequently determined that the grantee has violated any of the statements, representations, warranties, guarantees, certifications or affirmations included in this grant agreement, then OOG may consider this act a possible default under this grant agreement and may terminate or void this grant agreement for cause and pursue other remedies available to OOG under this grant agreement and applicable law. False statements or claims made in connection with OOG grants may result in fines, imprisonment, and debarment from participating in federal grants or contract, and/or other remedy available by law, potentially including the provisions of 38 USC §§ 3801-3812, which details the administrative remedies for false claims and statements made.

#### *1.10 Conflict of Interest Safeguards*

The grantee will establish safeguards to prohibit its employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain, whether for themselves or others, particularly those with whom they have family, business, or other ties. The grantee will operate with complete independence and objectivity without actual, potential, or apparent conflict of interest with respect to its performance under this Grant Agreement.

The grantee must disclose, in writing, within fifteen (15) calendar days of discovery, any existing, actual or potential conflicts of interest relative to its performance under this Grant Agreement.

The grantee is and shall remain in compliance during the term of this Grant Agreement with Texas Government Code, Section 669.003, Contracting with Executive Head of State Agency; and Section 572, Employment of Former State Officer or Employee of State Agency. The grantee certifies that it is not ineligible to receive this Grant Agreement under Texas Government Code, section 2155.004, regarding the financial participation by a person who received compensation from OOG or another state agency to participate in preparing the specifications or request for proposals on which the bid or contract is based, and acknowledges that this Grant Agreement may be terminated and payment withheld if this certification is inaccurate.

The grantee has not given or offered to give, nor does the grantee intend to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant or employee of OOG, at any time during the award of this grant or in connection with this Grant Agreement, except as allowed under relevant state or federal law. The grantee nor its personnel or entities employed in rendering services under this grant agreement have, nor shall they knowingly acquire, any interest that would be adverse to or conflict in any manner with the performance of the grantee's obligations under this grant agreement.

#### *1.11 Fraud, Waste, and Abuse*

- A. The grantee understands that OOG does not tolerate any type of fraud, waste, or misuse of funds received from OOG. OOG's policy is to promote consistent, legal, and ethical organizational behavior, by assigning responsibilities and providing guidelines to enforce controls. Any violations of law, OOG policies, or standards of ethical conduct will be investigated, and appropriate actions will be taken. The grantee understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal and state grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

In the event grantee becomes aware of any allegation or a finding of fraud, waste, or misuse of funds received from OOG that is made against the grantee, the grantee is required to immediately notify OOG of said allegation or finding and to continue to inform OOG of the status of any such on-going investigations. The grantee must also promptly refer to OOG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Grantees must also immediately notify OOG in writing of any misappropriation of funds, fraud, theft, embezzlement, forgery, or any other serious irregularities indicating noncompliance with grant requirements. Grantees must notify the local prosecutor's office of any possible criminal violations. Grantees must immediately notify OOG in writing if a project or project personnel become involved in any litigation, whether civil or criminal, and the grantee must immediately forward a copy of any demand, notices, subpoenas, lawsuits, or indictments to OOG. If a federal or state court or administrative agency renders a judgement or order finding discrimination by a grantee based on race, color, national origin, sex, age, or handicap, the grantee agrees to immediately forward a copy of the judgement or order to OOG.

The grantee is expected to report any possible fraudulent or dishonest acts, waste, or abuse to OOG's Fraud Coordinator or Ethics Advisor at (512) 463-1788 or in writing to: Ethics Advisor, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

- B. Restrictions and certifications regarding non-disclosure agreements and related matters. No grantee or subgrantee under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a state or federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information),

Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient:
  - a. Represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
  - b. Certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to OOG, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that federal agency.
2. If the recipient does or is authorized under this award to make subawards ("subgrants") or procurement contracts, or both:
  - a. It represents that:
    - i. It has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
    - ii. It has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
  - b. It certifies that, if it learns or is notified that any subgrantee, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to OOG, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by OOG.

These provisions apply to all grantees and subgrantees or subcontractors.

#### *1.12 Dispute Resolution*

The Parties' representatives will meet as needed to implement the terms of this Grant Agreement and will make a good faith attempt to informally resolve any disputes.

Notwithstanding any other provision of this Grant Agreement to the contrary, unless otherwise requested or approved in writing by OOG, the grantee shall continue performance and shall not be excused from performance during the period any breach of Grant Agreement claim or dispute is pending.

The laws of the State of Texas govern this Grant Agreement and all disputes arising out of or relating to

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND FUNDS AWARDED FROM THE 2022 LOCAL BORDERSTAR SECURITY PROGRAM FOR PERSONNEL COSTS.**

**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 017 – Local Borderstar Security Program</b>					
<u>Revenues</u>					
0000	Non-Dept	State Grants	72010	(\$78,000)	
<u>Expenditures</u>					
2100	Police	Overtime	11201	\$66,953	
2100	Police	Retirement	11400	\$5,925	
2100	Police	FICA	11500	\$5,122	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend funds awarded from the 2022 Local Borderstar Security Program for Personnel costs. Funds will come from the grant funds 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 27th day of September 2021.

**PASSED AND APPROVED** on this the 12th day of October 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  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – Closing Costs on TWDB Projects

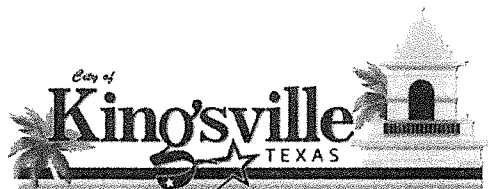
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**Summary:**

The City's matching funds for the four Texas Water Development Fund projects required \$44,000 for each project which we have transferred over to the project funds. We believed that this funding would not be used until FY 21-22, but it was determined that part of these funds would be used in FY 20-21 for closing costs on the bond issue for the loan funding. The budget amendment request is to cover the bond issue cost expenditures incurred in the current fiscal year 2020-2021.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER THE BOND ISSUANCE COSTS ON THE FOUR TEXAS WATER DEVELOPMENT BOARD PROJECTS WITH CASH MATCH FUNDS TRANSFERRED IN FOR THIS PURPOSE.**

**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 116 – Drainage Master Plan Loc 7 Improv Project #40135</b>					
<u>Expenditures</u>					
3050	Street	Drainage – Cash Match	53101	\$15,943.27	
<b>Fund 117 – Drainage Master Plan Loc 1 Improv Project #40142</b>					
3050	Street	Drainage – Cash Match	53101	\$15,943.27	
<b>Fund 118 – Drainage Master Plan Loc 3 Improv Project #40143</b>					
3050	Street	Drainage – Cash Match	53101	\$16,487.26	
<b>Fund 119 – Drainage Master Plan Loc 4 Improv Project #40144</b>					
3050	Street	Drainage – Cash Match	53101	\$22,108.24	

[To amend the City of Kingsville FY 20-21 Budget to cover Bond Issuance Costs on the four Texas Water Development Board projects with required cash match funds. Funds will come from the cash match funds already transferred into the project funds.]

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – TXDOT Reimbursement

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**Summary:**

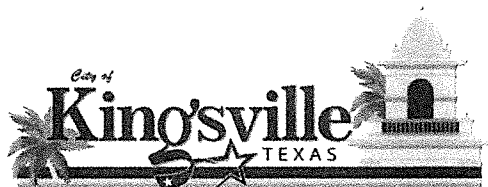
When the US 77 TXDOT project started, we were informed on the cost of our share of the project. Once the project started, the amount of our contribution changed to a lesser amount. In FY 20-21, the City received a reimbursement from TXDOT of \$370,861.07 which needs to be accounted for through a budget amendment.

**Financial Impact:**

The approval of this reimbursement needs to be recorded as an intergovernmental revenue and the expenditure budget needs to be increased.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO ACCEPT AND EXPEND THE REIMBURSEMENT FROM TXDOT FOR THE CITY'S SHARE OF THE US 77 UTILITIES RELOCATION PROJECT.**

**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 054 – UF Capital Projects Fund</b>					
<u>Revenues</u>					
0000	Non-Dept	Intergovernmental Revenue	94000	\$370,861.07	
<u>Expenditures</u>					
6001	Water Const	Water Lines & Fixtures	71700	\$370,861.07	

[To amend the City of Kingsville FY 20-21 Budget to accept and expend the reimbursement from TXDOT for the City's share of the US 77 Utilities Relocation Project. Funds will come from the reimbursement funds 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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #5**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – FEMA COVID 19 Expenditures

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**Summary:**

FEMA has made available additional COVID funding for supplies related to COVID which include disinfecting supplies, PPE and other related items. The Budget Amendment covers the expenditures that have been transferred over to Fund 111 in anticipation that they will meet eligibility guidelines. Items have not been submitted to FEMA for approval, but these expenditures have to be covered for Fiscal Year End. If any expenditure is deemed not eligible, the expenditure will be reclassified and covered with the regular budget.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER FEMA COVID ADDITIONAL FUNDING FOR ELIGIBLE ITEMS.**

**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 111 – FEMA COVID 19</b>					
<u>Revenues</u>					
'0000	Non Dept	Federal Grants	72005	\$18,706	
<u>Expenditures</u>					
1030	City Special	Salaries	11100	\$4,000	
1030	City Special	FICA	11500	\$306	
1030	City Special	Unemployment Comp	11800	\$200	
1030	City Special	Supplies	21100	\$10,800	
1030	City Special	Minor Equipment	21700	\$3,400	

[To amend the City of Kingsville FY 20-21 Budget to cover FEMA COVID Additional Funding for eligible items. Funds will come from the additional funds once approved by the funding agency.]

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #6**

**City of Kingsville  
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 15, 2021

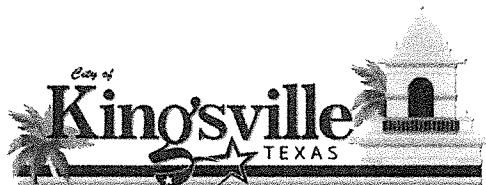
SUBJECT: Budget Amendment – 2021 Bond Refunding

**Summary:**

The City did a 2021 bond refunding which requires a budget amendment to book the transaction as there is not a way to determine during budget adoption that we will be doing a refunding and what the result will be until the transaction has been completed.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER THE 2021 BOND REFUNDING TRANSACTION.**

**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 011 – GO Debt Service</b>					
<u>Revenues</u>					
0000	Non Dept	Bond Proceeds	99550	\$754,950.00	
0000	Non Dept	Bond Premium	99600	\$61,008.29	
<u>Expenditures</u>					
5100	Debt Svc	Bond Issuance Costs	31456	\$33,193.58	
5100	Debt Svc	Payment to Escrow Agent	63500	\$771,750.21	
5100	Debt Svc	Interest Expense	62100	\$11,014.50	
<b>Fund 012 – UF Debt Service</b>					
<u>Expenditures</u>					
5100	Debt Svc	Bond Issuance Costs	31400	\$124,871.11	
5100	Debt Svc	Interest Expense	62100	\$41,435.50	
5100	Debt Svc	Interest Expense	62100	(\$6,171.91)	

[To amend the City of Kingsville FY 20-21 Budget to cover the 2021 bond refunding transaction. For Fund 011-GO Debt Service, funds will come from the Bond Proceeds and Premium. For Fund 012-UF Debt Service, funds 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.

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #7**

**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – TX CDBG Grant #7218269

---

**Summary:**

The TX CDBG Grant #7218269 was a project that began in FY 18-19 for the manhole rehabilitation and was completed in FY 20-21. At the end of each fiscal year, Finance must estimate what the payment status will be during the budget process that begins in April of each fiscal year. The budget entered for FY 20-21 was not enough to cover the remaining project expenditures for the current year.

**Financial Impact:**

The approval of this reimbursement covers all project related expenditures that were not budgeted for. This budget amendment will be covered by unappropriated fund balance as all funds have been received and accounted for.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER THE FINAL EXPENDITURES ON TX CDBG GRANT #7218269.**

**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 086 – TX CDBG Grant #7218269</b>					
<u>Expenditures</u>					
7003	Wastewater	Sewer Improv-Manhole Reh	54111	\$14,776.33	
7003	Wastewater	Sewer Improv-MR Match	54112	\$6,353.67	

[To amend the City of Kingsville FY 20-21 Budget to cover the remaining expenditures for the TX CDBG Grant #7218269. Funds 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.

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #8**

**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 16, 2021

SUBJECT: Budget Amendment – Fund 098 Economic Development

---

**Summary:**

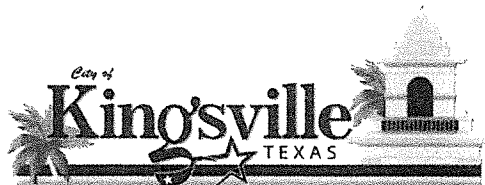
The Economic Development fund is a small fund that is used to account for economic development expenditures and is funded through transfers and in-lieu of tax payments. This fund is needing a budget amendment to cover some personnel line items due to end of year salary accruals. Last year, the accrual was 4 days and this FY there are 5 days to accrue due to how the pay periods fall. The other item covered with the requested budget amendment pertains to the additional incentive payment for Marshalls. This was the first year of incentive payments and our obligation exceeded our projections.

**Final Impact:**

The requested budget amendment of \$1,600 will be transferred from General Fund from the unappropriated fund balance.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER NEGATIVE LINE ITEMS FOR THE ECONOMIC DEVELOPMENT FUND 098 FOR THE END OF YEAR SALARY ACCRUAL AND AN ADDITIONAL INCENTIVE AGREEMENT PAYMENT FOR MARSHALLS.**

**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 098 – Economic Development</b>					
<u>Revenues</u>					
0000	Non Dept	Transfer From Fund 001	75001	\$1,600	
<u>Expenditures</u>					
1060	Econ Dev	Salaries	11100	\$550	
1060	Econ Dev	Incentive Agmt-Marshalls	35503	\$1,050	
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
6900	Transfers	Transfer to Fund 098	80098	\$1,600	

[To amend the City of Kingsville FY 20-21 Budget to cover the negative line items in the Economic Development Fund 098 for the end of year salary accrual and an additional incentive agreement payment for Marshalls. Funds will come from the unappropriated fund balance of General Fund.]

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #9**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – Overage on the SWB Rural & Tribal Assist Grant

---

**Summary:**

The City received a grant from the Southwest Border Rural & Tribal Assistance Grant for \$83,147.88 for equipment. The equipment purchased totaled \$83,221.95 resulting in a negative of \$74.07. This budget amendment will cover the \$74.07 funding shortage.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER OVERAGE ON THE EQUIPMENT PURCHASED WITH GRANT FUNDS RECEIVED FROM THE SWB RURAL AND TRIBAL ASSISTANCE GRANT.**

**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</u>					
0000	Non Dept	Transfer From Fund 001	75001	\$74.07	
<u>Expenditures</u>					
2100	Police	Machinery & Equipment	21700	\$74.07	
<b>Fund 001 – General Fund</b>					
<u>Expenditures</u>					
6900	Transfers	Transfer to Fund 114	80114	\$74.07	

[To amend the City of Kingsville FY 20-21 Budget to cover the overage on the equipment purchased with grant funds received from the SWB Rural and Tribal Assistance Grant. Funds will come from the unappropriated fund balance of General Fund.]

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 27th day of September 2021.

**PASSED AND APPROVED** on this the 12th day of October 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  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 14, 2021

SUBJECT: Budget Amendment – Motor Gas & Oil

---

**Summary:**

The Solid Waste Management Department has incurred additional Motor Gas & Oil costs due to the rising cost of fuel for their operations. To finish out the year, the Sanitation Division 1702 will need an additional \$17,000 and the Landfill Division 1703 will need an additional \$10,000. These shortages cannot be covered by other line items.

**Financial Impact**

Funding for this budget amendment will come from the General Fund unappropriated fund balance.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER OVERAGES ON MOTOR GAS AND OIL FOR THE SOLID WASTE MANAGEMENT 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>Expenditures</u>					
1702	Sanitation	Motor Gas & Oil	21500	\$17,000	
1703	Landfill	Motor Gas & Oil	21500	\$10,000	

[To amend the City of Kingsville FY 20-21 Budget to cover the overages on Motor Gas & Oil for the Solid Waste Management Department. Funds will come from the unappropriated fund balance of General Fund.]

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 27th day of September 2021.

**PASSED AND APPROVED** on this the 12th day of October 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  
Finance Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: September 20, 2021

SUBJECT: Budget Amendment – Incentive Agreement for Chick-Fil-A

---

**Summary:**

The City entered into an incentive agreement for Chick-Fil-A which opened in April 2021. The company is required to provide sales tax payment information to the City so that we know how much our obligation is to them. The incentive agreement was approved after the budget was adopted and sales tax information was only recently made available. Now that we have the information needed to fulfill our obligation of this Fiscal Year, a budget amendment is required.

**Financial Impact:**

The approval of this budget amendment will come from the General Fund unappropriated fund balance.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2020-2021 BUDGET TO COVER THE INCENTIVE AGREEMENT PAYMENTS FOR CHICK-FIL-A FOR APRIL THROUGH SEPTEMBER.**

**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</u>					
6900	Transfers	Transfer to Fund 098	80098	\$36,000	
<b>Fund 098 – Economic Development</b>					
<u>Revenues</u>					
0000	Non Dept	Transfer From Fund 001	75001	\$36,000	
<u>Expenditures</u>					
1060	Econ Devel	Incentive Agmt Chick-Fil-A	35504	\$36,000	

[To amend the City of Kingsville FY 20-21 Budget to cover the incentive agreement payments for Chick-Fil-A for April through September. Funds will come from the unappropriated fund balance of General Fund.]

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 27th day of September 2021.

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

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **REGULAR AGENDA**

## **AGENDA ITEM #12**

**City of Kingsville**  
**Planning and Development Services Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Uche Echeozo, Director

DATE: September 30, 2020

SUBJECT: Request for alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise License (BQ) for the establishment known as Javelina Mart Located at 1202 N Armstrong Street, Kingsville TX 78363

**Summary:** The property owner, Evergreen 786 LLC, is requesting this variance for a Wine and Malt Beverage business, known as Javelina Mart, situate at 1202 N Armstrong Street, Kingsville TX 78363.

**Background:** The said property falls within the 300-foot boundary of a school known as Texas A&M University Kingsville, Islamic Society of Kingsville and a Church – College View Baptist Church and therefore, would require a variance according to City Ordinance, sections 11-3-4. Notices have been sent to property owners within the 300-foot radius boundary and a notice published in the local newspaper with respect to the public hearing to be held on Tuesday October 12, 2021, in the City Hall. The Planning Department received one citizen feedback who had no concerns. This property was used as a convenience store prior to this application but now has new business owners hence the application.

**Financial Impact:** None.

**Recommendation:** Approve the alcohol variance as requested.





TEXAS ALCOHOLIC  
BEVERAGE COMMISSION  
Texas Helping Businesses & Protecting Communities

Document reference ID : 424

## Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Next** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID: 424

Applicant Name: Evergreen786 LLC

License Type applied for: Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)

Address: 1520 Wildwood Trail Blvd, Kingsville, TX, 78363

Email Address: lee@leeandkimcpas.com

Phone Number: 361-225-4431

Business Structure: Limited liability company

Business Name: Evergreen786 LLC

FEIN/SSN Number: 871647710

Historically Underutilized Business: No

Veteran-owned business: No

Secretary of State Filing Number: 0804142986

Date Filed: 7/8/2021 12:00:00 AM

Filing State: TX

### Principal Parties

Principal Parent Entity	Principal Party	Role	%Ownership
179.209.4963 ← Evergreen786 LLC	Hassan Charania	Manager	50
Evergreen786 LLC	Rahila Charania	Manager	50

Savelina Mart

## Location Address

Address: 1202 N. Armstrong St. , Kingsville, TX, United States 78363

## Location Investment

Investment Category	Investment By	Amount Invested	Term
Principal	Hassan Charania	\$75000.00	Personal saving from current employment
Principal	Rahila Charania	\$75000.00	Personal saving from current employment

# CLASSIFIEDS

Thursday, September 16, 2021

www.kingsvillerecord.com

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## 22 PUBLIC NOTICES

## 2 PUBLIC NOTICES

## 2 PUBLIC NOTICES

## 2 PUBLIC NOTICES

## 2 PUBLIC NOTICES

TY OF KINGSVILLE, TEXAS ADOPTING THE CITY MANAGER'S BUDGET, AS AMENDED, OF THE CITY OF KINGSVILLE, TEXAS, AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 IN THE PARTICULARS HEREINAFTER STATED.

INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October 4, 2021

**ORDINANCE NO. 2021-63**  
AN ORDINANCE OF THE CITY OF KINGSVILLE, TEXAS ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, DISTRIBUTING

THE TAX LEVY AMONG THE VARIOUS FUNDS, AND PROVIDING FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED.

INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October 4, 2021

**ORDINANCE NO. 2021-64**  
AN ORDINANCE OF THE CITY OF KINGSVILLE, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

INTRODUCED on this the 7th day of September 2021 PASSED AND APPROVED on this 13th day of September 2021 EFFECTIVE DATE: October 4, 2021

4, 2021

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's Off-Premise Permit by Evergreen 786LLC, dba Javelina Mart, to be located at 1202 N. Armstrong St. Kingsville, Kleberg County, Texas 78363. Officers of said Company are Hassan Chahania and Rahila Chahania, Managers.

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit (BG) by Reparo Bar & ST. Tacos LLC, dba Reparo Bar & ST. Tacos to be located at 1115 S 6th St Kingsville Texas 78363. The Only Member and Secretary of this LLC is Jose F Flores.

## CITATION BY PUBLICATION

Cause No. 21-230-D

THE STATE OF TEXAS

BARNES & BERGER, AN ARIZONA GENERAL PARTNERSHIP AND BARNES & BERGER, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
VS  
DYLAN JENKINS, RILEY COOK, AND TREVOR JENKINS

IN THE DISTRICT COURT OF

105TH JUDICIAL DISTRICT

KLEBERG COUNTY

TO: DYLAN JENKINS, RILEY JENKINS COOK AND TREVOR JENKINS

NOTICE TO DEFENDANTS: "You have been sued. You may employ a lawyer to file a written answer with the clerk who issued this citation by 10:00 o'clock A.M. on the Monday next after the expiration of 42 days after the date this citation was issued against you." In addition to filing a written answer with the clerk, you must disclose to the other parties of this suit. These disclosures generally must be filed no later than 10 days after you file your answer with the clerk. Find out more at TexasLaw.com

You are hereby commanded to appear by filing a written answer to the Petition by 10:00 o'clock A.M. on the Monday next after the expiration of 42 days after the date this citation was issued against you. This citation is issued by the Honorable 105th District Court of Kleberg County in Kingsville, Texas. Said Plaintiff's Petition was filed in said court on 2021 in the above entitled cause number 21-230-D.

A brief statement of the nature of this suit is as follows, to-wit: PETITION FOR CITATION BY PUBLICATION TO APPEAR AND ANSWER HEREIN AS PROVIDED BY THE TEXAS RULES OF CIVIL PROCEDURE AND FURTHER GENERAL RELIEF TO WHICH PETITIONER IS ENTITLED more fully shown by plaintiff's Petition on file in this suit.

Issued and given under my hand and seal of said Court at KINGSVILLE, Texas, on August 10, 2021.

Attorney for Plaintiff or Plaintiff:  
R. Lee Murphy, Attorney At Law  
P.O. Box 1538  
Kingsville, Texas 78364

Clerk of the Court:  
Jennifer L. Whittington, District Clerk  
Kleberg County, Texas

By Amelia Carbajal, Deputy Clerk



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STAVROS, RUSLER, BELLAMY & SCHULTZ  
Attorneys at Law

J. Lindsey Rusler  
7200 North MoPac Expy., Suite 310  
Austin, Texas 78731

July 20, 2021

Re: Foreclosure Sale - Cause No. 20-406-D

Dear Officer:

I am an attorney with Stavros, Rusler, Bellamy & Schultz, PLLC. My firm is referenced case. Although my client is not a government entity, this is a tax sale. I purchased a tax lien from the County Taxing Units, through which it is now seeking 32.065(c), Texas Property Tax Code, my client is subrogated to every right and remedy. For all intents and purposes, my client is the same as a taxing unit for this foreclosure sale. I proceeded through trial and the court rendered judgment.

If on the other hand, you are receiving this letter through the Clerk, the Clerk Clerk to attach a copy of the signed Order of Sale to this letter and forward every regarding judicial foreclosure sales vary from county to county. I want to ensure that the process requirements. Attached to this letter is a list of the statutory requirements of the process. Please either check the first box in that section of the form, indicating that you have reviewed the process requirements, or check the second box, indicating that you have reviewed the process requirements. Alternatively, check only the boxes associated with tasks you will perform. One thing I want to emphasize is that the process by which the Plaintiff can bid at public auction varies from county to county is the process by which the Plaintiff can bid at public auction. Please ask for clarification of the bidding process in your county. Finally, you will receive the form. If there is any specific policy or procedure in your county that requires I explain it there.

Please fill out the attached form, as your answers might require me to take action. We will provide you with a Receipt and Deed Request Form before the sale, which I will provide you with.

I truly appreciate your time and effort. If there is anything you need, or you would like to contact me.

Respectfully,



CITY OF  
**KINGSVILLE**

MEMORANDUM

DATE

Friday, September 13, 2021

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1202 N Armstrong St

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1202 N Armstrong St, we have concluded that the property in question does fall within the 300 ft boundary of 1 school; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Thank you,

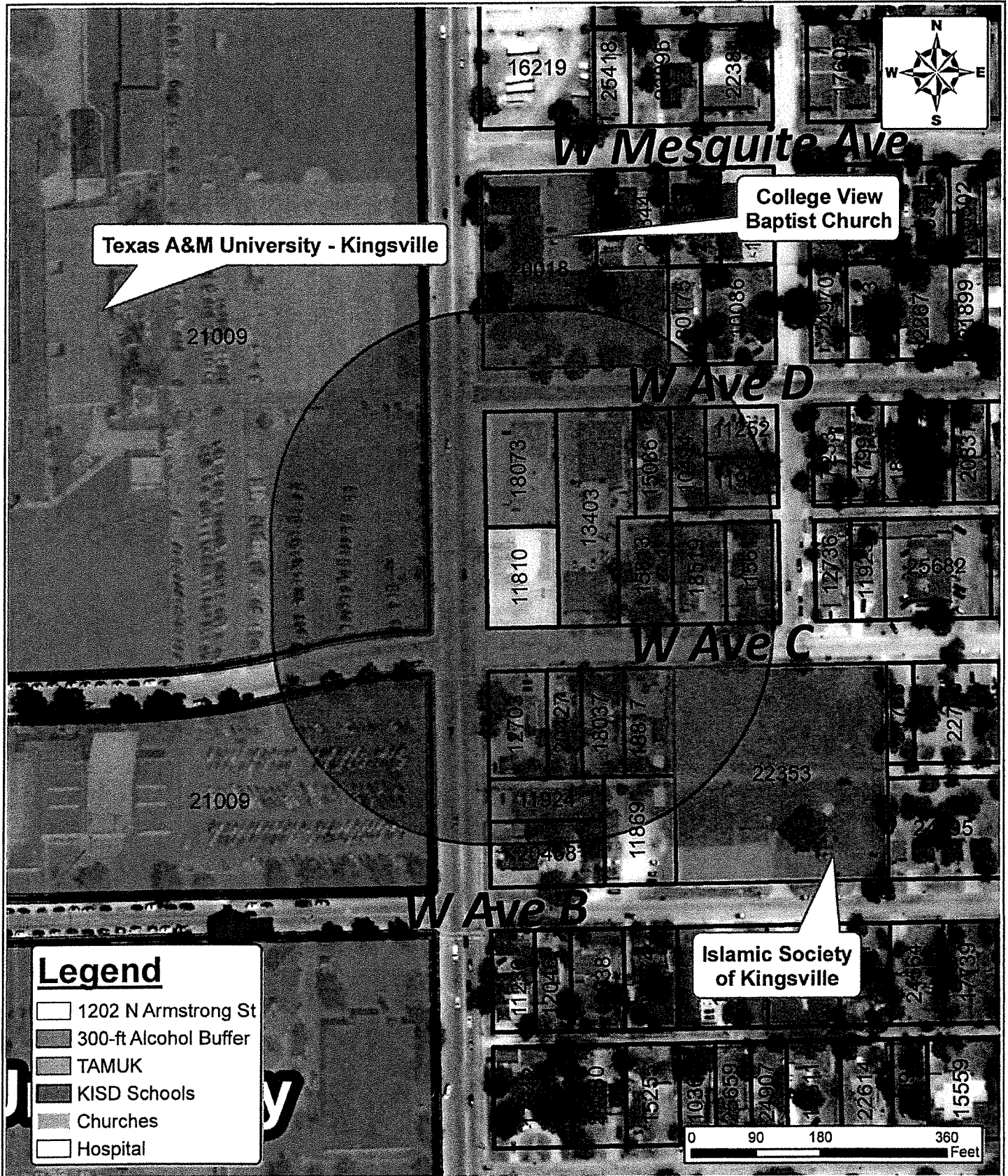
Engineering Department

**Attachment 1** shows the property and the relative location of the 1 school; suspected to be close to the property. Texas A&M University Kingsville is within the 300 foot boundary.

**Attachment 2** shows all properties within the 300 foot boundary in correlation with their Short ID provided by the Kleberg County Appraisal District.



# Alcohol Permit - 1202 N Armstrong St



Page: 1 / 1	Drawn By: Engineering Dept.	<small>DISCLAIMER</small> THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	<b>CITY OF KINGSVILLE</b> <b>ENGINEERING DEPARTMENT</b> 400 W King Ave Kingsville, Texas 78363 Office: (361) 595-8007 Fax: (361) 595-8064
	Last Update: 9/13/2021		
	Note: Please see attached documents.		



### **PUBLIC NOTICE**

The City Commission of the City of Kingsville will hold a public hearing on Tuesday, October 12, 2021 at 5:00 P.M. to discuss and/or take action on the following item:

**Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart at 1202 N. Armstrong 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.

# Local artist encourages use of imagination when viewing new mural at library

LAURA NEWMAN  
REPORTER

Guests of the Robert J. Kleberg Public Library now have the opportunity to experience a new mural by the outdoor garden area.

The mural allows viewers to escape from reality and use their imagination for a "dream-like or spiritual experience."

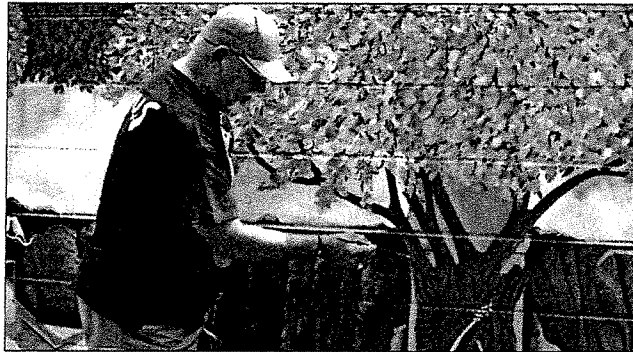
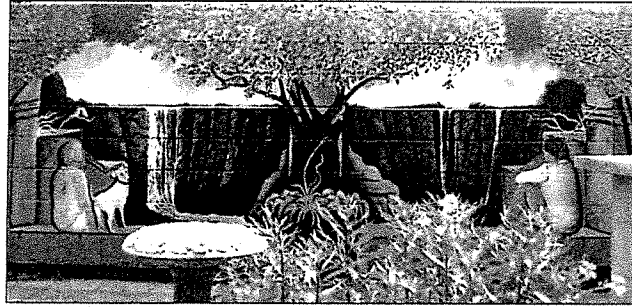
Artist Joseph "Joe" Saenz had a passion for art that started at a young age; he said throughout grade school he would often times color and draw during lessons.

Saenz said he enjoys abstract art the most, because it allows him to escape reality and create something that allows him to use his imagination.

He has two other murals at the library that he painted more than 20 years ago; he said he used to do research at the library and saw potential for murals.

After approaching the Library Director Robert Rodriguez about his idea, his mural became a reality.

Rodriguez reached out to him earlier this year and said they wanted



Joseph "Joe" Saenz is seen painting the Robert J. Kleberg Public Library's newest addition. The mural is located by the outdoor garden area. (Photo by Laura Newman)

another mural located in their garden area.

Saenz wanted to create something that allowed

viewers minds to wander and imagine what the two children may be thinking about or what they may want to do by the waterfall.

"You have these two little children and they are looking at the waterfall—they are say-

ing 'wow, wow, I wish I could be there,'" Saenz said.

"And you can go down there—you have to use your imagination that you can walk down there and go to the little beach over there." Saenz said viewers

have to let their imagination run and imagine what they could be doing.

"For instance, he could be thinking about going kayaking down there and same for her, she could be walking the dog down there," he said.

Abstract art allows Saenz to be expressive and create something that may not actually look like something from the real world.

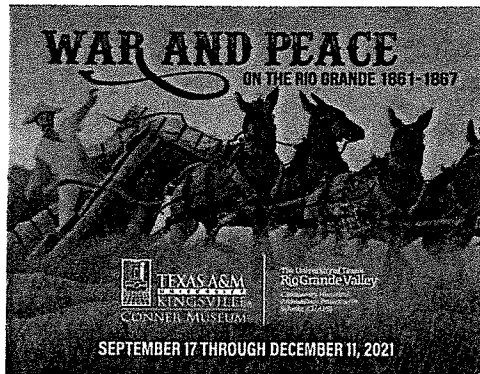
"You might say those mountains over there don't actually look real, but that's what an artist does: An artist gets away from reality and you use your imagination as to how you think it would look, Saenz said.

"I don't believe there's any place in the world where you could sit and look at a place like that—it's just your imagination and that's what abstract art is."

Saenz spent four hours, five to six days a week in the blazing heat for more than two months painting this mural.

He said music, lots of water and his sister, who kept him company and brought him coke, helped him to get through the hot days.

Saenz spent more than three years in the U.S. Army; during his time in, he continued his passion and would sketch portraits for his friends and scenery from West Germany where he was stationed.



Art: Cotton wagons bound for ports along the Rio Grande, traversing the Nueces Strip, through the South Texas Sand Sheet near King Ranch.  
Illustration by Daniel Cardenas at UTRGV Marketing and Creative Services.

OPENING EVENTS: TUESDAY, SEPTEMBER 21

2 p.m. Lecture - The Civil War on the Rio Grande 1846-1876  
Lecture by Roseann Bacha-Garza and Christopher L. Miller of UTRGV

4:30 - 6:30 p.m. - Opening Reception & Lecture  
Reception in conjunction with TAMUK Foundation.

5 p.m. Lecture - War and Peace on the Rio Grande 1861-1867  
Lecture by Roseann Bacha-Garza and Christopher L. Miller of UTRGV

John E. Conner Museum

Texas A&M University-Kingsville\*

905 West Santa Gertrudis | Kingsville, TX 78363

P: 361.593.2810 | connermuseum@tamuk.edu

Museum Hours:

Sunday & Monday - Closed

Tuesday - Wednesday - 2 - 4:30 p.m.

Thursday - Saturday - 10 a.m. - 4 p.m.



For more information go to [www.tamuk.edu/artsci/departments/museum](http://www.tamuk.edu/artsci/departments/museum)



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## PUBLIC NOTICE

The City Commission of the City of Kingsville will hold a public hearing on Tuesday, October 12, 2021 at 5:00 P.M. to discuss and/or take action on the following item:  
Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Javelina Mart at 1202 N. Armstrong 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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## **AGENDA ITEM #13**

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



## MEMO

**Date:** September 22, 2021

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

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

**Subject:** **Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for new or reconditioned Auto parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S. Brahma Blvd., Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled this evening, September 22, 2021, with 6 members in attendance.

Members deliberated over the issue of granting approval for a Special Use Permit to enable the applicant to carry out the business of automotive sales (including wheels, tires, lift and accessories). The applicant had specified they only plan to do sales and not installations and repairs. Letters were sent out to neighbors and the City no comments. Commissioners, after deliberations, voted to approve the recommendation for a Special Use Permit with a condition that there would be neither installation nor repairs on site. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Idotha Battle, Michael Klepac, Bill Aldrich and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 6.38p.m.

Thank you.

A handwritten signature in black ink, appearing to read 'Uche Echeozo', is located below the 'Thank you.' text. The signature is stylized and includes a long horizontal stroke at the end.

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

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-593-8093



---

## MEMO

**Date:** September 17, 2021

**To:** Planning and Zoning Commission Members

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

**Subject:** **Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for new or reconditioned Auto parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S. Brahma Blvd., Kingsville, Texas.**

The applicant approached the department because they wanted to carry out the business that deals with new or reconditioned auto parts Indoors use. A look at the current zoning of the property revealed a C2 (Retail) zoning which does not permit such development except under a Special Use Permit regime. In the course of initial consultation and review, Staff was able to confirm from the applicants that they planned to only do sales and not installations or repairs

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 eventual use would 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".

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



CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

*Proceed*  
*July*  
*7/22*

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

Project Address 1911 S Brahmner Blvd Nearest Intersection 14115th Avenue

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

Legal Description: \_\_\_\_\_

Existing Zoning Designation C2 Future Land Use Plan Designation \_\_\_\_\_

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

Applicant/Authorized Agent Ty Cobb (Customer) Phone (361) 223-6074 FAX \_\_\_\_\_

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

Mailing Address 222 Lemonwood drive City Kingsville State TX Zip 78363

Property Owner Harman Ohlenbusch Phone (361) 552-1372 FAX \_\_\_\_\_

Email Address (for project correspondence only): txhu @ att.net

Mailing Address 926 S 14th Suite 103 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 checked="" 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:

wheels, tires, lift, accessories, for automotive

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

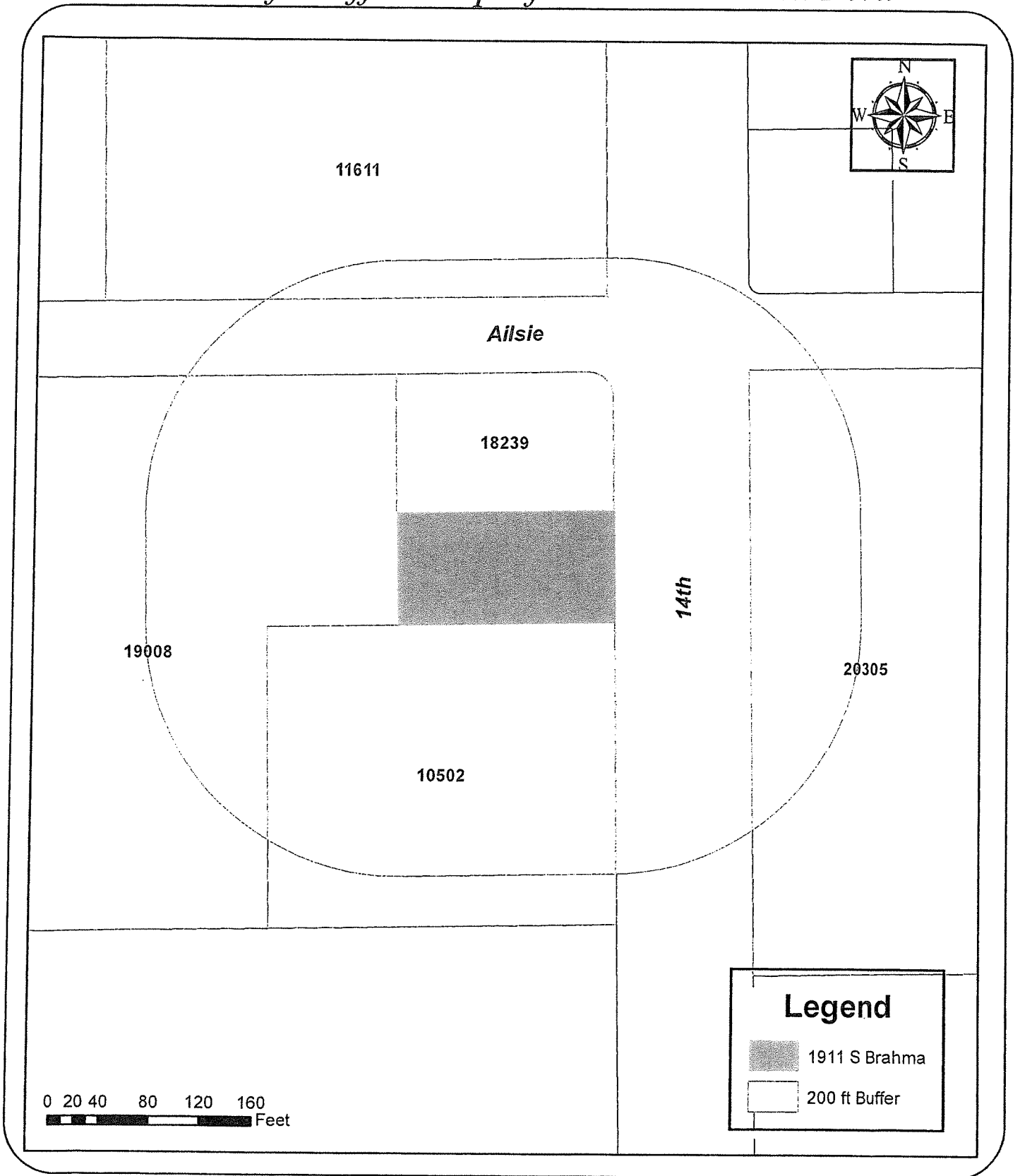
Applicant's Signature \_\_\_\_\_ Date: 07/22/2021

Property Owner's Signature \_\_\_\_\_ Date: \_\_\_\_\_

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



# 200 ft Buffer Map of 1911 S Brahma Blvd



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\2021\_Buffer.mxd

Page 1 / 1	Drawn By: Planning Department	<p><b>DISCLAIMER</b></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> <b>PLANNING DEPARTMENT</b></p> <p><b>410 West King</b> <b>Kingsville, Texas 78363</b> <b>Office: 361-595-8055</b></p>
	Last Update: 8/6/2021		
	Note:		

KINGSVILLE RETAIL GROUP, LO  
% TODD ROUTH  
11701 BEE CAVES ROAD, STE 262  
AUSTIN, TX 78738  
#11611

MICHAEL J KRUGER  
PO BOX 1538  
KINGSVILLE, TX 78364-1538  
#10502

CANOPY APARTMENTS LLC  
255 WILDLIFE TRL  
BANDERA, TX 78003  
#19008

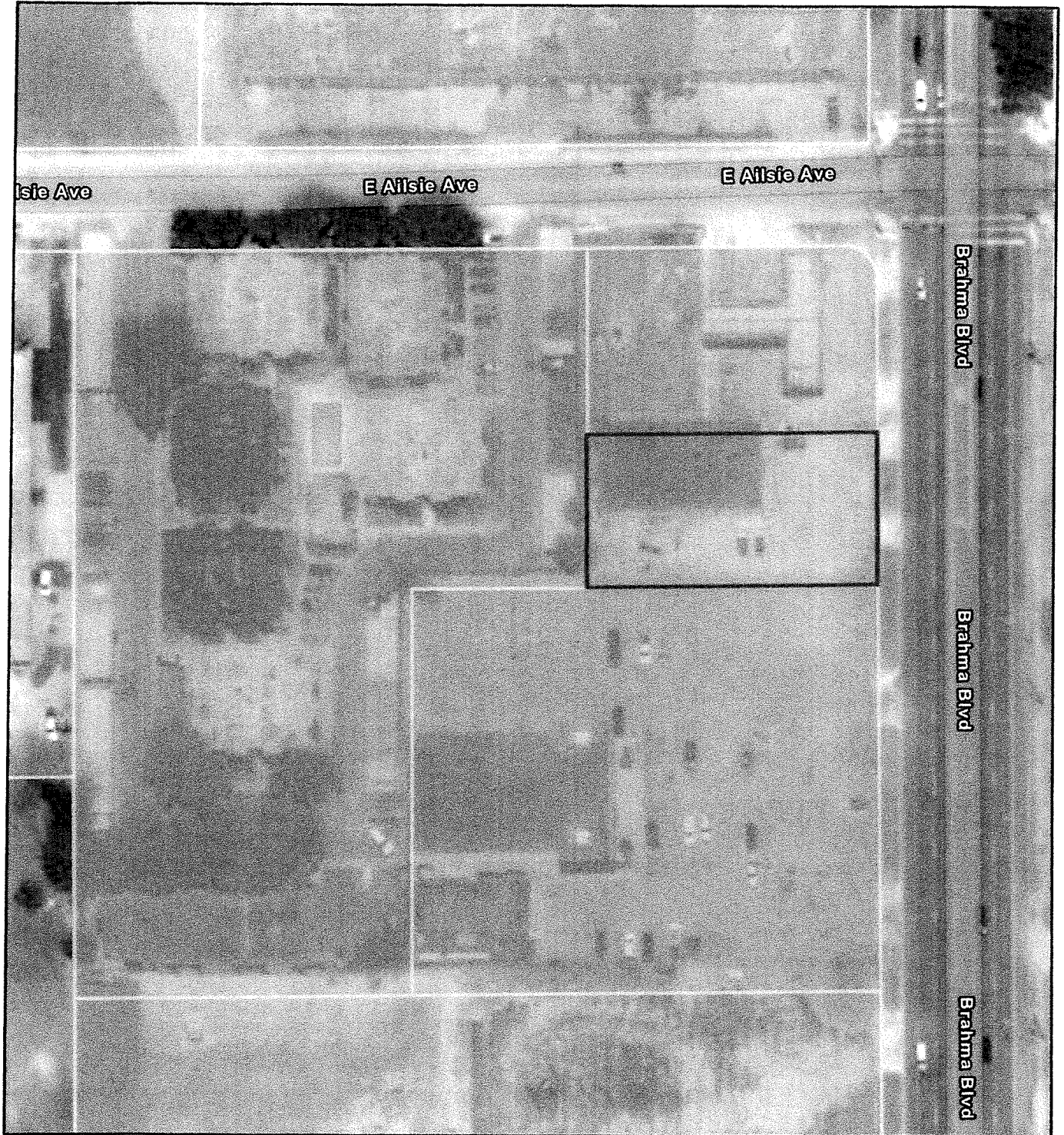
FIRST CHRISTIAN CHURCH  
PO BOX 848  
KINGSVILLE, TX 78364-0848  
#20305

HARBUR & HARBUR LP  
% ROBERT W HARMAN  
3279 FM 1540  
SANDIA, TX 78363  
#18239

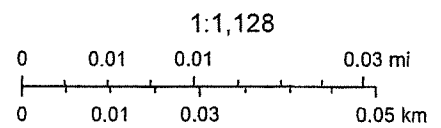
## Land Use Chart

Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Provisioning and recreational sporting goods sales including boats and vehicles								S	P	P			
Shooting galleries and pistol [ranges] (indoor)								S	P	P			
Souvenir, curio								S	P				
<i>Automobile Related Uses</i>													
Car wash							P	S	P	P	P		
Auto sales, repairs including motorcycles								S	P	P	P		
Auto paint and body shop								S	P	P	P		
Drag strip, race track											S	S	
Gasoline service station								P	P	P	P		
Gasoline sales							S	P	P	P	P		
Commercial parking structure auto only								S	P	P	P		
Truck storage								S	S	P	P	P	
Used auto parts, sales, indoors								S	P	P	P	P	

# 1911 S Brahma Blvd



July 22, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

# Kleberg CAD

**Property Search > 18861 OHLENBUSCH HERMAN H for Year 2021** Tax Year: 2021

## Property

### Account

Property ID: 18861 Legal Description: ANDREWS 1, LOT S 90' A, (FASTENAL)  
 Geographic ID: 103000001001192 Zoning: C2  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

### Location

Address: 1911 S BRAHMA BLVD Mapsco:  
 TX  
 Neighborhood: Map ID: A3  
 Neighborhood CD:

### Owner

Name: OHLENBUSCH HERMAN H Owner ID: 30455  
 Mailing Address: 926 S 14TH ST, STE 103 % Ownership: 100.0000000000%  
 KINGSVILLE, TX 78363

Exemptions:

## Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$86,230	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$47,250	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
-----			
(=) Market Value:	=	\$133,480	
(-) Ag or Timber Use Value Reduction:	-	\$0	
-----			
(=) Appraised Value:	=	\$133,480	
(-) HS Cap:	-	\$0	
-----			
(=) Appraised Value:	=	\$133,480	



Faculty who earned the certificate in Effective College Instruction were honored with a reception and award ceremony on Aug. 24 in the Memorial Student Union Building.

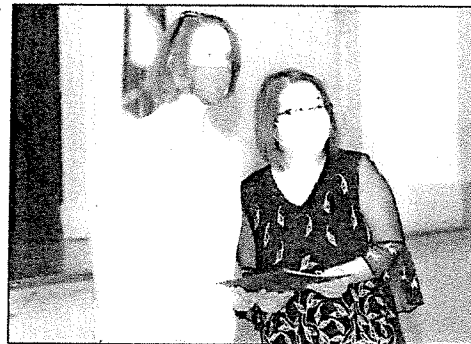
## TAMUK faculty receive pins from ACUE program

Texas A&M University-Kingsville faculty members who completed the Association of College and University Educators (ACUE) course received pins and certificates from the association.

Faculty who earned the certificate in Effective College Instruction were honored with a reception and award ceremony on Aug. 24 in the Memorial Student Union Building.

The Texas A&M System sent a medallion and letter from Dr. James Hallmark, Vice Chancellor for Academic Affairs, for each faculty member.

Faculty who completed the course include Amar Bhandari from the department of Agriculture, Agribusiness and Environmental Sciences; Lihua Zuo from the Mathematics department; Liz Janzen from the School of Music; Nirmal Goswami from the History, Political Science and Philosophy department; Amir Hesami from the Civil and Architectural Engineering department; and Monica Wong-Ratcliff from the Art, Communications and Theater department. Recipients from the Biological and Health Sciences department include Fang He, Weimin Xi and Shannon Aguilier.



The Clinical Health Sciences department recipients include Robert Villa, Maura Krestar and Teresa Young. Montamas Suntravat and Kevin Francis from the department of Chemistry completed the course.

Timothy Obdad and Marlon Blake are recipients from the department of Psychology and Sociology.

The Teacher and Bilingual Education department recipients include Lisa McNair and Patricia Huskin.

Ashlee Burt and Amber Shepherd are recipients from the Health and Kinesiology department.

Recipients from the Electrical Engineering and Computer Science department include Md. Ashfaqur Rahman and Ayush Goyal.

Matthew Alexander and Zhaoqi Fan are recipients from the Chemical and Natural Gas Engineering

department.

Craig Meyer and Kenneth Price from the Language and Literature department completed the course.

Dr. Scott Jones, from the School of Music, served as the Faculty Facilitator and also received a pin and certificate.

Faculty credentialed by ACUE have demonstrated comprehensive knowledge and skills across all of the core teaching competencies defined in ACUE's effective practice framework, the association's website states.

tion's website states.

Certificates are awarded in collaboration with the American Council on Education.

These credentials distinguish faculty and institutions for their commitment to educational excellence.

Cindy Blackwell, an academic director for ACUE, said the association's mission is student success and equity through quality instruction.

"ACUE is unlike any other program. It is a way for faculty to improve and really engage in their teaching," Blackwell said.

"What we want to do is equip faculty. What we know about faculty is that a lot of them move through a PhD program and do not have any opportunity to truly understand good teaching. A lot of times it's just what they model from former faculty members and so this gives them those teaching practices that they can implement in the classroom for better student success."

Zhaohui Fan, assistant professor at the department of chemical and natural gas engineering, said

the program allowed him to be a more prepared professor to his students.

He said he was able to practice and test strategies he learned in his classroom.

"I believe that taking this course would help me serve students in a better way," Fan said.

"I learned a lot from this program ... I was quite impressed with the effectiveness of those teaching strategies and skills."

Marion Blake, associate professor of Psychology, said the program has changed her teaching style in a positive way.

"It's not about quantity, how much I teach. It's about how well I teach and how much the students benefit," Blake said.

"It slowed me down, but in a good way. I think it's improved the quality of my teaching even if I have had to cut back on the quantity that I cover in a semester or I find other ways to cover it."

"I feel better because I think I'm contributing more to their education, more to their personal development and I'm happy about that," she said.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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: Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 27, 2021 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard: Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, 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 City Secretary at (361) 595-8002.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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: Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezoning of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E Ave D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential). The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

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City Sanitation, City Hall and other Administrative Offices will be closed on Monday, September 6, 2021 in observance of Labor Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of September 6th, 2021 through September 11th, 2021.

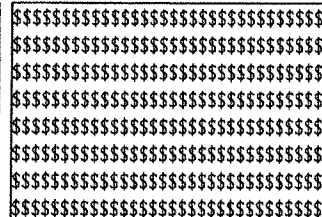
#### Residential Sanitation Schedule

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 Tuesday

The schedule will resume to its normal schedule on September 13, 2021.



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### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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:

**Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, Kingsville, Texas.**

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

### **PUBLIC HEARING NOTICE**

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 27, 2021 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

**Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, 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 City Secretary at (361) 595-8002.

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

**AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR NEW OR RECONDITIONED AUTO PARTS, INDOORS USE IN C2 (RETAIL DISTRICT) AT 1911 S. BRAHMA BLVD., KINGSVILLE, TEXAS, ALSO KNOWN AS ANDREWS 1, LOT SOUTH 90' A; 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 by Jacob Carmona, authorized agent and applicant for owner Herman Ohlenbusch 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 New or Reconditioned Auto Parts, Indoor use, while its prior use was as a mall parking lot;

**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 New or Reconditioned Auto Parts, Indoor 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, September 22, 2021, during a meeting of the Planning Commission, and on Monday, September 27, 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 6-0 to APPROVE, with no 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 New or Reconditioned Auto Parts, Indoor use on the premises known as 1911 S. Brahma Blvd., Kingsville, Texas, also known as Andrews 1, LOT South 90' A, 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 New or Reconditioned Auto Parts, Indoor 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. *Only sales may occur on sight and not installation or repairs.*

**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 27<sup>th</sup> day of September, 2021.

**PASSED AND APPROVED** on this the 12<sup>th</sup> day of October, 2021.

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

**THE CITY OF KINGSVILLE**

---

Sam R. Fugate, Mayor

**ATTEST:**

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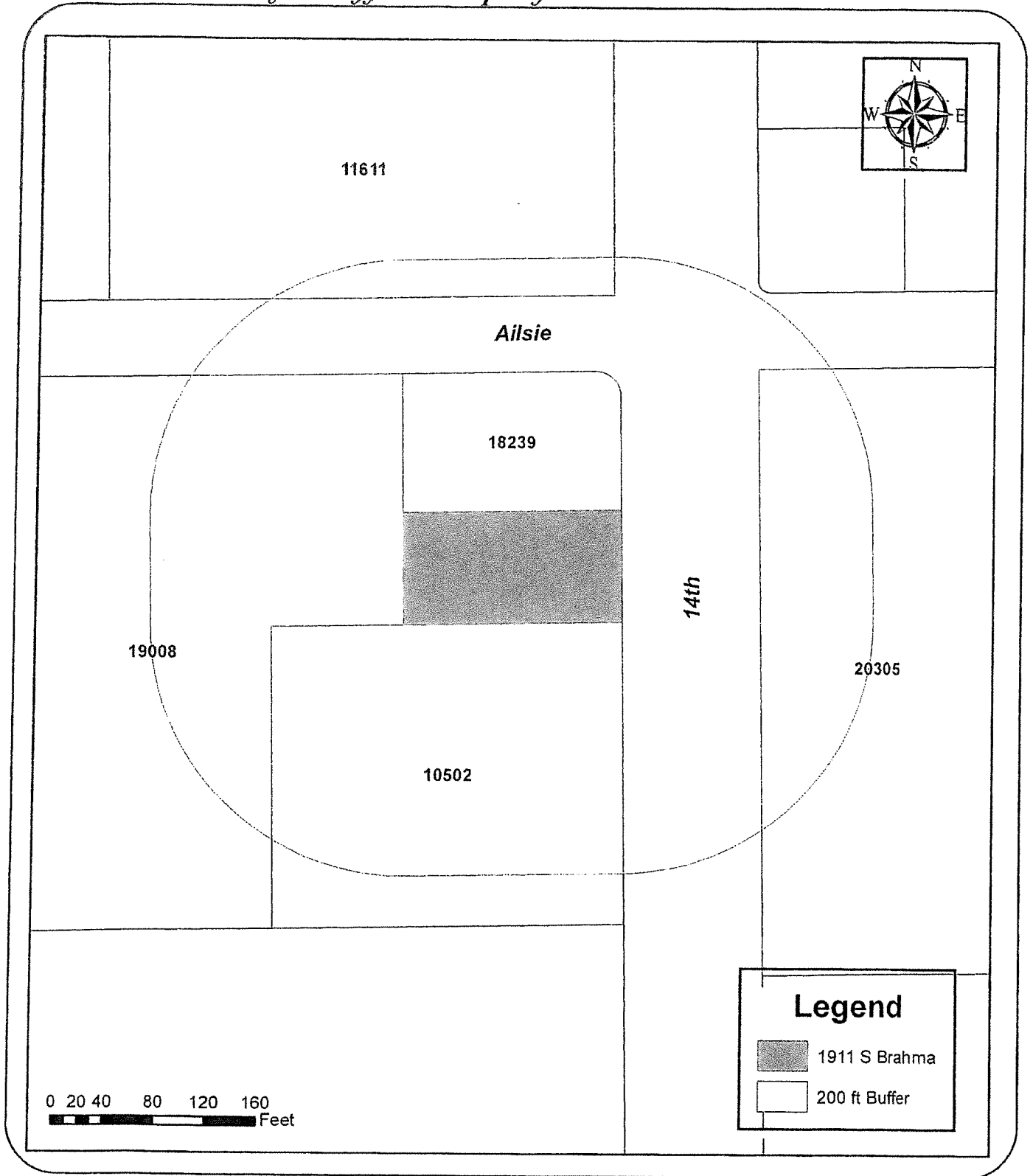
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# 200 ft Buffer Map of 1911 S Brahma Blvd



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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: 8/6/2021		
	Note:		

## **AGENDA ITEM #14**

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



## MEMO

**Date:** September 22, 2021

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

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

**Subject:** **Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezone of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E. Avenue D), Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential).**

The Planning and Zoning Commission meeting held as scheduled this evening, September 22, 2021, with 6 members in attendance.

Members deliberated over the issue of granting approval for a re-zone of **SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E. Avenue D), Kingsville**, from C4 to R1. A review was carried out by Staff and it was revealed that the applicant is seeking to rezone the property, to enable them procure a GLO disaster recovery funds that would be used to put up a new residential home.

According to Staff, this application would present a **Spot Zoning** situation which the Texas Supreme Court has described as, “an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions.” It has also been described as “preferential treatment which defeats a pre-established comprehensive plan”. In arriving at this conclusion (of Spot Zoning), there was regard to the Supreme Court guidelines including:

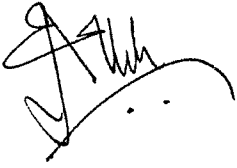
1. The law demands that an approved zoning plan should be respected and not altered for the special benefit of a landowner when the change will cause substantial detriment to the surrounding lands OR serve no substantial public purpose.
2. The nature and degree of an adverse impact upon neighboring lands is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive, are likely to be invalid.”

Based on the foregoing, the applicant was duly advised during the consultation stage about the potential for the application to fall for a refusal. However, they sought to still apply. Consequently, Staff recommended a denial due to reasons stated above.

Letters were sent out to neighbors and the City received no objections to the request. However, a citizen – Ms Aguilar – called in asking questions. The said citizen, at the meeting was concerned that their property that is commercial would be affected by the proposed residential rezone. Commissioners, after deliberations, voted unanimously to overturn the recommendation to deny the rezoning application and upheld the applicant’s plea to re-zone the property from C4 (Commercial) to R1 (Single Residential). A recorded vote of all members present was taken and Commissioners Idotha Battle, Larry Garcia, Brian Coufal, Michael Klepac, Bill Aldrich and the Chairman – Steve Zamora all voted ‘YES’

The meeting was adjourned by 6.38p.m.

Thank you.

A handwritten signature in black ink, appearing to be 'Uche Echeozo', with a stylized, sweeping flourish at the end.

**Uche Echeozo**

Director of Planning and  
Development Services

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



## MEMO

**Date:** September 17, 2021

**To:** Planning and Zoning Commission Members

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

**Subject:** Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezone of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E. Avenue D), Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential).

The applicants approached the department because they wanted to re-zone the existing property (SIMS 3, BLOCK 3, LOT 35, 36) from the current zoning which is C4 (Commercial) to R1 (Single Family Residential). A review was carried out by Staff and it was revealed that the applicant is seeking to rezone the property, to enable them procure a GLO disaster recovery funds that would be used to put up a new residential home.

A quick look at the zoning of the properties immediately surrounding the subject property shows that they are all zoned C4 (Commercial). It appears that there were residential homes within the properties (including the subject property) at the time they were zoned to C4. This means that the said residential homes were 'grandfathered' within the commercial zone. However, if any of such homes were to be demolished, they would relinquish their 'grandfathered' status.

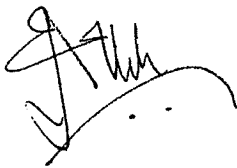
This application would present a **Spot Zoning** situation which the Texas Supreme Court has described as, "an unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in conditions." It has also been described as "preferential treatment which defeats a pre-established comprehensive plan". In arriving at this conclusion (of Spot Zoning), there was regard to the Supreme Court guidelines including:

1. The law demands that an approved zoning plan should be respected and not altered for the special benefit of a landowner when the change will cause substantial detriment to the surrounding lands OR serve no substantial public purpose.
2. The nature and degree of an adverse impact upon neighboring lands is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restrictive, are likely to be invalid."

Based on the foregoing, the applicant was duly advised during the consultation stage about the potential for the application to fall for a refusal. However, they sought to still apply.

Consequently, this application is being submitted for your consideration, and based on the stipulations above, a **denial is highly recommended** since the rezone would be tantamount to spot zoning which is unacceptable by the State of Texas as confirmed by the Texas Supreme Court.

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 920 E. Ave D. Kingsville, TX Nearest Intersection E Ave D & N 14th St.(Proposed) Subdivision Name Sims Addition No. 3 Lot 35 & 36 Block 3Legal Description: Lots 35 & 36, Block 3 of the Sims Addition No. 3Existing Zoning Designation Commercial Future Land Use Plan Designation Residential**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)**Applicant/Authorized Agent Ramona Haskins Phone 361-450-7800 FAX \_\_\_\_\_Email Address (for project correspondence only): admin.rp@dswhomes.comMailing Address 816 Henderson St. City Rockport State TX Zip 78382Property Owner Regino Chavana Phone 361-813-0226 FAX \_\_\_\_\_Email Address (for project correspondence only): longoria1037@gmail.comMailing Address 920 Ave D. 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 type="checkbox"/> SUP Request/Renewal _____ \$250.00	<input type="checkbox"/> Vacating Plat _____ \$50.00
<input checked="" 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:

We will be demolishing the current home and building a new GLO disaster recovery home per GLO standards.

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 Ramona Haskins

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

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

DocuSigned by:

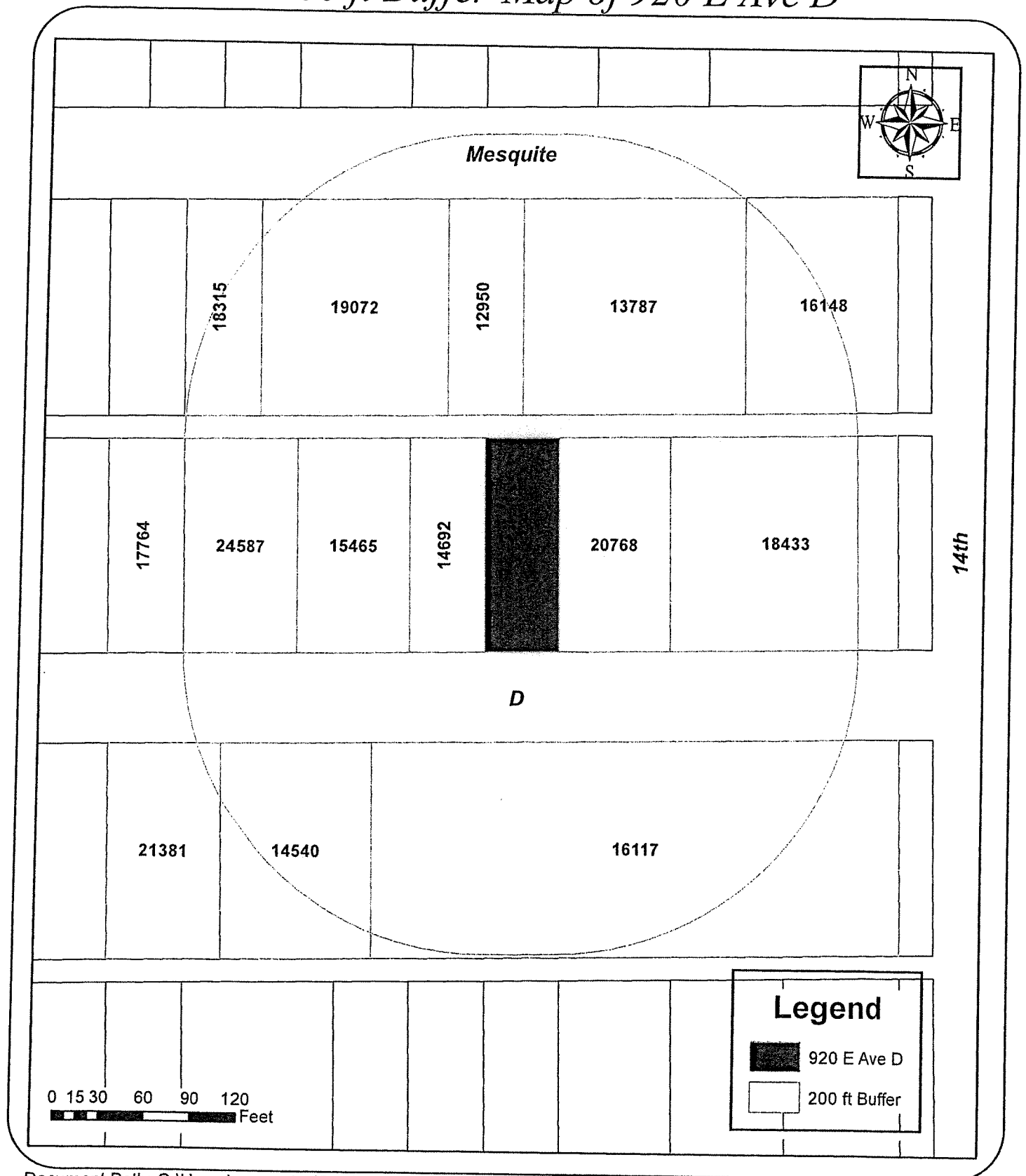
Monica Longoria

86FD00BE3E9C428...

Date: 8-13-2021Date: 8/18/2021

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

# 200 ft Buffer Map of 920 E Ave D



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1/1 Page	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: 9/7/2021		
	Note:		

ALEXANDER PEREZ JR  
913 E MESQUITE AVE  
KINGSVILLE, TX 78363  
#18315

ROLANDO JOSE OCHOA  
ETUX MARIA LUISA  
134 W FM 772  
KINGSVILLE, TX 78363-2735  
#13787

DE LA ROSA SANTIAGO EST  
% JAVIER DE LA ROSA (HEIR)  
910 E D AVE  
KINGSVILLE, TX 78363-3932  
#24587

MALDONADO DAVID A  
ETUX ANTONIA  
1611 SANTA FE DR  
KINGSVILLE, TX 78363-3435  
#20768

PENTACOSTAL MISSIONARIE  
ASSEMBLIES INC  
913 E D AVE  
KINGSVILLE, TX 78363-3931  
#14540

LAURA M JIMENEZ  
1115 LAS BRISAS DR  
MINDEN, NV 89423  
#19072

DANIEL G ORTEGON  
ETUX SELENA  
314 E CR 2140  
KINGSVILLE, TX 78363  
#16148

CAMPOS RHONDA LEE  
914 E AVE D  
KINGSVILLE, TX 78363  
#15465

MARTINEZ EDNA MONTEZ  
ETAL  
1663 CR 1660  
MOORE, TX 78057  
#18433

SOLIZ RUBEN G  
ETUX MARTHA I  
1624 N ARMSTRONG AVE  
KINGSVILLE, TX 78363-3021  
#16117

JOSE ALVAREZ  
616 E MESQUITE AVE  
KINGSVILLE, TX 78363-3934  
#12950

CHAPA SUSAN GARCIA  
2107 COLORADO  
KINGSVILLE, TX 78363  
#17764

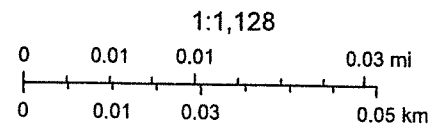
MENDIETTA JAVIEL M  
ETUX GLORIA  
PO BOX 385  
KINGSVILLE, TX 78364-0385  
#14692

TEMPLO BETHEL PENTECOSTAL  
MISSIONARY ASSEMBLY INC  
703 E NETTIE AVE  
KINGSVILLE, TX 78363-3959  
#21381

# 920 W Ave D

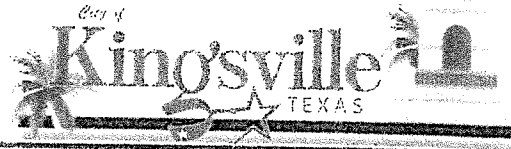


August 19, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

# CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

August 11, 2021

DSW Homes Attn: Jayce Zuniga,

Thank you for your permit submittal regarding the property at 920 E Ave D. The extent of work shows demolition of a single family residence followed by construction of a new single family residence. This lot is currently zoned as C4 commercial which does not allow for construction of a new single family residence. Under section 15-6-24 the current use is nonconforming and would only allow for repairs of the existing structure, any new structure would need to comply with the current zoning requirements allowed in the C4 zoning. At this point we will consider the current building permit application closed, if you would like to continue with the demolition permit only please feel free to reach out to make the necessary changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Daniels", is written over a horizontal line.

Nicholas Daniels  
Building Official  
City of Kingsville

## Kleberg CAD

Property Search &gt; 13905 CHAVANA REGINO ROGELIO for Year 2021 Tax Year: 2021

## Property

## Account

Property ID: 13905 Legal Description: SIMS 3, BLOCK 3, LOT 35, 36  
 Geographic ID: 166600335000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

## Location

Address: 920 E AVE D Mapsco:  
 Neighborhood: Map ID: A1  
 Neighborhood CD:

## Owner

Name: CHAVANA REGINO ROGELIO Owner ID: 13137  
 Mailing Address: 920 E D AVE % Ownership: 100.000000000000%  
 KINGSVILLE, TX 78363-3932  
 Exemptions: OTHER, HS

## Values

(+) Improvement Homesite Value:	+	\$19,310	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$3,000	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$22,310	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$22,310	
(-) HS Cap:	-	\$5,007	
<hr/>			
(=) Assessed Value:	=	\$17,303	

## Taxing Jurisdiction

Owner: CHAVANA REGINO ROGELIO  
 % Ownership: 100.000000000000%  
 Total Value: \$22,310

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CAD	KLEBERG COUNTY APPRAISAL DISTRICT	0.000000	\$22,310	\$17,303	\$0.00	
CKI	CITY OF KINGSVILLE	0.852080	\$22,310	\$8,903	\$75.87	
GKL	KLEBERG COUNTY	0.785460	\$22,310	\$5,303	\$16.27	\$16.27
SKI	KINGSVILLE I.S.D.	1.518900	\$22,310	\$0	\$0.00	\$0.00
WST	SOUTH TEXAS WATER AUTHORITY	0.086911	\$22,310	\$303	\$0.27	
Total Tax Rate:		3.243351				

Taxes w/Current Exemptions: \$92.41

Taxes w/o Exemptions: \$723.59

## Land Use Chart



Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag
Dwelling, one-family det.	P	P		P	P	P	P	P	P				P
Dwelling, one-family att.		P	P	P	P		S	P					P
Dwelling, two-family		P		P	P		S	P					
Dwelling, multi-family				P	P		P	P	P				
Tiny Homes		P	P			P							
Dwelling, above business									P				
Work/live units									P				
Boarding or rooming house					P			S	P	P			
Hotel or motel					P			S	P	P			
Dormitory					P								
Fraternity, sorority					P								
Mobile home/manufactured home park or mobile home/manufactured home on lot	§	§		§	§	P					S	S	S
Recreational vehicle park						P		S		S			



Faculty who earned the certificate in Effective College Instruction were honored with a reception and award ceremony on Aug. 24 in the Memorial Student Union Building.

## TAMUK faculty receive pins from ACUE program

Texas A&M University-Kingsville faculty members who completed the Association of College and University Educators (ACUE) course received pins and certificates from the association.

Faculty who earned the certificate in Effective College Instruction were honored with a reception and award ceremony on Aug. 24 in the Memorial Student Union Building.

The Texas A&M System sent a medallion and letter from Dr. James Hallmark, Vice Chancellor for Academic Affairs, for each faculty member.

Faculty who completed the course include Amar Bhandari from the department of Agriculture, Agribusiness and Environmental Sciences; Lihua Zuo from the Mathematics department; Liz Janzen from the School of Music; Nirmal Goswami from the History, Political Science and Philosophy department; Amir Hessami from the Civil and Architectural Engineering department; and Monica Wong-Ratcliff from the Art, Communications and Theater department. Re-



cipients from the Biological and Health Sciences department include Fang He, Weimin Xi and Shannon Aguiar.

The Clinical Health Sciences department recipients include Robert Villa, Maura Krestler and Teresa Young. Montamas Suntraval and Kevin Francis from the department of Chemistry completed the course.

Timothy Oblad and Morion Blake are recipients from the department of Psychology and Sociology.

The Teacher and Bilingual Education department recipients include Lisa McNair and Patricia Huskin.

Ashlee Burt and Amber Shepherd are recipients from the Health and Kinesiology department.

Recipients from the Electrical Engineering and Computer Science department include Md. Ashfaqur Rahman and Ayush Goyal.

Matthew Alexander and Zhaoqi Fan are recipients from the Chemical and Natural Gas Engineering

department's website states.

Certificates are awarded in collaboration with the American Council on Education.

These credentials distinguish faculty and institutions for their commitment to educational excellence.

Cindy Blackwell, an academic director for ACUE, said the association's mission is student success and equity through quality instruction.

"ACUE is unlike any other program. It is a way for faculty to improve and really engage in their teaching," Blackwell said.

"What we want to do is equip faculty. What we know about faculty is that a lot of them move through a PhD program and do not have any opportunity to truly understand good teaching. A lot of times it's just what they model from former faculty members and so this gives them those teaching practices that they can implement in the classroom for better student success."

Dr. Scott Jones, from the School of Music, served as the Faculty Facilitator and also received a pin and certificate.

Faculty credentialed by ACUE have demonstrated comprehensive knowledge and skills across all of the core teaching competencies defined in ACUE's effective practice framework, the association's website states.

The program allowed him to be a more prepared professor to his students.

He said he was able to practice and test strategies he learned in his classroom.

"I believe that taking this course would help me serve students in a better way," Fan said.

"I learned a lot from this program ... I was quite impressed with the effectiveness of those teaching strategies and skills."

Marion Blake, associate professor of Psychology, said the program has changed her teaching style in a positive way.

"It's not about quantity, how much I teach. It's about how well I teach and how much the students benefit," Blake said.

"It slowed me down, but in a good way. I think it's improved the quality of my teaching even if I have had to cut back on the quantity that I cover in a semester or I find other ways to cover it."

"I feel better because I think I'm contributing more to their education, more to their personal development and I'm happy about that," she said.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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: Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, Kingsville, Texas. The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 27, 2021 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard: Jacob Carmona, authorized agent and applicant; Herman Ohlenbusch, owner; requesting a Special Use Permit for New or Reconditioned Auto Parts, Indoors use at ANDREWS 1, LOT South 90' A, also known as 1911 S Brahma Blvd, 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 City Secretary at (361) 595-8002.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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: Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezoning of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E Ave D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential). The meeting will be held at City Hall, 400 West King, in the Helen Kleberg Groves Community Room. If you have any questions about the items on the agenda, please contact the Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 27, 2021 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard: Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezoning of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E Ave D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential). 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.



City Sanitation, City Hall and other Administrative Offices will be closed on Monday, September 6, 2021 in observance of Labor Day.

The City Sanitation garbage pick-up schedule will temporarily change for the week of September 6th, 2021 through September 11th, 2021.

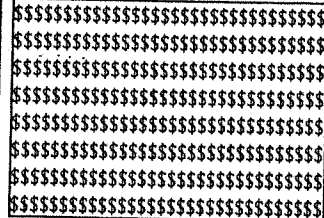
#### Residential Sanitation Schedule

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 Tuesday

The schedule will resume to its normal schedule on September 13, 2021.



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Looking for CDL drivers to deliver new trucks all over the country, starting in Laredo, TX.

Experience preferred. Must have DOT physical and be willing to keep logs. No DUIs in last 10 years, clean MVA.

**Quality** Apply Online at  
www.qualitydriveaway.com  
or call 574-642-2023



### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, September 22, 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:

**Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezone of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E Ave D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential)**

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

### **PUBLIC HEARING NOTICE**

The City Commission of the City of Kingsville will hold a Public Hearing Monday, September 27, 2021 at 5:00 p.m. wherein the City Commission will discuss the introduction on the following item and at which time all interested persons will be heard:

**Ramona Haskins, authorized agent and applicant; Regino Chavana, owner; requesting the rezone of SIMS 3, BLOCK 3, LOT 35, 36; also known as 920 E Ave D, Kingsville, Texas from C4 (Commercial) to R1 (Single-Family Residential)**

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.

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

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO SIMS 3, BLOCK 3, LOT 35, 36, ALSO KNOWN AS 920 E. AVE D, KINGSVILLE, TEXAS, FROM C4 (COMMERCIAL DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Ramona Haskins, authorized agent for owner/applicant Regino Chavana, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 22, 2021 during a meeting of the Planning and Zoning Commission, and on Monday, September 27, 2021 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 6-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Sims 3, Block 3, Lot 35, 36, also known as 920 E. Ave D, Kingsville, Texas, from C4-Commercial District to R1-Single Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 27th day of September, 2021.

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

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

**THE CITY OF KINGSVILLE**

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

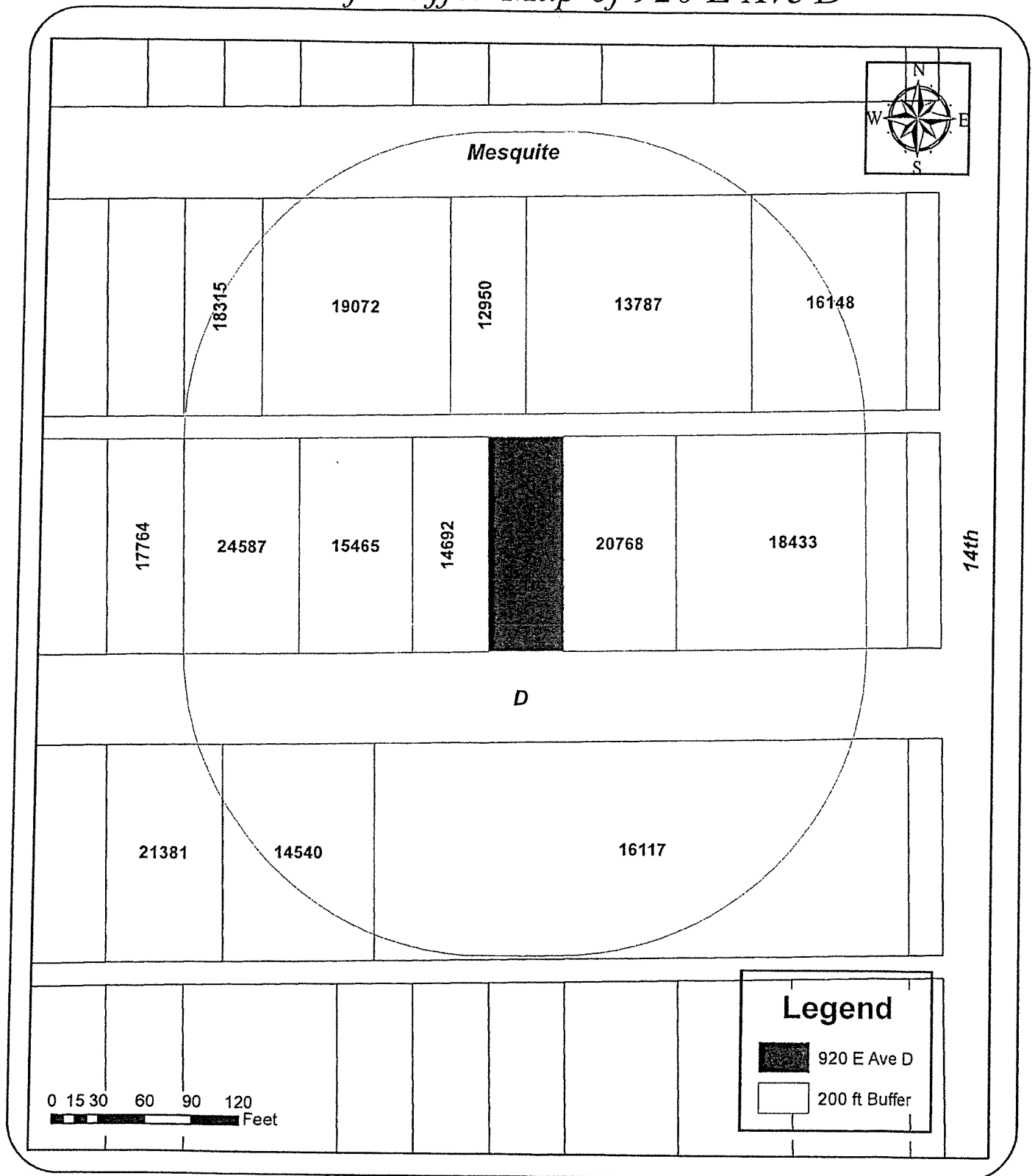
**ATTEST:**

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


**APPROVED:**

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

# 200 ft Buffer Map of 920 E Ave D



Document Path: C:\Users\sresendez\Desktop\GIS\Maps\2021\_Buffer.mxd

<div> <div>1/1</div> <div>Page</div> </div>	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.	 CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 9/7/2021		
	Note:		

# **AGENDA ITEM #15**



## City Manager's Office

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TO: Mayor and City Commissioners

CC: City Attorney

FROM: City Manager

DATE: September 29, 2021

SUBJECT: DEAAG Application for NAS Kingsville Fire Station

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### **Summary:**

DEAAG grants are typically awarded in two cycles of \$15M each. The FY21-22 cycle begins with applications due to the Texas Military Preparedness Commission on November 12, 2021.

A DEAAG grant application is a city-sponsored and submitted package by the City of Kingsville to undertake a project that builds resiliency into the military installation, in this case NAS Kingsville, to positively affect the installation from threats of closure, reduced operations or otherwise realigned defense missions and jobs to other locations.

This application is to support NAS Kingsville is expanding their Fire Department with a Fire Rescue Truck Facility that is large enough, and the bays large enough, to house the forthcoming Aircraft Rescue Firefighting (ARFF) Vehicles that are on hold due to inability to store them safely on the installation.

In addition, this project improves the overall facility for NAS Kingsville, which also has mutual aid agreements with the City of Kingsville and surrounding counties and cities as well.

The City Manager is proposing that City of Kingsville's contribution for this project to be \$50,000 paid for from the DEAAG Fund (Fund 84). The Navy will provide \$100,000 of in-kind services and the DEAAG grant application is requesting the remaining \$3,400,000 in the form of a grant. The total project cost is \$3,550,000.

### **Recommendation:**

**The City Manager is recommending approval with a City contribution included (\$50,000).**



**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE STATE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR FIRE RESCUE TRUCK FACILITY AT NAS KINGSVILLE.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the City apply for a Defense Economic Adjustment Assistance Grant Program with the State of Texas to apply for grant monies for a project called NAS Kingsville Fire Rescue Truck Facility that would create four new truck bays to accommodate the new larger fire fighting vehicles that do not fit into the existing outdated facility at Naval Air Station Kingsville ("the base");

**WHEREAS**, the base's fire department regularly participates in mutual aid fire call outs in the City and surrounding areas; and

**WHEREAS**, the State budgeted money for this grant program to assist military communities in Texas with infrastructure projects and other initiatives to increase military value and mitigate any potential negative effects to the military institutions in future BRAC rounds; and

**WHEREAS**, the City provides the local base with fire and police mutual aid, as well as water, wastewater, and sanitation services; and

**WHEREAS**, currently the base has been allocated four new fire rescue vehicles that would provide assistance to the base and the City and local areas via mutual aid agreements; however, the existing structures to house the new vehicles is old and does not support the size of the vehicles so the new vehicles cannot be delivered for use yet; and

**WHEREAS**, the base and the City would both benefit from this project; and

**WHEREAS**, the base would benefit from having the new fire rescue trucks in use and having the appropriate structure to store them in to ensure their maximum useful life is reached; and

**WHEREAS**, the City would benefit from the new structure as well since as that is the only way to have the four new fire rescue vehicles in use by the base for assisting in mutual aid responses in the City and local area; and

**WHEREAS**, the NAS Kingsville Fire Rescue Truck Facility would help the military institution increase military value and mitigate any potential negative effects to the military institution in future BRAC rounds, and increase capacity for future growth at the base, which could help to ensure the long-term viability of the base; and

**WHEREAS**, the Navy guidance policy for FY20 was to increase partnerships between bases and their neighboring communities and that could be achieved through this project; and

**WHEREAS**, the base is a large employer of local civilian personnel and the base has a significant economic impact on the City, County, and State contributing nearly \$1 Billion dollars to the state and local economy; and

**WHEREAS**, the loss of the base would be detrimental to the state of Texas and the local economy; and

**WHEREAS**, the value of the base to the community and state and the benefit of the project to both the base and the City allow for the proposed infrastructure improvement project to be deemed for a public purpose; and

**WHEREAS**, the City has worked with the local base to identify projects that would be viable for this grant program and anticipates total project expenses of \$3,550,000 with an anticipated City contribution of 1%, or about \$50,000, which would be funded in the current FY2021-2022 budget through the DEAAG line item and the base would provide an anticipated contribution of 3%, or about \$100,000; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the City Manager to submit the grant on behalf of the City.

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

I.

**THAT** the City Commission approves the submission of the grant application on the City's behalf for the Defense Economic Adjustment Assistance Grant Program with the State of Texas for funding for the NAS Kingsville Fire Rescue Truck Facility project more fully described in the grant application, which will assist the local military base and the community, with the City providing 1% of the project funding that equates to an *anticipated* amount of approximately \$50,000.00.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 12th day of October, 2021.

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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





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# DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT

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OFFICE OF THE GOVERNOR  
Texas Military Preparedness Commission  
Fall 2021

<i>For TMPC Use Only</i>	
<b>Date Received</b>	
<b>Applicant</b>	
<b>Project</b>	

# Program Overview

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The program is administered by the Texas Military Preparedness Commission (Commission) within the Office of the Governor. The Defense Economic Assistance Adjustment Grant (DEAAG) is codified in Texas Government Code Chapter 436 and in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code.

Eligible local governmental entities may be awarded a grant if the commission determines that the entity may be adversely or positively affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense (DoD) to close, reduce, increase, or otherwise realign defense worker jobs or facilities.

To review Texas Government Code 436, visit  
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.436.htm>.

To review the Texas Administrative Code, visit  
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=1&pt=1&ch=4&sch=B&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=1&ch=4&sch=B&rl=Y)

**All grant funds must be expended within two years of the award date. This grant follows the Uniform Grant Management Standards.**

A defense community is eligible for a grant from DEAAG if the commission determines that it satisfies one of the eligibility criteria as referenced in above in the Texas Government Code and Texas Administrative Code. The grant funds are administered on a reimbursement basis. Administrative costs will not be allowed for reimbursement. Please contact the Texas Military Preparedness Commission at [tmpe@gov.texas.gov](mailto:tmpe@gov.texas.gov) or 512-475-1475 should you have any questions.

The grant will be scored on the following criteria: military value, project probability, relation to the National Defense Strategy, dual military/community benefit, new missions, resiliency, and efficiency.

**All support letters must be attached to application. They are not part of the scoring process. Please keep in mind that this application is limited to 50 pages including application pages.**

Unauthorized changes to this application will render the application and any subsequent grant void.

**Applications are due by 5:00 PM CT on Friday, November 12, 2021. Any application received after this time will be ineligible for consideration.**

**Applications are accepted via email (preferred) at [tmpe@gov.texas.gov](mailto:tmpe@gov.texas.gov), in-person, or at the addresses below by the application deadline:**

Mailing Address:  
Texas Military Preparedness Commission  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711

Street Address:  
Texas Military Preparedness Commission  
Office of the Governor  
1100 San Jacinto  
Austin, TX 78701

For additional information on DEAAG, please refer to <http://www.gov.texas.gov/military/grants>.

## Applicant Information

Name of Applicant City of Kingsville

Address PO Box 1458, Kingsville, TX 78363

Point of Contact Mark McLaughlin

Point of Contact Phone 361.595.8002

Point of Contact Email mmclaughlin@cityofkingsville.com

1. Are all involved entities current on all obligations with the State of Texas?

☒ Yes ☐ No

If no, please explain. Attach additional pages as necessary as Attachment A. Please keep in mind that this application is limited to 50 pages.

2. Is there a pending claim or litigation against any entity involved with the project?

☐ Yes ☒ No

If yes, please explain. Attach additional pages as necessary as Attachment B. Please keep in mind that this application is limited to 50 pages.

3. Please provide documentation authorizing entity to participate in program. An example is a public hearing, ordinance, or resolution. Attach as Attachment C. Please keep in mind that this application is limited to 50 pages.

## Project Summary

Project Name: NAS Kingsville Fire Rescue Truck Facility (New)

4. Provide a **short** summary of the project to be funded.

This project will construct four new fire truck bays to accommodate the new larger fire fighting vehicles that the Navy provides Naval Air Stations. These vehicles are the only option currently available and do not fit into the existing outdated facility. NAS Kingsville and the City of Kingsville have mutual aid agreements to support each other for fire, HAZMAT and EMS services.

5. Funding Source	Total Dollar Amount	Percentage Share of Project
A. Requested Amount of DEAAAG	\$ 3,400,000.00	96.000%
B. Federal	\$ 0.00	0%
If DEAAAG is being used towards matching a federal grant, please note the total amount of the federal grant.		0%
C. Local Community Funding (Note if funding is in-kind).	\$ 50,000.00	1.000%
D. Other Sources NASK PWD-NAVFAC: In-Kind	\$ 100,000.00	3.000%
Total Project	\$ 3,550,000.00	100.000%

## Eligibility

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6. An entity is eligible for DEAAG if it satisfies one of the following; please select which qualification applies:

- ☒ Municipality or county that is a defense community as defined in Local Government Code 397.001
- ☐ Regional planning commission that has a defense community within its boundaries
- ☐ Public junior college district that is wholly or partly located in a defense community
- ☐ Campus or extension center for education purposes of the Texas State Technical College System located in a defense community
- ☐ Defense base development authority created under Local Government Code 379B
- ☐ Political subdivision having the power of a defense base development authority created under Local Government Code 379B

## Eligibility of Adversely Affected Community

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☐ This applicant is not adversely affected. If checked, please proceed to question 8.

7. An entity is an adversely affected defense community if it has experienced:

- ☒ An anticipated, planned, announced, or implemented action of the Department of Defense to close, reduce, or otherwise realign defense worker jobs or facilities.

## Eligibility of a Positively Affected Community

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☒ This applicant is not positively affected. If checked, please proceed to question 9.

8. An entity is a positively affected defense community if it has experienced:

- ☐ Increase in military missions, including personnel gains at a military installation, within a municipality or county as a result of a Department of Defense anticipated, planned, announced, or implemented action to increase or otherwise realign defense worker jobs or facilities.

## Summary of Eligibility & Impact

9. Provide a Summary of Eligibility regarding status as positively or negatively affected community with documentation. ***Failure to provide documentation to determine eligibility for the program will result in a return of this application without further review.*** Describe the impact of the change in mission or personnel in the military installation or defense facility and community or the gain that is predicted to occur. Describe the impact on housing, transportation, infrastructure and security where applicable. Attach additional pages as necessary as Attachment D. Please keep in mind that this application is limited to 50 pages.

The City of Kingsville is taking a proactive approach to protect NAS Kingsville (NASK) from degradation of support facilities to the point where maintaining them becomes so costly that shuttering the installation becomes a more viable option for BRAC or any internal military alignment. A BRAC or BRAC-like commission is anticipated sometime in the future to realign DoD and Navy requirements with available funding. Preserving the 1,500-plus high paying jobs that contribute over \$1 Billion to the Texas and local economy is of the highest priority for the City of Kingsville, Kleberg County, and the South Texas Military Value Task Force (SOTEX-MVTF), as well as the surrounding area, which includes the Corpus Christi MSA. NASK is one of two commands within the Department of the Navy that trains Navy and Marine Corps jet strike-fighter pilots, the other being in Mississippi. The high-tempo and demanding training conducted at NASK is essential to the process of producing half of all qualified strike pilots for the U.S. Navy and Marine Corps. Without adequate and adaptable support infrastructure, the mission to train aviators is at risk. Once infrastructure deteriorates to a point where it is cost-prohibitive to repair, NASK becomes vulnerable to any BRAC action or Navy down-sizing where strike-fighter training is combined to one location. If that sole-sourcing is in Meridian, MS then SOTEX, and Kingsville in particular, will be irrevocably damaged. The Navy has a decision to make for the future of Naval Aviation strike training following the life cycle of the T-45 Goshawk; however, one issue is for certain; the quality of training student pilots in South Texas, the unencumbered 36,000 cubic miles of airspace above NASK, the amount of good-weather flying days, and the co-location of major T-45 engine and airframe maintenance for all T-45s is unmatched anywhere in the United States and would be exponentially expensive to move.

Loss of NASK to this community and to the State of Texas would be devastating. The impacts would be similar to, but far worse, as those suffered with the closing of NAS Chase Field (Beeville 1994) and NS Ingelside (2005). NASK has been an integral part of this community and South Texas since 1942. Beeville and Ingelside communities suffered immediate and severe impacts. The housing market losses and business closing were overwhelming. City coffers were reduced significantly while bond debt and infrastructure maintenance costs remained. Tax rates and unemployment increased. The city's bond rating declined. Rental homes and apartments were empty, school enrollment decreased as did the associated funding from the state. In short, it created an economic vacuum that both communities still feel today.

Employees at NASK reside in a 40-mile radius of the installation including Kingsville, Riviera, Bishop, Alice and Corpus Christi. NAS Kingsville is regional in its economic impact. Therefore, this application aims to bolster a very important piece of the infrastructure that supports directly flight operations and safety of NASK personnel, as well as support the City of Kingsville and surrounding communities through mutual aid agreements.

## Project Description

10. Check all that apply:

- ☒ Construct New Facility / Infrastructure<sup>1</sup>
- ☒ Expand Existing Facility / Infrastructure<sup>1</sup>
- ☐ Renovate Facility / Infrastructure<sup>1</sup>
- ☐ Federal Grant Match<sup>2</sup>
- ☐ Property Purchase<sup>3</sup>
- ☐ Purchase of Insurance<sup>4</sup>
- ☐ Purchase Capital Equipment
- ☐ Purchase Training Equipment

11. Provide a description of the project in the space below including specific details and documentation of the applicable project description as noted above. Examples include anticipated costs, project timeline, military gifting timeline, etc. Attach additional pages as necessary as Attachment E. Please keep in mind that this application is limited to 50 pages.

This project will construct a new pre-engineered 5,251 square foot metal frame structure to provide four (4) new fire truck bays adjacent to the existing facility, Building 5705; a new covered walkway will be provided to link the existing firehouse to the new apparatus bays; included are pipe bollards, concrete slab, vehicle exhaust system, a chain link fence, fire sprinkler and detection and new overhead doors and electric operators/ exhaust fan for drive-thru bays. See Attachments E (1), E (2).

<sup>1</sup> New Construction, Expansion or Renovation of Facilities or Infrastructure – Describe the use of the facility or infrastructure to be constructed or replaced, expanded or renovated.

<sup>2</sup> Federal Match Grant – Summarize the use of the DEAAG funding in obtaining federal funding. A federal award letter, Memorandum of Understanding or agreement must be provided before the release of state grant funds.

<sup>3</sup> Property Purchase – Describe the real or personal property to be purchased. Include general description of buildings and a map of the property to be purchased accompanied by a copy of the conveyance documents or a summary of conveyance negotiations.

<sup>4</sup> Purchase of Insurance – Describe the insurance to be purchased including the type of coverage limits.

12. Does the project add military value to a military installation or defense facility? How? Attach additional pages as necessary as Attachment F. Please keep in mind that this application is limited to 50 pages.

The Fire Station is required to house four (4) ARFF Fire Rescue Vehicles which are waiting to be delivered to site. The location must be near the existing Fire Station, Building 5705, due to DoD response time criteria. The vehicles cannot be housed in any of the current fire stations because of the height and length of the vehicles exceed the current parking bay sizes of the 1960's concrete, brick and mortar structures. The structure would also be used to perform daily vehicle inspection and minor maintenance. There are no other existing facilities on the installation that will meet the requirement to protect the new ARFF vehicles. The new Fire Rescue vehicles are 12.5ft by 10ft by 36.5ft and four (4) trucks are scheduled to be delivered. NAS Kingsville needs these new and up-dated replacement vehicles to replace the existing aged inventory and to perform their life saving mission safely and effectively. Delivery for the new trucks has been delayed due to insufficient storage capacity. The Navy's premier training Naval Air Station needs a Fire/Rescue Facility that reflects its commitment to the safety of its pilots and support to the community. See Attachment F.

13. Does the project fit into the most recent National Defense Strategy? How? Attach additional pages as necessary as Attachment G. Please keep in mind that this application is limited to 50 pages.

See Attachment G.



14. Does the project have dual community/military benefit? How? Attach additional pages as necessary as Attachment H. Please keep in mind that this application is limited to 50 pages.

City of Kingsville, Kleberg County, Riviera, Ricardo, Bishop (Nueces County) all have Mutual Aid Agreements with NAS Kingsville. NASK responds to dozens of fires within the communities mentioned above annually. The rescue vehicles are necessary to conduct flight operations on the airfield. The "dual community/military benefit" is self-evident. Constructing a necessary and proper garage to house these lifesaving assets and allow for their delivery, benefits not only NASK, but the community at-large.

15. Does the project bring in new missions or expand current missions? How? Attach additional pages as necessary as Attachment I. Please keep in mind that this application is limited to 50 pages.

With the T-45 Goshawk entering its final phase of service the need for upgraded Crash/Fire Facilities and the associated equipment will be a grading-criteria for NASK to receive the next generation of jet aircraft when that decision is made by the Department of the Navy. This needed Crash/Fire Building will make NAS Kingsville capable of meeting any future fire/crash/rescue requirement while continue to support community needs through Mutual Aid Agreements. Based on the airspace available over NAS Kingsville, the geographic location out of the way of most civilian and commercial airline routes and the demand for airspace, a large installation and supporting outlying fields, NAS Kingsville is primed for future mission growth. Receiving the NEXGEN Jet Trainer would bring additional training for the current Aircraft Maintainers and will open the door to the hiring of additional highly-compensated artisans.

16. Does the project add resiliency to the military installation? How? Attach additional pages as necessary as Attachment J. Please keep in mind that this application is limited to 50 pages.

This state-of-the-art Fire Truck Rescue Facility defines Military Resiliency. This building will protect the assets that will be needed to respond to any weather event including tornadoes and hurricanes. Currently, our Emergency Response Vehicles are exposed to the elements, unprotected, reducing years from their service life and adding enormous maintenance costs. This vulnerability also means that these assets may not survive a significant weather event rendering them unusable in the needed aftermath. This Crash/Fire facility will allow NASK to rapidly reestablish installation mission assurance and mission-essential functions. Once that is accomplished, these assets are then available to assist the community in restoring their essential functions which serve many military personnel who live in the local area. Under existing agreements, NASK will be a FEMA staging area where food, water, and medical supplies. Additionally, this facility will have energy resiliency and efficiency with roof-mounted solar panels and diesel generators.

17. Does the project help the military installation become more efficient or save money on costs such as utilities? How? Attach additional pages as necessary as Attachment K. Please keep in mind that this application is limited to 50 pages.

This state-of-the-art facility defines resiliency, as well as being the most energy efficient building on NASK, with roof-mounted solar panels and back-up diesel generators. It is anticipated that this building will produce electricity in excess of its needs. Reduction in O&M costs will be in the tens- of-thousands of dollars for the building itself as well as the vehicles housed inside.

## Projected Completion Date & Milestones of Project

18. Complete the following applicable milestones:

Begin Construction Shovel Ready. As soon as funding is committed.

Complete Construction 24 months

Purchase Machinery & Equipment Immediately upon funding committment.

Begin Operations 24 months

Fully Operational 24 months

19. Is construction on Department of Defense property?

☒ Yes ☐ No

20. Is construction on local, city, or county owned property?

☐ Yes ☒ No

21. Please provide limited and relevant information concerning your expenses for the project. For example, provide an overview of a budget as opposed to the full budget. Please provide as attachment L. Please keep in mind that this application is limited to 50 pages.

***The Office of the Governor follows Universal Grant Management Standards as set by the State of Texas and the Federal Government. Please review these standards before submitting your projected expenses.***

***For more information, visit <https://comptroller.texas.gov/purchasing/docs/ugms.pdf>***

***Administrative costs will not be reimbursed through this grant.***

# Project Expense Estimate

## Expense Estimates Schedule (Grant Funds Only)

Purchase of Property	\$ 0.00
Professional & Consultant Services	\$ 150,000.00
New Construction (Infrastructure)	\$ 3,400,000.00
Rehabilitation & Renovation (Infrastructure)	\$ 0.00
Capital Equipment <sup>5</sup>	\$ 0.00
Facilities Insurance	\$ 0.00
Training Equipment <sup>6</sup>	\$ 0.00
Training Supplies <sup>7</sup>	\$ 0.00
<b>Total Cost (Grant Funds Only)</b>	<b>\$ 3,550,000.00</b>

Provide any clarification in the following space:

- The Navy's in-kind and City's monetary matches are included under "Professional Consulting Services".
- Cost for total project is \$3.55M
- DEAAG funding request: \$3.4M

<sup>5</sup> Per UGMS, "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year and a per unit acquisition cost of \$5,000 or more.

<sup>6</sup> *Id.*

<sup>7</sup> Per UGMS, items of equipment with a per unit acquisition cost of less than \$5,000 are considered to be supplies.

## Project Funding Sources

### Funding Schedule

22. Please complete the following where applicable:

Funding Type	Source	Amount of Funding
Federal		
	NAVFAC-NASK PWD (In-Kind)	\$ 100,000.00
		\$ 0.00
State		
	DEAAG-TMPC	\$ 3,400,000.00
Other State Entity		
Local		
	City of Kingsville	\$ 50,000.00
Other		
Total		\$ 3,550,000.00

### Other Financial Partners

23. Is DEAAG the sole source of project funding? If no, please provide additional information in the section below.

☒ Yes ☐ No

Provide a description explaining the funding types and sources identified in the funding schedule. Include a description of any ongoing efforts to acquire funding from other sources including federal agencies and other financial partners. Attach additional pages as necessary as Attachment M. Please keep in mind that this application is limited to 50 pages.

- NAS Kingsville/PWD is providing in-kind services to administer and implement the project. Total value is \$100,000.
- City of Kingsville is providing funding to the project, \$50,000.

## Request for Exceptional Funding

**This question must be filled out if you are receiving more than 50% of your project funds from the TMPC. If it is not filled out, you cannot be granted more than 50% of your request.**

☐ Applicant is not requesting exceptional funding

24. Establish and provide justification if requesting greater than 50 percent grant match under Texas Government Code §436.202 and 1 TAC § 4.34; provide explanation and documentation that local community budget and resources are not adequate or available. Justification should include information on the lack of revenue and resources prompting this request. Provide specific information on local efforts to secure adequate funding. *Attach additional pages as necessary as Attachment N.* Please keep in mind that this application is limited to 50 pages.

The City of Kingsville is requesting exceptional funding status for the following reasons:

1. The City does not have 4A or 4B funding to provide additional funding sources and the City's portion is contributed from the City's DEAAG Fund, which is an transfer fund for DEAAG projects from the City's General Fund supported by the City's taxpayers.
2. The City has limited financial resources due to the fact that that a large share of the land is owned by governmental agencies so not subject to property taxes.
3. Kleberg County per capita income is \$41,700 while the per capita income for the state is \$60,629.

## Additional Information

Please provide additional applicable information specific to this project (attach additional pages as necessary as Attachment O). Please keep in mind that this application is limited to 50 pages.

## Certification of Application

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Grantee Governing Body Representative (Required)

Prefix Mr.  
First Name Mark  
Last Name McLaughlin  
Title City Manager  
Organization City of Kingsville  
Mailing Address PO Box 1458, Kingsville, TX 78364  
Phone Number (361) 595-8002  
Fax Number \_\_\_\_\_  
Email Address mmclaughlin@cityofkingsville.com

To the best of my knowledge and belief, the information contained in this Defense Economic Adjustment Assistance Grant Application is true and correct, as evidenced by my signature below. Furthermore, I affirm the authorized representative, the applicant author, or contact person and the project administrator have read chapter 436 of the Texas Government Code and the program administrative rules may be found in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code and are familiar with the provisions contained therein.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Governing Body Representative)

### Participating Legal Counsel (Optional)

This page may be discarded from application package if not used.

☐ No legal counsel involved in the project

Prefix \_\_\_\_\_

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

I confirm that the above-named legal counsel has been retained to participate in this application process as outlined above.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(*Governing Body Representative*)

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

To the best of my knowledge and belief, the information in this Defense Economic Adjustment Assistance Grant Application is true and correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(*Participating Legal Counsel*)

Printed Name \_\_\_\_\_ Title \_\_\_\_\_





# **AGENDA ITEM #16**



## City Manager's Office

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TO: Mayor and City Commissioners

CC: City Attorney

FROM: City Manager

DATE: September 30, 2021

SUBJECT: DEAG Application for NAS Kingsville Pass & Tag Building

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### **Summary:**

DEAAG grants are typically awarded in two cycles of \$15M each. The FY21-22 cycle begins with applications due to the Texas Military Preparedness Commission on November 12, 2021.

A DEAAG grant application is a city-sponsored and submitted package by the City of Kingsville to undertake a project that builds resiliency into the military installation, in this case NAS Kingsville, to positively affect the installation from threats of closure, reduced operations or otherwise realigned defense missions and jobs to other locations.

This application is to support NAS Kingsville by relocating the Pass and Tag Office from the current location inside the installation across from the static display aircraft park, 2000' west to co-locate with the current Entry Control Point. By moving the Pass and Tag functions to the main front gate, there is no further need to escort persons from the ECP to Pass&Tag to gain access to the base. This also promotes Kingsville citizen participation and usage of the NAS Kingsville Bowling Center.

The City Manager is proposing that City of Kingsville's contribution for this project to be \$50,000 paid for from the DEAAG Fund (Fund 84). The Navy will provide \$100,000 of in-kind services and the DEAAG grant application is requesting the remaining \$2,650,000 in the form of a grant. The total project cost is \$2,800,000.

### **Recommendation:**

**The City Manager is recommending approval with a City contribution included (\$50,000).**



**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE STATE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR A NEW PASS AND TAG FACILITY AT NAS KINGSVILLE.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the City apply for a Defense Economic Adjustment Assistance Grant Program with the State of Texas to apply for grant monies for a project called NAS Kingsville Pass & Tag Building (Entry Control Point) that would create a new facility that complies with all Department of Defense Minimum Anti-Terrorism Standards and Force Protection requirements, which should deter gate running incidents; and

**WHEREAS**, the State budgeted money for this grant program to assist military communities in Texas with infrastructure projects and other initiatives to increase military value and mitigate any potential negative effects to the military institutions in future BRAC rounds; and

**WHEREAS**, the City provides the local base with fire and police mutual aid, as well as water, wastewater, and sanitation services; and

**WHEREAS**, currently the base has an Entry Control Point (ECP) that is a long distance away from the Pass & Tag location, which is well inside the base behind the final control point, and increases safety hazards as a result that could be minimized by relocating the Pass & Tag building closer to the ECP; and

**WHEREAS**, the City and the base have mutual aid agreements and Kingsville Police and Fire personnel respond to incidents at the gate entry and elsewhere when requested; and

**WHEREAS**, the base and the City would both benefit from this project; and

**WHEREAS**, the base would benefit from having Pass & Tag building closer to the ECP as it would reduce wasted manpower hours from performing escorts to the current Pass and Tag building, it would create a more imposing initial presence for potential gate breechers, and it would minimize hazards to staff and others by decreasing congestion at the ECP; and

**WHEREAS**, the City would benefit from the new structure as well since the City's law enforcement and EMS personnel provide mutual aid response to gate breach incidents and those incidents would likely be minimized if a larger, more imposing ECP were built with the Pass and Tag nearby; also, the citizens could more easily obtain tags to make use of the recreational activities on the base, like the bowling alley; and

**WHEREAS**, the NAS Kingsville Pass & Tag Building (Entry Control Point) would help the military institution increase military value and mitigate any potential negative effects to the military institution in future BRAC rounds, and increase capacity for future growth at the base, which could help to ensure the long-term viability of the base; and

**WHEREAS**, the Navy guidance policy for FY20 was to increase partnerships between bases and their neighboring communities and that could be achieved through this project; and

**WHEREAS**, the base is a large employer of local civilian personnel and the base has a significant economic impact on the City, County, and State contributing nearly \$1 Billion dollars to the state and local economy; and

**WHEREAS**, the loss of the base would be detrimental to the state of Texas and the local economy; and

**WHEREAS**, the value of the base to the community and state and the benefit of the project to both the base and the City allow for the proposed infrastructure improvement project to be deemed for a public purpose; and

**WHEREAS**, the City has worked with the local base to identify projects that would be viable for this grant program and anticipates total project expenses of \$2,800,000 with an anticipated City contribution of 2%, or about \$50,000, which would be funded in the current FY2021-2022 budget through the DEAAG line item and the base would provide an anticipated contribution of 3%, or about \$100,000; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the City Manager to submit the grant on behalf of the City.

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

I.

**THAT** the City Commission approves the submission of the grant application on the City's behalf for the Defense Economic Adjustment Assistance Grant Program with the State of Texas for funding for the NAS Kingsville Pass & Tag Building (Entry Control Point) project more fully described in the grant application, which will assist the local military base and the community, with the City providing 2% of the project funding that equates to an *anticipated* amount of approximately \$50,000.00.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 12th day of October, 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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



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# DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT

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OFFICE OF THE GOVERNOR  
Texas Military Preparedness Commission  
Fall 2021

<i>For TMPC Use Only</i>	
<b>Date Received</b>	
<b>Applicant</b>	
<b>Project</b>	

# Program Overview

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The program is administered by the Texas Military Preparedness Commission (Commission) within the Office of the Governor. The Defense Economic Assistance Adjustment Grant (DEAAG) is codified in Texas Government Code Chapter 436 and in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code.

Eligible local governmental entities may be awarded a grant if the commission determines that the entity may be adversely or positively affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense (DoD) to close, reduce, increase, or otherwise realign defense worker jobs or facilities.

To review Texas Government Code 436, visit  
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.436.htm>.

To review the Texas Administrative Code, visit  
[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=1&pt=1&ch=4&sch=B&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=1&pt=1&ch=4&sch=B&rl=Y)

**All grant funds must be expended within two years of the award date. This grant follows the Uniform Grant Management Standards.**

A defense community is eligible for a grant from DEAAG if the commission determines that it satisfies one of the eligibility criteria as referenced in above in the Texas Government Code and Texas Administrative Code. The grant funds are administered on a reimbursement basis. Administrative costs will not be allowed for reimbursement. Please contact the Texas Military Preparedness Commission at [tmpe@gov.texas.gov](mailto:tmpe@gov.texas.gov) or 512-475-1475 should you have any questions.

The grant will be scored on the following criteria: military value, project probability, relation to the National Defense Strategy, dual military/community benefit, new missions, resiliency, and efficiency.

**All support letters must be attached to application. They are not part of the scoring process. Please keep in mind that this application is limited to 50 pages including application pages.**

Unauthorized changes to this application will render the application and any subsequent grant void.

**Applications are due by 5:00 PM CT on Friday, November 12, 2021. Any application received after this time will be ineligible for consideration.**

**Applications are accepted via email (preferred) at [tmpe@gov.texas.gov](mailto:tmpe@gov.texas.gov), in-person, or at the addresses below by the application deadline:**

Mailing Address:  
Texas Military Preparedness Commission  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711

Street Address:  
Texas Military Preparedness Commission  
Office of the Governor  
1100 San Jacinto  
Austin, TX 78701

For additional information on DEAAG, please refer to <http://www.gov.texas.gov/military/grants>.

## Applicant Information

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Name of Applicant City of Kingsville

Address PO Box 1458, Kingsville, TX 78363

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Point of Contact Mark McLaughlin

Point of Contact Phone 361.595.8002

Point of Contact Email mmclaughlin@cityofkingsville.com

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1. Are all involved entities current on all obligations with the State of Texas?

☒ Yes ☐ No

If no, please explain. Attach additional pages as necessary as Attachment A. Please keep in mind that this application is limited to 50 pages.

2. Is there a pending claim or litigation against any entity involved with the project?

☐ Yes ☒ No

If yes, please explain. Attach additional pages as necessary as Attachment B. Please keep in mind that this application is limited to 50 pages.

3. Please provide documentation authorizing entity to participate in program. An example is a public hearing, ordinance, or resolution. Attach as Attachment C. Please keep in mind that this application is limited to 50 pages.



## Project Summary

Project Name: NAS Kingsville Pass & Tag Building (Entry Control Point)

4. Provide a **short** summary of the project to be funded.

The project constructs a Pass and Tag (Entry Control Point) Facility. Construction of a new facility will comply with all NAVFAC P-80 and UFC 4-010-01 DOD Minimum Anti-terrorism Standards and Force Protection requirements including mandatory stand-off distances. Eliminates daily escort duty for base visitors beyond the Main ECP to the current Pass & Tag location well inside the installation; saves \$430K annually in manpower productivity wasted on escort duties. In addition, a larger structure at the ECP will deter the gate running incidents as the current configuration is not large or imposing.

5. Funding Source	Total Dollar Amount	Percentage Share of Project
A. Requested Amount of DEAAG	\$ 2,650,000.00	95.000%
B. Federal		0%
If DEAAG is being used towards matching a federal grant, please note the total amount of the federal grant.		0%
C. Local Community Funding (Note if funding is in-kind).	\$ 50,000.00	2.000%
D. Other Sources In-Kind: NAVFAC-NASK PWD	\$ 100,000.00	3.000%
Total Project	\$ 2,800,000.00	100.000%

## Eligibility

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6. An entity is eligible for DEAAG if it satisfies one of the following; please select which qualification applies:

- ☒ Municipality or county that is a defense community as defined in Local Government Code 397.001
- ☐ Regional planning commission that has a defense community within its boundaries
- ☐ Public junior college district that is wholly or partly located in a defense community
- ☐ Campus or extension center for education purposes of the Texas State Technical College System located in a defense community
- ☐ Defense base development authority created under Local Government Code 379B
- ☐ Political subdivision having the power of a defense base development authority created under Local Government Code 379B

## Eligibility of Adversely Affected Community

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☐ This applicant is not adversely affected. If checked, please proceed to question 8.

7. An entity is an adversely affected defense community if it has experienced:

- ☒ An anticipated, planned, announced, or implemented action of the Department of Defense to close, reduce, or otherwise realign defense worker jobs or facilities.

## Eligibility of a Positively Affected Community

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☒ This applicant is not positively affected. If checked, please proceed to question 9.

8. An entity is a positively affected defense community if it has experienced:

- ☐ Increase in military missions, including personnel gains at a military installation, within a municipality or county as a result of a Department of Defense anticipated, planned, announced, or implemented action to increase or otherwise realign defense worker jobs or facilities.

## Summary of Eligibility & Impact

9. Provide a Summary of Eligibility regarding status as positively or negatively affected community with documentation. ***Failure to provide documentation to determine eligibility for the program will result in a return of this application without further review.*** Describe the impact of the change in mission or personnel in the military installation or defense facility and community or the gain that is predicted to occur. Describe the impact on housing, transportation, infrastructure and security where applicable. Attach additional pages as necessary as Attachment D. Please keep in mind that this application is limited to 50 pages.

The City of Kingsville is taking a proactive approach to protect NAS Kingsville (NASK) from degradation of support facilities to the point where maintaining them becomes so costly that shuttering the installation becomes a more viable option for BRAC or any internal military alignment. A BRAC or BRAC-like commission is anticipated sometime in the future to realign DoD and Navy requirements with available funding. Preserving the 1,500-plus high paying jobs that contribute over \$1 Billion to the Texas and local economy is of the highest priority for the City of Kingsville, Kleberg County, and the South Texas Military Value Task Force (SOTEX-MVTF), as well as the surrounding area, which includes the Corpus Christi MSA. NASK is one of two commands within the Department of the Navy that trains Navy and Marine Corps jet strike-fighter pilots, the other being in Mississippi. The high-tempo and demanding training conducted at NASK is essential to the process of producing half of all qualified strike pilots for the U.S. Navy and Marine Corps. Without adequate and adaptable support infrastructure, the mission to train aviators and secure installation property is at risk. Once infrastructure deteriorates to a point where it is cost-prohibitive to repair, NASK becomes vulnerable to any BRAC action or Navy down-sizing where strike-fighter training is combined to one location. If that sole sourcing is in Meridian, MS then SOTEX, and Kingsville in particular, will be irrevocably damaged. The Navy has a decision to make for the future of Naval Aviation strike training following the life cycle of the T-45 Goshawk; however, one issue is for certain; the quality of training student pilots in South Texas, the unencumbered 36,000 cubic miles of airspace above NASK, the amount of good-weather flying days, and the co-location of major T-45 engine and airframe maintenance for all T-45s is unmatched anywhere in the United States and would be exponentially expensive to move.

Loss of NASK to this community and to the State of Texas would be devastating. The impacts would be similar to, but far worse, as those suffered with the closing of NAS Chase Field (Beeville 1994) and NS Ingelside (2005). NASK has been an integral part of this community and South Texas since 1942. Beeville and Ingelside communities suffered immediate and severe impacts. The housing market losses and business closing were overwhelming. City coffers were reduced significantly while bond debt and infrastructure maintenance costs remained. Tax rates and unemployment increased. The city's bond rating declined. Rental homes and apartments were empty, school enrollment decreased as did the associated funding from the state. In short, it created an economic vacuum that both communities still feel today.

Employees of NASK reside in a 40-mile radius including Kingsville, Riviera, Bishop, Alice and Corpus Christi. This naval air station is regional in its economic impact.

Therefore, this application aims to do three functions; 1) relocate the Pass and Tag functions to the main Entry Control Point to facilitate installation access without the need for escorts, 2) facilitates Kingsville residents and surrounding community residents the ability to apply for and gain installation access to those Moral, Welfare and Recreation services on the installation, such as the gym or bowling center, and 3) adds a larger, more visible structure to deter gate-running and unauthorized entrance inside the perimeter of the installation.

## Project Description

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10. Check all that apply:

- ☒ Construct New Facility / Infrastructure<sup>1</sup>
- ☐ Expand Existing Facility / Infrastructure<sup>1</sup>
- ☐ Renovate Facility / Infrastructure<sup>1</sup>
- ☐ Federal Grant Match<sup>2</sup>
- ☐ Property Purchase<sup>3</sup>
- ☐ Purchase of Insurance<sup>4</sup>
- ☐ Purchase Capital Equipment
- ☐ Purchase Training Equipment

11. Provide a description of the project in the space below including specific details and documentation of the applicable project description as noted above. Examples include anticipated costs, project timeline, military gifting timeline, etc. Attach additional pages as necessary as Attachment E. Please keep in mind that this application is limited to 50 pages.

Current conditions at the main gate do not meet the ATRP requirements as noted during the most recent CNO Integrated Vulnerability Assessment Inspection in FY20. Current Pass and Tag, DEERS office and Commercial Vehicle Inspection Station are all separate facilities, inside the boundaries of the installation, well beyond the final denial barrier.

Estimated \$36,000 monthly in productivity wasted escorting approximately 450 visitors.

NASK's #1 MILCON (UCM) project; consistent with 2017 Installation Development Plan.

See Attachments E1, E2.

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<sup>1</sup> New Construction, Expansion or Renovation of Facilities or Infrastructure – Describe the use of the facility or infrastructure to be constructed or replaced, expanded or renovated.

<sup>2</sup> Federal Match Grant – Summarize the use of the DEAAG funding in obtaining federal funding. A federal award letter, Memorandum of Understanding or agreement must be provided before the release of state grant funds.

<sup>3</sup> Property Purchase – Describe the real or personal property to be purchased. Include general description of buildings and a map of the property to be purchased accompanied by a copy of the conveyance documents or a summary of conveyance negotiations.

<sup>4</sup> Purchase of Insurance – Describe the insurance to be purchased including the type of coverage limits.

12. Does the project add military value to a military installation or defense facility? How? Attach additional pages as necessary as Attachment F. Please keep in mind that this application is limited to 50 pages.

Yes, a state-of-the-art Pass & Tag Facility (Entry Control Point) will significantly contribute to NASK's military value.

New Construction only alternative to meet the ATRP requirements. Status quo continues to leave the base in a compromised position.

Cost Saving (CS) and Cost Avoidance (CA)

-CA: \$430K annually for escort duties

Current Deficiencies

- Private and commercial vehicles co-mingle causing congestion and creating dangerous interactions.
- Commercial vehicles (fuel delivery tanker trucks) must stage on the shoulder of the county access road outside of the ECP creating unsafe and an unauthorized use of public roadway.
- Escorting interrupts Security patrol duties and Base personnel's job performance which translates into unnecessary financial expenditures.
- Escorting a vehicle onto the installation before the personnel within the vehicle have been vetted creates an incredible risk to security personnel and the installation as a whole.

See Attachment F.

13. Does the project fit into the most recent National Defense Strategy? How? Attach additional pages as necessary as Attachment G. Please keep in mind that this application is limited to 50 pages.

Per the 2018 Department of Defense's National Defense Strategy: "It is now undeniable that the homeland is no longer a sanctuary. America is a target, whether from terrorists seeking to attack our citizens; malicious cyber activity against personal, commercial, or government infrastructure; or political and information subversion.

New threats to commercial and military uses of space are emerging, while increasing digital connectivity of all aspects of life, business, government, and military creates significant vulnerabilities. During conflict, attacks against our critical defense, government, and economic infrastructure must be anticipated."

This project enhances installation security to meet the requirements set forth in the National Defense Strategy. It also enhances security checks and approval for installation access without the current escort requirements.

14. Does the project have dual community/military benefit? How? Attach additional pages as necessary as Attachment H. Please keep in mind that this application is limited to 50 pages.

City of Kingsville, Kleberg County, and U.S. Customs and Border Protection all have Mutual Aid Agreements with NAS Kingsville. These law enforcement agencies respond to any illegal access to the installation from anywhere along the nearly 15-mile perimeter. These occurrences are few per year, but they occur often enough to warrant concern. Relocating the Pass & Tag Facility outside of NAS Kingsville proper, but still upon fully fenced and gated Federal (Navy) Property eliminates easy access to the base, allows for Navy Security Personnel to exercise their full police authority, and reduces the need to draw upon community law enforcement assets. The "dual community/military benefit" is self-evident. Constructing a necessary Pass & Tag Facility to house NASK Security personnel and equipment to vet entrants prior to accessing the base benefits not only NASK, but the community at-large. This project makes the community and the installation safer.

15. Does the project bring in new missions or expand current missions? How? Attach additional pages as necessary as Attachment I. Please keep in mind that this application is limited to 50 pages.

With the T-45 Goshawk entering its final phase of service the need for upgraded Pass & Tag Facility and the associated safety/vetting equipment will be a grading-criteria for NASK to receive the next generation jet aircraft when that decision is made by the Department of the Navy. This needed facility will make NAS Kingsville capable of meeting any current and future security and Anti-terrorism Force Protection (ATFP) requirements.

16. Does the project add resiliency to the military installation? How? Attach additional pages as necessary as Attachment J. Please keep in mind that this application is limited to 50 pages.

This state-of-the-art Pass & Tag Facility defines Military Resiliency. This building will protect these security-vetting assets in any weather event including tornadoes and hurricanes and become the first line of defense for the installation. For the short term it can be used as a Safe Shelter from severe weather as well as from active shooters. Bullet proof glass, high-security locks and doors, roof mounted solar power, diesel generator back-up power, rainwater catch basins to flush toilets and provide non-potable water, etc. make this one of the most resilient facilities on the installation. With the possibility of power being out of service for days, if not weeks, this facility will still be able perform its mission as contractors, power companies, etc. need to gain access to the base in a secure and vetted manner. This facility will ensure that only those authorized are allowed to enter federal property.

17. Does the project help the military installation become more efficient or save money on costs such as utilities? How? Attach additional pages as necessary as Attachment K. Please keep in mind that this application is limited to 50 pages.

This state-of-the-art facility will be one of the most energy efficient buildings on NASK with roof-mounted panels, back-up diesel generators, and rainwater catch basins to flush toilets and for non-potable water. It is anticipated that this building will produce electricity in excess of its needs. Reduction in O&M costs will be in the tens-of-thousands of dollars over the life of the new facility.

## Projected Completion Date & Milestones of Project

18. Complete the following applicable milestones:

Begin Construction Shovel Ready. As soon as funding is committed.

Complete Construction 24 months.

Purchase Machinery & Equipment Immediately upon funding commitment.

Begin Operations 24 Months.

Fully Operational 24 Months.

19. Is construction on Department of Defense property?

☒ Yes ☐ No

20. Is construction on local, city, or county owned property?

☐ Yes ☒ No

21. Please provide limited and relevant information concerning your expenses for the project. For example, provide an overview of a budget as opposed to the full budget. Please provide as attachment L. Please keep in mind that this application is limited to 50 pages.

***The Office of the Governor follows Universal Grant Management Standards as set by the State of Texas and the Federal Government. Please review these standards before submitting your projected expenses.***

***For more information, visit <https://comptroller.texas.gov/purchasing/docs/ugms.pdf>***

***Administrative costs will not be reimbursed through this grant.***

# Project Expense Estimate

## Expense Estimates Schedule (Grant Funds Only)

Purchase of Property	\$ 0.00
Professional & Consultant Services	\$ 150,000.00
New Construction (Infrastructure)	\$ 2,650,000.00
Rehabilitation & Renovation (Infrastructure)	\$ 0.00
Capital Equipment <sup>5</sup>	\$ 0.00
Facilities Insurance	\$ 0.00
Training Equipment <sup>6</sup>	\$ 0.00
Training Supplies <sup>7</sup>	\$ 0.00
<b>Total Cost (Grant Funds Only)</b>	<b>\$ 2,800,000.00</b>

Provide any clarification in the following space:

- The Navy's in-kind and City's monetary matches are included under "Professional Consulting Services".
- Cost for total project is \$2.8M
- DEAAG funding request: \$2.65M

<sup>5</sup> Per UGMS, "Equipment" means an article of nonexpendable, tangible personal property having a useful life of more than one year and a per unit acquisition cost of \$5,000 or more.

<sup>6</sup> *Id.*

<sup>7</sup> Per UGMS, items of equipment with a per unit acquisition cost of less than \$5,000 are considered to be supplies.



## Project Funding Sources

### Funding Schedule

22. Please complete the following where applicable:

Funding Type	Source	Amount of Funding
Federal		
	NAVFAC-NASK PWD (In-Kind)	\$ 100,000.00
State		
	DEAAG-TMPC	\$ 2,650,000.00
Other State Entity		
Local		
	City of Kingsville	\$ 50,000.00
Other		
Total		\$ 2,800,000.00

### Other Financial Partners

23. Is DEAAG the sole source of project funding? If no, please provide additional information in the section below.

☒ Yes ☐ No

Provide a description explaining the funding types and sources identified in the funding schedule. Include a description of any ongoing efforts to acquire funding from other sources including federal agencies and other financial partners. Attach additional pages as necessary as Attachment M. Please keep in mind that this application is limited to 50 pages.

- NAS Kingsville/PWD is providing in-kind services to administer and implement the project. Total value is \$100,000.
- City of Kingsville is providing funding to the project, \$50,000.

## Request for Exceptional Funding

**This question must be filled out if you are receiving more than 50% of your project funds from the TMPC. If it is not filled out, you cannot be granted more than 50% of your request.**

☐ Applicant is not requesting exceptional funding

24. Establish and provide justification if requesting greater than 50 percent grant match under Texas Government Code §436.202 and 1 TAC § 4.34; provide explanation and documentation that local community budget and resources are not adequate or available. Justification should include information on the lack of revenue and resources prompting this request. Provide specific information on local efforts to secure adequate funding. *Attach additional pages as necessary as Attachment N.* Please keep in mind that this application is limited to 50 pages.

The City of Kingsville is requesting exceptional funding status for the following reasons:

1. The City does not have 4A or 4B funding to provide additional funding sources and the City's portion is contributed from the City's DEAAG Fund, which is an transfer fund for DEAAG projects from the City's General Fund supported by the City's taxpayers.
2. The City has limited financial resources due to the fact that that a large share of the land is owned by governmental agencies so not subject to property taxes.
3. Kleberg County per capita income is \$41,700 while the per capita income for the state is \$60,629.

## Additional Information

Please provide additional applicable information specific to this project (attach additional pages as necessary as Attachment O). Please keep in mind that this application is limited to 50 pages.

## Certification of Application

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### Grantee Governing Body Representative (Required)

Prefix Mr.

First Name Mark

Last Name McLaughlin

Title City Manager

Organization City of Kingsville

Mailing Address PO Box 1458, Kingsville, TX 78364

Phone Number (361) 595-8002

Fax Number \_\_\_\_\_

Email Address mmclaughlin@cityofkingsville.com

To the best of my knowledge and belief, the information contained in this Defense Economic Adjustment Assistance Grant Application is true and correct, as evidenced by my signature below. Furthermore, I affirm the authorized representative, the applicant author, or contact person and the project administrator have read chapter 436 of the Texas Government Code and the program administrative rules may be found in Subchapter B of Title 1, Chapter 4 of the Texas Administrative Code and are familiar with the provisions contained therein.

Signature \_\_\_\_\_ Date \_\_\_\_\_

*(Governing Body Representative)*

## Participating Legal Counsel (Optional)

This page may be discarded from application package if not used.

☐ No legal counsel involved in the project

Prefix \_\_\_\_\_

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

I confirm that the above-named legal counsel has been retained to participate in this application process as outlined above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

*(Governing Body Representative)*

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

To the best of my knowledge and belief, the information in this Defense Economic Adjustment Assistance Grant Application is true and correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_

*(Participating Legal Counsel)*

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

This page may be discarded from application package if not used.

## Prefix

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Title	Author	Year	Journal	Volume	Issue	Page
1. The Effect of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	1-15
2. The Impact of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	16-30
3. The Effect of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	31-45
4. The Impact of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	46-60
5. The Effect of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	61-75
6. The Impact of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	76-90
7. The Effect of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	91-105
8. The Impact of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	106-120
9. The Effect of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	121-135
10. The Impact of the 1997 Asian Financial Crisis on the U.S. Economy	John H. Coatsworth	1998	Journal of International Economics	50	1	136-150

## Organization

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

Please provide a brief description of grant administrator's role with this application:

Signature \_\_\_\_\_ Date \_\_\_\_\_

(Governing Body Representative)

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

(Participating Grant Administrator)

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

# **AGENDA ITEM #17**

**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: October 12, 2021

SUBJECT: Consider submitting grant applications for FEMA -DR-4586 (Texas Winter Storm).

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**Purpose:**

The purpose of submitting the 8 grant applications below is to receive 75% federal assistance from the FEMA regarding the Texas Winter Storm.

**Summary:**

The application deadline is November 5, 2021. Basic Program Information – 75% federal & 25% local match, project cap \$241,860, competitive statewide and priority given to areas under a disaster declaration. The following are capital improvement projects for water, groundwater production, wastewater, and drainage improvements.

Most of the projects below are part of the City's Capital Improvements Plan for fiscal years 21-23. This is a great opportunity to receive federal funding on a few of our pending infrastructure improvements.

Project	Infrastructure Type	Project Cost	75% federal funds	25% City match	City Funds
Mobile generator and improvement to emergency power for Lift stations	Wastewater	\$241,860	\$181,395	\$60,465	051
Install/replace SCADA Systems at Lift Stations.	Wastewater	\$241,860	\$181,395	\$60,465	051
New pumphouse structure at Water Well No. 14.	Groundwater	\$241,860	\$181,395	\$60,465	051
New pumphouse equipment infrastructure for Well No. 14	Groundwater	\$244,000	\$181,395	\$62,605	051



**City of Kingsville  
Engineering Dept.**

Install Cathodic Protection for Groundwater Storage Tanks	Groundwater	\$241,860	\$181,395	\$60,465	051
Caesar Place Subdivision Drainage Improvements	Drainage	\$244,000	\$181,395	\$62,605	068
Anglewood Subdivision Drainage Improvements	Drainage	\$230,000	\$172,500	\$57,500	068
Fairview Subdivision Water Line Replacement	Water	\$241,860	\$181,395	\$60,465	051
Total		\$1,927,300	\$1,442,265	\$485,035	

**Background:**

**Financial Impact:**

The projects will be funded by the following funds:

- Fund 068 CO Series 2013 in the amount of \$120,105.
- Fund 051 Utility Fund in the amount of \$364,930.

**Recommendation:**

Staff recommends submitting grant applications for all 8 outlined projects.

**Attachments:**

TDEM-FEMA HMGP – Preliminary Project List



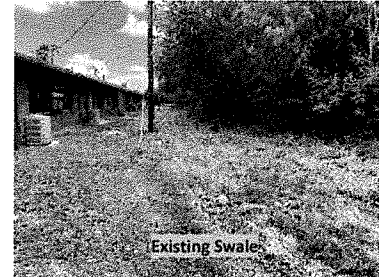
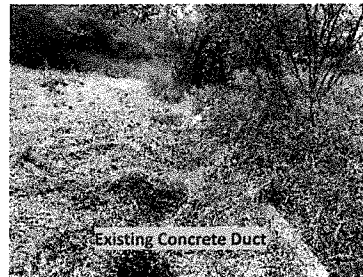
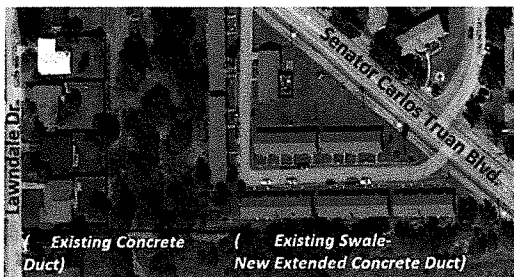


# TDEM-FEMA HMGP – City of Kingsville, TX Preliminary Project List

## PROJECT LIST

### 1. Caesar Place Subdivision Drainage Channel Replacement & Extension: \$244,000

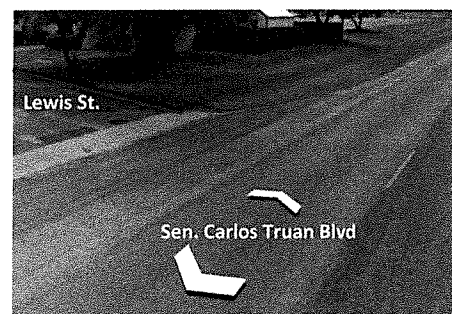
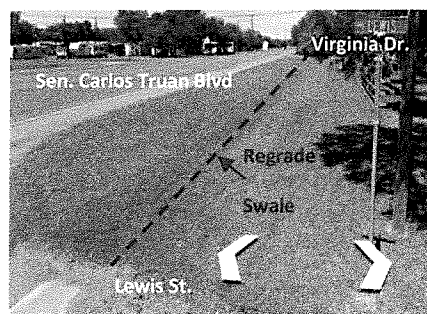
- SUMMARY: An existing 375lf concrete channel near the east side of the 1500 Block of Lawndale Dr. provides an exit for storm water from the subdivision but is too small to handle significant rainfall events due to its width and depth, and difficulty in accessing the area to allow regular maintenance to keep the path clear of brush and grass. The channel also ends in a swale area before finally exiting into Senator Carlos Truan Blvd, a distance of approximately 400lf. This causes rainwater to back up into the subdivision and swale area.
- PROPOSED SOLUTION: This flood mitigation drainage project will replace the existing concrete channel with a wider, deeper channel and extend it all the way to Senator Carlos Truan Blvd.



### 2. Anglewood Subdivision, Virginia Dr. and Lewis St. Neighborhood Stormwater Project: \$230,000

- SUMMARY: Virginia Dr. and Lewis St. neighborhoods adjoining Senator Carlos Truan Blvd are susceptible to flooding due to poor stormwater drainage. A GLO stormwater project grant covers new culverts at both street intersections with Senator Carlos Truan Blvd. but does not address standing water along the street curbs that cause slowdown of the runoff.

PROPOSED SOLUTION: This flood mitigation plan will install new inlets and Reinforced Concrete Piping(RCP) along Virginia Dr. and Lewis St. to low points identified in their elevations during heavy rain events to better convey stormwater runoff and avoid standing water.



### 3. Provide Mobile Generator and Infrastructure to Connect Emergency Power to Lift Stations: \$241,860

- SUMMARY: Lift stations are an important component of a community's sewer system. There are 11 lift stations in the City of Kingsville. Four(4) of them have backup generators. If an emergency event occurs(i.e. hurricane or other significant rain event) causing the loss of electrical power to any of the other seven lift stations, there is no alternative backup power source available. There is also no electrical infrastructure equipment in place to make temporary power connections, should a mobile diesel generator become accessible.

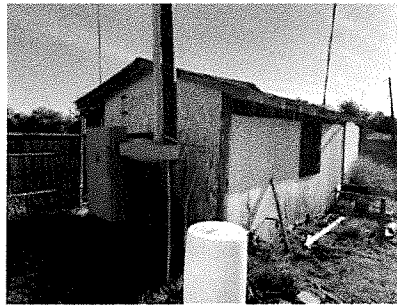
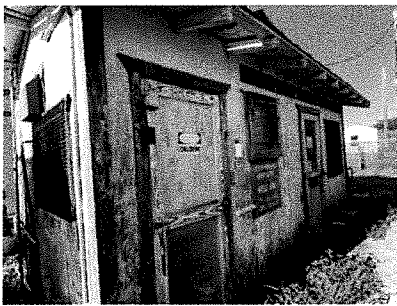
## TDEM-FEMA HMGP – City of Kingsville, TX Preliminary Project List

**PROPOSED SOLUTION:** This initiative retrofit project will install infrastructure equipment (transfer switch, conduit, quick connect cable & plugs, etc.) to make temporary power connections at seven lift stations. Plans are to purchase one(1) mobile generator with internal/external diesel tank to be relocated and connected, as needed.

### 4. Provide New Pump House Structure for Water Well No. 14: \$241,860

- **SUMMARY:** The Water Well No. 14 pump house structure is over 50 years old, in extremely poor condition and is not hurricane rated (see photos below). It is one of the key water production wells for the City of Kingsville. Should a weather event occur, the structure would likely not survive and would damage its' aging equipment, effectively shutting down the well for a significant period of time.

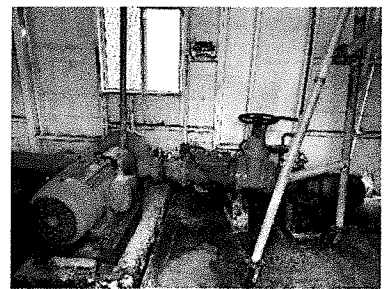
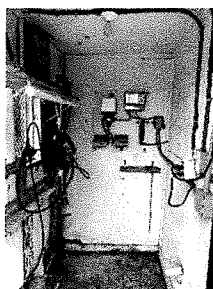
**PROPOSED SOLUTION:** Engineer and construct a new pump house structure that is rated for hurricane conditions and install utility equipment and connections to provide services for the building.



### 5. Provide New Equipment Infrastructure for Water Well No. 14: \$244,000

- **SUMMARY:** Water Well No. 14 production equipment is aging, with most equipment beyond its' life expectancy. Many electrical parts are discontinued and very difficult to procure. Failure of any one or more of its' key components could result in significant down time for the site. Equipment includes pumps, motors, electrical controls, bases, piping, fittings, supports, etc.

**PROPOSED SOLUTION:** Replace all production equipment from the water well & ground storage tank to the pump house to ensure higher reliability.



### 6. Replace Water Utility Lines on Fairview Dr., in the San Jose Estates Subdivision: \$241,860

- **SUMMARY:** The current water utility lines serving Fairview Dr. consist of mostly cast iron and transite material but are undersized and are approximately 50 years old. This subdivision is also flood prone and plans are in place to address stormwater runoff in the next several years. Loss of water service to the area would place an undue burden on its' residents and could present a safety hazard should untreated groundwater enter the water lines, causing health hazards, as identified in TCEQ Rules and Regulations for Public Water Systems.

## **TDEM-FEMA HMGP – City of Kingsville, TX Preliminary Project List**

PROPOSED SOLUTION: This hazard reduction project is designed, in part, to help protect drinking water utilities by replacing the undersized existing lines on Fairview Dr. with a larger, more flexible PVC pipe.

### **7. Install/Replace Supervisory Control and Data Acquisition(SCADA) in Lift Stations: \$50,000 – \$60,000 per LS**

- SUMMARY: As stated before, Lift stations are an important component of a community's sewer system. There are 11 lift stations in the City of Kingsville. Various types and ages of SCADA systems are used at each plant to monitor various critical levels and status of equipment at all times. Should a critical event occur, the systems are designed to send text message notifications to on-call crews so that proper actions can be taken. Given the variety and age of the SCADA equipment, crews are required to be knowledgeable of how each system works. These systems are critical to keeping the lift stations up and running, especially during storm events, and sending out TROUBLE messages on a timely basis.

PROPOSED SOLUTION: In these initiative warning system type projects, identify and centralize on one type of SCADA system to be used at all Lift Stations. Prioritize and replace each system based on age of equipment, reliability, etc. Each Lift Station could be treated as a separate project.

### **8. Install Cathodic Protection(CP) Systems for Water Production Sites: \$241,860**

- SUMMARY: There are currently seven(7) ground storage tanks(GST) and three(3) elevated tanks at various well sites throughout the City of Kingsville. Six(6) of the GST's have no cathodic protection. Any metal tank or metal appurtenances such as piping, valves and connectors that are in contact with soil must have CP. Weakening or failure of tanks and underground piping are usually attributable to corrosion which occurs at a faster rate where no CP is utilized. Failure in these tanks or piping may result in partial loss of the City's water supply until repairs can be made or the tank(s) replaced.

PROPOSED SOLUTION: These hazard reduction projects target the installation of cathodic protection systems at each of the six(6) ground storage tanks that are currently unprotected.

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF FEMA-DR-4586 (TEXAS WINTER STORM) FOR INFRASTRUCTURE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the City apply for and, if awarded, accept the FEMA-DR-4586 (Texas Winter Storm) grant for eight capital improvement projects for water, groundwater production, wastewater, and drainage improvements; and

**WHEREAS**, the City agrees to provide the applicable matching funds, if any, for the said projects, estimated at 25%, as this program is done through a reimbursement process; and

**WHEREAS**, the City intends to apply for eight separate projects through this grant that total \$1,927,300 with the City's 25% match, if awarded, to be funded through Fund 068 CO Series 2013 in the amount of \$120,105 and Fund 051 Utility Fund in the amount of \$364,930; and

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

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

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

I.

**THAT** the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant applications for the FEMA-DR-4586 (Texas Winter Storm) for water, groundwater production, wastewater, and drainage improvements.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 12th day of October, 2021.

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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

# **AGENDA ITEM #18**

**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: October 12, 2021

SUBJECT: Consider approving modification of award Bid# 21-11 for 2021 City-Wide Miscellaneous Concrete and Drainage Improvements Project and authorizing execution of the contracts for Phase I and II.

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**Purpose:**

The purpose of awarding this project in two phases is to provide the best cost to the city while meeting the Contractor's bonding capacity. Not awarding this project in two phases would remove the lowest responsible bidder from completing the project and would cost the city nearly twice the construction cost.

**Summary:**

This project was awarded on August 23, 2021, to Etech Construction, Inc. Having the total project (base bid and alternates 1&2) in one contract makes the total project cost exceed the Contractor's bonding capacity; therefore, I am proposing to have the project broken up into two phases with a contract for each phase. Phase I Contract will include the base bid in the amount of \$386,717.00. Phase II Contract will include Alternates 1 and 2 in the amount of \$211,091.70. The sum of contracts for Phase I and II equals \$597,808.70 which is what was previously awarded. Phase II will be initiated once the contractor has successfully completed Phase I. Accordingly, the same work will be done for the same total price as awarded in August under the same terms and conditions for each of the two phases of work. Etech has completed several projects in the city, and we look forward to working them on another successful project.

**Background:**

On August 3, 2021, the city received two (2) bids for Bid # 21-11, City-Wide Miscellaneous Concrete and Drainage Improvements Project, and were publicly opened and read. Bidder 1 was A. Ortiz Construction and Paving, Inc. from Corpus Christi,



**City of Kingsville  
Engineering Dept.**

Texas. Bidder 2 was Etech Construction, Inc. from San Antonio, Texas. The total bids (base plus alternate no. 1, and 2) ranged from \$597,808.70 to \$1,115,682.00.

Contractor's references were verified. Staff recommended and the Commission awarded the bid to lowest responsible bidder, Etech Construction Inc., in the amount of \$597,808.70 for the base bid plus alternates no. 1 and 2.

The project includes 1.4 miles of new curb & gutter, 1.9 miles of drainage ditches, and approximately 1,500 feet of culverts. The base bid will provide new curb & gutter for Ragland Avenue (4 blocks), Warren Avenue (1 block), Huisache Avenue (2 blocks), Hoffman Avenue (1 block), and 19<sup>th</sup> Street (3 blocks). The drainage ditch and culvert improvements will be along W. Sage Road between FM 1989 and Young Drive.

**Financial Impact:**

The project will be funded by Fund 068 CO Series 2013 in the amount of \$597,808.70.

**Recommendation:**

Staff recommends approval of a resolution giving the City Manager the authority to sign the two Standard Form Agreements between the City and Etech Construction Inc. for Phase I and for Phase II.

**Attachments:**

Bid Tabulation – Bid No. 21-11 Rev 1  
Resolution  
Construction Contract Phase I  
Construction Contract Phase II





# BID TABULATION

City of Kingsville  
 Project Name: 2019-2021 City-Wide Misc Concrete and Drainage Improvements  
 Bid Number: 21-11  
 Date: 8/3/2021

<b>Etech Construction, Inc.</b> P.O. Box 690504 San Antonio, TX 78269	<b>A. Ortiz Construction and Paving, Inc.</b> 102 Airport Rd Corpus Christi, TX 78405
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ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>Phase 1, City-Wide Misc. Concrete and Drainage Improvements</b>							
<b>BASE BID:</b>							
B-1	281	SY	REMOVE/DISPOSE OF ASPHALT PAVEMENT	\$8.00	\$2,248.00	\$75.00	\$21,075.00
B-2	4417	SF	REMOVE/DISPOSE OF CONCRETE	\$4.00	\$17,668.00	\$8.50	\$37,544.50
B-3	1679	SY	LIMESTONE BASE (6" AVG. DEPTH)	\$20.00	\$33,580.00	\$25.00	\$41,975.00
B-4	7254	LF	6" "L" TYPE CURB AND GUTTER	\$35.00	\$253,890.00	\$35.00	\$253,890.00
B-5	146	LF	4" ROLL CURB AND GUTTER	\$20.00	\$2,920.00	\$32.00	\$4,672.00
B-6	921	LF	2" CONCRETE VALLEY GUTTER	\$25.00	\$23,025.00	\$32.50	\$29,932.50
B-7	50	LF	3" CONCRETE VALLEY GUTTER	\$32.00	\$1,600.00	\$35.00	\$1,750.00
B-8	723	SF	4" THICK CONCRETE SIDEWALK	\$10.00	\$7,230.00	\$9.50	\$6,868.50
B-9	2547	SF	6" THICK CONCRETE DRIVEWAY	\$12.00	\$30,564.00	\$16.00	\$40,752.00
B-10	135	EA	6" THICK CONCRETE APRON	\$100.00	\$13,500.00	\$1,500.00	\$202,500.00
B-11	82	SF	2" HOT MIX ASPHALT REPAIR	\$6.00	\$492.00	\$175.00	\$14,350.00
<b>TOTAL BASE BID</b>					<b>\$386,717.00</b>		<b>\$655,309.50</b>

## Phase 2, City-Wide Misc. Concrete and Drainage Improvements

### ALTERNATE BID NO. 1:

A1-1	50.3	STA	ROW PREPARATION AND DRAINAGE EXCAVATION	\$239.00	\$12,021.70	\$2,000.00	\$100,600.00
A1-2	455	SY	REMOVE/DISPOSE OF ASPHALT, GRAVEL, OR BASE DRIVEWAY	\$8.00	\$3,640.00	\$25.00	\$11,375.00
A1-3	3335	SF	REMOVE/DISPOSE OF CONCRETE	\$4.00	\$13,340.00	\$8.50	\$28,347.50
A1-4	455	SY	1-1/2" HOT MIX ASPHALT REPAIR	\$54.00	\$24,570.00	\$45.00	\$20,475.00
A1-5	455	SY	LIMESTONE BASE (6" AVG. DEPTH)	\$20.00	\$9,100.00	\$25.00	\$11,375.00
A1-6	3195	SF	6" THICK CONCRETE DRIVEWAY	\$12.00	\$38,340.00	\$16.00	\$51,120.00
A1-7	672	LF	18" DIAMETER CL III RCP PIPE	\$65.00	\$43,680.00	\$140.00	\$94,080.00
A1-8	800	LF	24" DIAMETER HDPE CORRUGATED PIPE	\$45.00	\$36,000.00	\$150.00	\$120,000.00
A1-9	4	EA	CONCRETE SAFETY END TREATMENT	\$800.00	\$3,200.00	\$4,750.00	\$19,000.00
<b>TOTAL ALTERNATE BID NO. 1</b>					<b>\$183,891.70</b>		<b>\$456,372.50</b>

## Phase 2, City-Wide Misc. Concrete and Drainage Improvements

### ALTERNATE BID NO. 2:

A2-1	800	LF	24" DIAMETER CL III RCP PIPE IN LIEU OF ALTERNATIVE BID ITEM A1-8	\$79.00	\$63,200.00	\$155.00	\$124,000.00
<b>TOTAL ALTERNATE BID NO. 2</b>					<b>\$63,200.00</b>		<b>\$124,000.00</b>

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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE STANDARD FORM AGREEMENTS BETWEEN THE CITY AND ETECH CONSTRUCTION INC. FOR PHASE I AND PHASE II OF CITY-WIDE MISC. CONCRETE AND DRAINAGE SYSTEM IMPROVEMENTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some city-wide miscellaneous concrete and drainage improvements and went out for bids via BID #21-11 which was advertised on July 15, 2021 and July 22, 2021;

**WHEREAS**, the City received two bids on August 3, 2021 responsive to BID #21-11;

**WHEREAS**, after reviewing the bid submittals staff recommends BID #21-11 be awarded to the bidder scoring the low bidder providing the best value to the City, which was Etech Construction Inc. (Etech);

**WHEREAS**, the City awarded BID#21-11 to Etech at a Commission meeting on August 23, 2021;

**WHEREAS**, the City and Etech have worked to prepare two contracts for City-wide Miscellaneous Concrete and Drainage Improvements and the parties both agree to the terms of the proposed contracts for the base bid (Phase I) of \$386,717.00 and for alternates no. 1 & 2 (Phase II) of \$211,091.70, which together is a total amount of \$597,808.70.

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to execute the Standard Form Agreements between the City of Kingsville, Texas and Etech Construction Inc. for Phase I & Phase II of City-wide Miscellaneous Concrete and Drainage Improvements in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the  
\_\_\_\_\_ 12th day of \_\_\_\_\_ October \_\_\_\_\_, 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**STANDARD FORM OF AGREEMENT  
BETWEEN CITY AND CONTRACTOR  
ON THE BASIS OF A STIPULATED PRICE**

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THIS AGREEMENT is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ by and between the City of Kingsville, 400 W. King Avenue, Kingsville, Texas 78363 (hereinafter called CITY) and Etech Construction, Inc. (hereinafter called CONTRACTOR).

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Article 1. WORK:**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**“City of Kingsville – BID 21-11 2021 CITY-WIDE MISCELLANEOUS CONCRETE AND DRAINAGE IMPROVEMENTS- PHASE 1”**

**Article 2. ENGINEER:**

The Project has been designed by:



City of Kingsville - Engineering Department  
400 W. King Avenue  
Kingsville, Texas 78363  
(361) 595-8007

Who is hereinafter called ENGINEER and who is to act as CITY'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

**Article 3. CONTRACT TIME**

- 3.1 The Work will be completed and ready for final payment in accordance with the General Conditions within **120** calendar days from the date when the work order commences for each work order.
- 3.2 Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss if the Work is not completed within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions.

They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by CITY if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY two hundred & 00/100 dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for Substantial Completion until the Work is substantially complete.

After Substantial Completion if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by CITY, CONTRACTOR shall pay CITY two hundred dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for completion and readiness for final payment.

**Article 4. CONTRACT PRICE:**

- 4.1 CITY shall pay CONTRACTOR for completion of Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated August 3, 2021 in the total base bid + total alternative bid No. 1 and 2 in the amount of \$597,808.70, as attached and a part of this contract document.

**Article 5. PAYMENT PROCEDURES:**

CONTRACTOR shall submit Applications for Payment in accordance with the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

**Article 6. INTEREST:**

All moneys not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

**Article 7. CONTRACTORS REPRESENTATIONS:**

In order to induce CITY to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- 7.2 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance of furnishing of the Work at the Contract Price, within the Contract Time and in accordance with other terms and conditions of the Contract Documents, including specifically the provisions of the General Conditions; and no additional examinations, investigation, explorations, tests reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.
- 7.3 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time, and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the General and Special Conditions.
- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

**Article 8. CONTRACT DOCUMENTS:**

The Contract Documents which comprise the entire agreement between CITY and CONTRACTOR concerning the Work consists of the following:

- 8.1 A bound set of executed documents and specifications titled:

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**CONTRACT DOCUMENTS  
&  
TECHNICAL SPECIFICATIONS  
FOR  
BID- 21-11  
2021 CITY-WIDE MISCELLANEOUS CONCRETE AND DRAINAGE IMPROVEMENTS- PHASE 1  
FOR  
CITY OF KINGSVILLE, TEXAS**

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**City Manager**  
Mark McLaughlin

**Mayor**  
Sam Fugate

**Commissioner(s)**  
Hector Hinojosa  
Norma Nelda Alvarez  
Edna Lopez  
Ann Marie Torres

**JULY 2021**

Prepared by:



Engineering Department  
400 W. King Avenue  
Kingsville, Texas 78363  
(361) 595-8007

together with all of the items or sections listed in the Table of Contents thereof.

- 8.2 A Notice of Award consisting of one page.
- 8.3 A Notice to Proceed with Construction consisting of one page which shall be executed at a later date.
- 8.4 A set of drawings consisting of TWENTY-EIGHT (28) sheets titled:

Description

- 1. COVER SHEET
- 2. GENERAL NOTES
- 3. PROJECT LOCATIONS AND LIMITS
- 4. E. RAGLAND AVE. – S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. -0+20 TO 5+00
- 5. E. RAGLAND AVE. – S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 5+00 TO 10+00
- 6. E. RAGLAND AVE. – S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 10+00 TO 15+00
- 7. E. RAGLAND AVE. – S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 15+00 TO END
- 8. E. WARREN AVE. – S. 9<sup>TH</sup> ST. TO S. 11<sup>TH</sup> ST. STA. -0+10 TO 5+00
- 9. E. WARREN AVE. – S. 9<sup>TH</sup> ST. TO S. 11<sup>TH</sup> ST. STA. 5+00 TO END
- 10. W. HUISACHE – S. WILLIAMS ST. TO S. FRANCIS ST. STA. -0+20 TO 5+00
- 11. W. HUISACHE – S. WILLIAMS ST. TO S. FRANCIS ST. STA. 5+00 TO END
- 12. E. HOFFMAN AVE. – S. 6<sup>TH</sup> ST. TO S. 7<sup>TH</sup> ST. STA. -0+20 TO END
- 13. N. 19<sup>TH</sup> ST. – E. HENRIETTA AVE. TO E. KING AVE. STA. -0+50 TO 4+50
- 14. N. 19<sup>TH</sup> ST. – E. HENRIETTA AVE. TO E. KING AVE. STA. 4+50 TO 9+50
- 15. N. 19<sup>TH</sup> ST. – E. HENRIETTA AVE. TO E. KING AVE. STA. 9+50 TO END
- 16. MISCELLANEOUS DETAILS 1
- 17. MISCELLANEOUS DETAILS 2
- 18. TRAFFIC CONTROL
- 19-21. EROSION CONTROL
- 22-24. BARRICADE AND CONSTRUCTION
- 25-28. PEDESTRIAN FACILITIES
- ~~29. ALT. BID 1 – SAGE ROAD DRAINAGE STA. -0+20 TO 5+50~~
- ~~30. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 5+50 TO 11+00~~
- ~~31. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 11+00 TO 16+50~~
- ~~32. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 16+50 TO 22+00~~
- ~~33. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 22+00 TO 27+50~~
- ~~34. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 27+50 TO 33+00~~
- ~~35. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 33+00 TO 38+50~~
- ~~36. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 38+50 TO 44+00~~
- ~~37. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 44+00 TO 49+50~~
- ~~38. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 49+50 TO END~~
- ~~39. ALT. BID 1 – SAGE ROAD DRAINAGE TYPICAL SECTIONS~~

There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in the General Conditions.

#### **Article 9. MISCELLANEOUS**

- 9.1 Terms used in this Agreement which are defined in the General Conditions will have the meanings indicated in the General Conditions.
- 9.2 No assignment by a party hereto of any rights or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

- 9.3 CITY and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

**Article 10. OTHER PROVISIONS**

- 10.1 The successful bidder who is awarded this bid will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295 – Certificate of Interested Parties
- 10.2 This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR.
- 10.3 CONTRACTOR agrees to abide by all local, state, and federal nondiscrimination and fair wages, and all other laws applicable to this contract.

IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in five counterparts. Two counterparts each have been delivered to CITY and CONTRACTOR and one counterpart to ENGINEER. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on \_\_\_\_\_, 20\_\_\_\_

CITY:  
City of Kingsville, Texas

CONTRACTOR:  
Etech Construction, Inc.

By: \_\_\_\_\_  
Mark McLaughlin, City Manager

By: \_\_\_\_\_  
Johnathan Green, C.O.O.

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Address for giving notices:

City of Kingsville  
400 W. King Avenue  
Kingsville, Texas, 78363

Address for giving notices:

Etech Construction, Inc.  
PO Box 690504  
San Antonio, TX 78269



**STANDARD FORM OF AGREEMENT  
BETWEEN CITY AND CONTRACTOR  
ON THE BASIS OF A STIPULATED PRICE**

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THIS AGREEMENT is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ by and between the City of Kingsville, 400 W. King Avenue, Kingsville, Texas 78363 (hereinafter called CITY) and Etech Construction, Inc. (hereinafter called CONTRACTOR).

CITY and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

**Article 1. WORK:**

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**“City of Kingsville – BID 21-11 2021 CITY-WIDE MISCELLANEOUS CONCRETE AND DRAINAGE IMPROVEMENTS- PHASE 2”**

**Article 2. ENGINEER:**

The Project has been designed by:



City of Kingsville - Engineering Department  
400 W. King Avenue  
Kingsville, Texas 78363  
(361) 595-8007

Who is hereinafter called ENGINEER and who is to act as CITY'S representative, assume all duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

**Article 3. CONTRACT TIME**

- 3.1 The Work will be completed and ready for final payment in accordance with the General Conditions within 120 calendar days from the date when the work order commences for each work order.
- 3.2 Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that CITY will suffer financial loss if the Work is not completed within the time specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with the General Conditions.

They also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by CITY if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay CITY two hundred & 00/100 dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for Substantial Completion until the Work is substantially complete.

After Substantial Completion if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by CITY, CONTRACTOR shall pay CITY two hundred dollars (\$200.00) for each calendar day that expires after the time specified in Article 3.1 of this Agreement for completion and readiness for final payment.

**Article 4. CONTRACT PRICE:**

- 4.1 CITY shall pay CONTRACTOR for completion of Work in accordance with the Contract Documents in current funds as follows: Per Contractors Proposal dated August 3, 2021 in the total base bid + total alternative bid No. 1 and 2 in the amount of \$597,808.70, as attached and a part of this contract document.

**Article 5. PAYMENT PROCEDURES:**

CONTRACTOR shall submit Applications for Payment in accordance with the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

**Article 6. INTEREST:**

All moneys not paid when due as provided in the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

**Article 7. CONTRACTORS REPRESENTATIONS:**

In order to induce CITY to enter into this Agreement CONTRACTOR makes the following representations:

- 7.1 CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.
- 7.2 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance of furnishing of the Work at the Contract Price, within the Contract Time and in accordance with other terms and conditions of the Contract Documents, including specifically the provisions of the General Conditions; and no additional examinations, investigation, explorations, tests reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.
- 7.3 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by CONTRACTOR in order to perform and furnish the Work at the Contract Price, within the Contract Time, and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the General and Special Conditions.
- 7.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

- 7.5 CONTRACTOR has given ENGINEER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

**Article 8. CONTRACT DOCUMENTS:**

The Contract Documents which comprise the entire agreement between CITY and CONTRACTOR concerning the Work consists of the following:

- 8.1 A bound set of executed documents and specifications titled:

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**CONTRACT DOCUMENTS  
&  
TECHNICAL SPECIFICATIONS  
FOR  
BID- 21-11  
2021 CITY-WIDE MISCELLANEOUS CONCRETE AND DRAINAGE IMPROVEMENTS- PHASE 2  
FOR  
CITY OF KINGSVILLE, TEXAS**

---

**City Manager**  
Mark McLaughlin

**Mavor**  
Sam Fugate

**Commissioner(s)**  
Hector Hinojosa  
Norma Nelda Alvarez  
Edna Lopez  
Ann Marie Torres

**JULY 2021**

Prepared by:



Engineering Department  
400 W. King Avenue  
Kingsville, Texas 78363  
(361) 595-8007

together with all of the items or sections listed in the Table of Contents thereof.

- 8.2 A Notice of Award consisting of one page.
- 8.3 A Notice to Proceed with Construction consisting of one page which shall be executed at a later date.
- 8.4 A set of drawings consisting of TWENTY-SEVEN (27) sheets titled:

Description

- 1. COVER SHEET
- 2. GENERAL NOTES
- 3. PROJECT LOCATIONS AND LIMITS
- 4. ~~E. RAGLAND AVE. S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 0+20 TO 5+00~~
- 5. ~~E. RAGLAND AVE. S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 5+00 TO 10+00~~
- 6. ~~E. RAGLAND AVE. S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 10+00 TO 15+00~~
- 7. ~~E. RAGLAND AVE. S. 9<sup>TH</sup> ST. TO S. 13<sup>TH</sup> ST. STA. 15+00 TO END~~
- 8. ~~E. WARREN AVE. S. 9<sup>TH</sup> ST. TO S. 11<sup>TH</sup> ST. STA. 0+10 TO 5+00~~
- 9. ~~E. WARREN AVE. S. 9<sup>TH</sup> ST. TO S. 11<sup>TH</sup> ST. STA. 5+00 TO END~~
- 10. ~~W. HUISACHE S. WILLIAMS ST. TO S. FRANCIS ST. STA. 0+20 TO 5+00~~
- 11. ~~W. HUISACHE S. WILLIAMS ST. TO S. FRANCIS ST. STA. 5+00 TO END~~
- 12. ~~E. HOFFMAN AVE. S. 6<sup>TH</sup> ST. TO S. 7<sup>TH</sup> ST. STA. 0+20 TO END~~
- 13. ~~N. 19<sup>TH</sup> ST. E. HENRIETTA AVE. TO E. KING AVE. STA. 0+50 TO 4+50~~
- 14. ~~N. 19<sup>TH</sup> ST. E. HENRIETTA AVE. TO E. KING AVE. STA. 4+50 TO 9+50~~
- 15. ~~N. 19<sup>TH</sup> ST. E. HENRIETTA AVE. TO E. KING AVE. STA. 9+50 TO END~~
- 16. MISCELLANEOUS DETAILS 1
- 17. MISCELLANEOUS DETAILS 2
- 18. TRAFFIC CONTROL
- 19-21. EROSION CONTROL
- 22-24. BARRICADE AND CONSTRUCTION
- 25-28. PEDESTRIAN FACILITIES
- 29. ALT. BID 1 – SAGE ROAD DRAINAGE STA. -0+20 TO 5+50
- 30. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 5+50 TO 11+00
- 31. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 11+00 TO 16+50
- 32. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 16+50 TO 22+00
- 33. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 22+00 TO 27+50
- 34. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 27+50 TO 33+00
- 35. ALT. BID 1 – SAGE ROAD DRAINAGE STA. 33+00 TO 38+50
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There are no Contract Documents other than those listed above in this Article 8. The Contract Documents may only be amended, modified or supplemented as provided in the General Conditions.

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- 9.3 CITY and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

**Article 10. OTHER PROVISIONS**

- 10.1 The successful bidder who is awarded this bid will be required to complete and return a Conflict of Interest Disclosure Form and a Form 1295 – Certificate of Interested Parties
- 10.2 This contract gives no rights or benefits to anyone other than the CITY and CONTRACTOR.
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IN WITNESS WHEREOF, CITY and CONTRACTOR have signed this Agreement in five counterparts. Two counterparts each have been delivered to CITY and CONTRACTOR and one counterpart to ENGINEER. All portions of the Contract Documents have been signed or identified by CITY and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on \_\_\_\_\_, 20\_\_\_\_

CITY:  
City of Kingsville, Texas

CONTRACTOR:  
Etech Construction, Inc.

By: \_\_\_\_\_  
Mark McLaughlin, City Manager

By: \_\_\_\_\_  
Johnathan Green, C.O.O.

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Address for giving notices:

City of Kingsville  
400 W. King Avenue  
Kingsville, Texas, 78363

Address for giving notices:

Etech Construction, Inc.  
PO Box 690504  
San Antonio, TX 78269

# **AGENDA ITEM #19**

**CITY OF KINGSVILLE**



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**MEMORANDUM**

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**TO:** CITY COMMISSIONERS  
**THROUGH:** MARK MCLAUGHLIN, CITY MANAGER  
**FROM:** DEBORAH R BALLI, FINANCE DIRECTOR  
**DATE:** OCTOBER 1, 2021  
**SUBJECT:** ADOPTION OF UPDATED TRAVEL POLICY

---

Attached for your consideration and approval is an updated Travel policy with various notated changes. There are changes for added text which is underlined and changes for text deleted which is indicated by a strike through.

Staff recommends approval of the updated travel policy as presented.

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION AMENDING THE CITY OF KINGSVILLE TRAVEL POLICY.**

**WHEREAS**, the purpose of the travel policy is to establish a more efficient, cost-effective, uniform procedure for the processing of requests for travel authorization, advances and reimbursements, and to identify travel expenses eligible for payment, and to establish proper accounting for all travel-related expenses for the City; and

**WHEREAS**, the City's Travel Policy has not been updated in a number of years and is in need of revision.

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

I.

**THAT** the City of Kingsville Travel Policy be adopted as per the document attached hereto.

II.

**THAT** this policy shall apply to City-related travel.

III.

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

IV.

**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 12<sup>th</sup> day of October, 2021.

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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





# TRAVEL POLICY

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**Purpose** - This Travel Policy establishes uniform procedures for the processing of requests for travel authorization, advances and reimbursements; and, it identifies travel expenses eligible for payment and establishes proper accounting for all travel-related expenses for the City of Kingsville (City).

**Policy** – The City of Kingsville will cover reasonable and necessary travel expenses for authorized City business. Application of this policy will ensure clear and consistent understanding of the rules by which travel reimbursements will be provided, thereby providing the best service and expedient reimbursement for travelers, ensure reimbursements are fair and equitable to both the city and the traveler and ensure compliance with federal regulations. Any person traveling on City business is expected to exercise the same care when incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Travelers will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

## Policy Guidelines

Eligible Expenses – When all considerations are equal, travelers should choose the lowest rates (i.e., governmental, corporate or other) available at that time, regardless of personal preferences for suppliers. Transportation expenses should not exceed the lowest practical and available cost of competing airfare. Traveler may use any suitable means of transportation (in terms of traveling time), but payment of transportation costs will be based on the most economical mode of transportation and not on personal preferences (i.e. mileage for personal car versus airfare)

### Transportation – Air Travel

1. Travelers must consider all expenses to be incurred when comparing airfares including add-in costs such as baggage fees, fuel surcharges, etc. to meet the lowest cost requirement.
2. Travelers should make every effort to book travel as soon as possible when travel authorization has been given to obtain the best fares.
3. Optional and additional costs for “premium” seats or other “upgrades” (exit row or aisle seats, early check-in programs, etc.) are not reimbursable to the employee unless that is the only type of seat available. You will need to receive authorization for the additional cost prior to booking and you must print out something from the website that indicates only

premium seats were available. The prior authorization must be included with your travel request.

4. City will be responsible for mandatory surcharges added to the base ticket price such as fuel surcharges, airport fees, and taxes.
5. Travelers may consider duration of travel time including layover time and cost of direct versus indirect flights when choosing the best airfare. Selection of a higher cost flight should be documented as to why this is best arrangement and authorized by the Department Director prior to booking the flight.
6. Generally, flights departing or arriving within 2 hours of requested time with the lowest cost should be accepted.
7. Generally, when comparing trips for total travel time, the lower cost should be accepted if total hours is less than 2 hours for domestic travel, 6 hours for international travel.
8. Cancellation fees and re-booking fees are eligible for reimbursement when the change in arrangements is required by and benefits the City. Re-booking fees incurred for the convenience of the traveler may not be reimbursable and would require the specific approval of the Department Director or City Manager.
9. Generally, non-refundable tickets must be used for another trip by the same traveler on the same airline. If the traveler cancels a trip due to personal reasons, the traveler is responsible for the unused trip in so far as the airline credit must be used on the next appropriate trip within the applicable timeframe before expiration of the trip credit. If the credit can be used and the traveler chooses not to fly, the amount of the credit must be deducted from future transportation cost requests until the total credit amount has been recouped by the City.
10. Baggage fees & guidelines:
  - If the airline charges for each checked piece of baggage:
    - City will not reimburse any baggage fees for a trip of 1 night or less
    - City will reimburse for the first bag only for trips of 2 to 7 nights
    - City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.
  - If checked baggage charges include no charge for the first piece and additional charges start beginning with the second piece of baggage:
    - City will reimburse reasonable expense for a second bag only when the authorized trip is 8 nights or more.

- City does not reimburse for any overweight fee.
- Reimbursement for baggage fees requires an itemized receipt to include traveler name, date, and amount charged by the carrier.
- Additional baggage fees incurred for transportation of materials to/from a conference which are related to City business and is within the responsibility of the traveler to transport may be allowed with approval of the Department Director and should be included in the travel authorization estimate as a miscellaneous (other) expense.
- Travelers should plan ahead and use alternate delivery and shipping arrangements when available and compare the costs of shipping versus checked baggage.
- Travelers are reminded that baggage fees are not included in the price of the ticket and the traveler must most often pay these fees at the time of checking the baggage with the airline. Estimated costs should be included in travel authorization amounts and included in amount of advance funds (where advances are authorized).
- The City will not pay for early check-in fees. This fee must be paid after the flight is booked with your personal credit card. If this option is not available, the early check-in fees must be deducted from the amount of the travel advance.
- Frequent traveler benefits (i.e., frequent flyer miles) earned by City employees or other travelers who earned such benefits while on official City business may retain those benefits for personal use. Any cost associated with membership in programs is at the sole cost of the traveler.

#### Transportation – Personal Vehicles:

1. If a traveler uses his or her own personal vehicle on a business trip, reimbursement will be at the federal government mileage rate in effect at the time of travel.
2. The City reimburses for actual mileage using the most direct route. The Traveler must include the mapping site, (*i.e.*: *MapQuest*) directions showing to and from destinations and the number of miles of the most direct route. If the traveler is requesting additional mileage for miles driven from hotel to training and other instances, detail records must be kept documenting the miles driven.
3. The cost of parking a vehicle when necessary to conduct City business may be reimbursed.
4. ~~Reimbursable travel mileage for a given day may not include the mileage required for commuting between home and office or place of assignment. If a traveler lives outside the City, normal commute miles must be subtracted from the miles claimed. You must include a MapQuest printout of the number of miles between your home and office for verification. Mileage to and from a travel destination which is less miles than the~~

individual's normal daily commute is not reimbursable. An employee cannot use the city's rental car codes to book a rental car for personal use due to liability issues.

5. If a City vehicle is available and provided for travel to/from the destination for an individual traveler or group of travelers, an employee may not choose to drive a personal vehicle and then submit mileage without prior approval from the Department Director.
6. If there are several travelers going to the same training and staying at the same hotel, efforts need to be made to condense the number of individual vehicles so that everyone is not traveling by themselves incurring excessive transportation costs to the City. Department Directors will be responsible to insure transportation methods and costs are reasonable for the travelers and the City.

Example: Conference in San Antonio – 4 employees attending. All leaving from Kingsville, all staying at the same hotel. The Department Director and/or City Manager may determine that all 4 employees can travel together, and they designate one employee as the driver. If any of the employees choose to take their personal vehicle in addition to the designated driver, the employee cannot request mileage because it is their choice not to ride in the assigned vehicle.

7. Employees must do a cost comparison between using a personal vehicle, rental car or flying and include those comparisons with the travel request. Employees will be reimbursed for the lowest, most efficient method of travel. Several factors including the amount of time each method will take will be used in the determination.

Example: Rental Car is the less expensive at \$100 rental + \$50 estimated gas = \$150.00. Mileage for personal vehicle = \$200

If employee chooses to use personal vehicle, even though less expensive for employee to rent a car, employee will only be reimbursed the lower \$150.00 in the above example. In the above example, the most cost-effective method of travel would be a rental car. If the employee chooses to use their personal vehicle instead of renting a car, the employee will receive reimbursement at a full-size sedan price only on the travel advance along with the estimated gas usage on the cost comparative. If renting a car, gas should be paid for with the employee's P Card. If the employee is using their personal vehicle but getting reimbursed at the rental car rate, the employee cannot use their P Card to put gas in their personal vehicle.

When doing the cost comparative, and renting a car, the following guidelines must be followed on the maximum size car that can be rented and paid by the City:

1-2 persons traveling – intermediate or standard size car

3 persons traveling – full size car

4 or more persons traveling – premium or compact/intermediate/standard SUV

If the employee wishes to rent a larger vehicle, City Manager approval is needed. If not approved for the City to cover the expense, then the difference will be at the employee's expense.

8. The same applies to flying. If it less expensive to fly and the employee chooses not to fly, reimbursement will be made at the lower cost of transportation method.

When doing cost comparisons, make sure that you take all costs into consideration. If you fly, add costs of transportation to and from the airport and airport parking fees. If you rent a car, add gas costs.

9.

#### Transportation - Car Allowance

1. Persons who receive a car allowance must deduct 50 miles from the number of miles requested for mileage reimbursement.
2. ~~Persons who live outside the City and receive a car allowance must deduct both car allowance miles and commuting miles, depending on where the traveler lives in relation to the location where they are traveling. Example: Person lives in Corpus Christi and their commute round trip is 60 miles. This person is traveling to San Antonio and the round trip to San Antonio is 500 miles. The traveler in this example would request 500 miles, less 60 commute miles, less 50 car allowance miles = 390 miles. The Travel Authorization form has a place to record each component of the calculation.~~

Please note that all mileage requests should use your normal place of work as the start and return location unless you are leaving and returning directly from your residence and your residence is closer to the training site. Example: Employee lives in Corpus Christi and the training is in Austin and the employee is leaving from Corpus and traveling to Austin and returning home. Mileage from Corpus Christi to Austin is 200 miles round trip vs 250 miles from their work location in Kingsville to Austin. In this example, the employee would request mileage of 200 miles.

### Transportation – Rental Car

1. Rental car expense must receive prior approval from the Department Director and will only be authorized when it is more practical and/or less expensive than the use of a personal vehicle, taxi cab or other public transportation.
2. If there are several travelers going to the same training and staying at the same hotel, the use of car pools, rental cars, etc. must be evaluated to see what makes the most financial sense for the City. If it is determined that a car pool or rental cars are more beneficial for the City and a traveler chooses to drive their personal vehicle, the traveler may be prevented from claiming any mileage for the trip.
3. Request for a rental car should be presented in writing, with sufficient justification for the expenditure, and submitted with the Travel Authorization form.
4. Fees associated with parking a rented vehicle and gas (to refill the rental vehicle) should be included in cost evaluation and are eligible for reimbursement.
5. Car rental insurance, including collision damage waivers, should not be included or accepted in the rental agreement because the City carries insurance when driving a rental car. Such fees are not reimbursable. As members of the State of Texas Purchasing Coop, the rate at all Enterprise and most Avis locations, the daily rate includes the loss damage waiver (LDW). Please call Purchasing for the Coop number.
6. Taxi cab and other local transportation expenses may not be reimbursed if a traveler has an approved rental car or is receiving mileage.
7. If the traveler is driving into an area where they may be subject to toll charges, please check with the rental company to see if prepaid toll pass is available. If it is, please purchase and it will be available for reimbursement. If not, please take care of tolls as they are incurred. If the traveler incurs penalties for non-payment of tolls, it will be the traveler's responsibility for the additional charges.
8. Family members are not allowed to travel in a rental car paid by the City or in a City vehicle due to liability issues. If an employee is traveling on business and will be taking their family along, they must travel in their personal car or fly them at their expense. If it is less expensive to rent a car and an employee needs to drive their personal vehicle due to family joining the employee, the employee will be reimbursed at the lower most cost-effective means of travel.

### Lodging

1. Allowable costs will be based on the actual costs of lodging, including taxes, and should not exceed the single-occupancy GSA rate, or where the traveler is attending a conference, the conference site rate.
  - Always check the designated travel program rate for the hotel before booking the registration. The government rate may be lower than the conference rate. Traveler should select the lower of the two. If the conference rate is higher than the GSA rate, the rate must be approved by the City Manager. If the City Manager does not approve the conference rate, the traveler will be responsible for the difference between the GSA rate and the rate booked.
  - Hotel reservations must be booked in a timely fashion to receive the discounted conference rate.
  - Where the conference site rate is not available, traveler must check the GSA website for the cost of lodging allowable for the destination. An alternative hotel may be booked at either the conference rate or GSA rate whichever is higher. *For example: The traveler was not able to get the conference rate because the block was sold out or the reservation was not made in time. The conference rate was \$149. The GSA allowable rate is \$189 for this destination. The traveler has a maximum limit of \$189 as the price of the hotel room before taxes. If the traveler was not able to get the conference rate because the block was sold out or the reservation was not made in time. The conference rate was \$149, and the GSA allowable rate is \$122 for this destination. The maximum limit of \$149 would be the allowable priced of the hotel room before taxes. If the traveler booked the hotel at a rate of \$160, the traveler would owe \$11/day + the proportionate tax difference.* The traveler must submit the brochure or document that indicates the conference rate and the GSA allowable rate with the Travel Authorization Form.
  - Hotel taxes should be paid. The State of Texas does not exempt City government employees from payment of hotel occupancy taxes.
2. When two or more travelers occupy the same room, the rate for the hotel room cannot exceed the cost of individual rooms. One traveler should be designated as the person responsible for payment of the room and should list the names of all the room occupants on the travel request.
3. Lodging reimbursement is restricted for travel within 150 miles round trip of the employee's assigned work location.
4. If the conference opening sessions start in the morning, lodging may be secured for arrival the day before the conference. If the conference opening session begins in the afternoon, and travel time is greater than 3 hours, lodging may be secured for arrival

the day before the conference. If the conference opening session begins in the afternoon and travel time is less than 3 hours, lodging **may** not be allowed the day before, barring extenuating circumstances and City Manager approval.

5. The City will not pay for the hotel on the day the conference ends. If the traveler wishes to stay past the end day of the conference, it will be at their expense unless travel cannot be completed within a time frame that allows safe travel. Department Directors should make this determination and submit the request prior to travel to the City Manager for approval.
6. Booking sites such as Travelocity, Orbitz, and Hotels.com should be avoided unless it can be shown that the site can provide substantial savings to the City. Generally, these sites are non-refundable and if there is a change in the traveler's plans, the entire hotel cost may be lost. The City will not be responsible for this additional penalty payment.

#### Conference Registration

1. Conference registrations must be booked in a timely fashion to receive the greatest discount.
2. Fees for conventions, conferences and seminars will be considered eligible for reimbursement. Fees for social events sponsored by the conference are not eligible for reimbursement. Fees for lunches provided by the conference are reimbursable, but not in addition to the per diem that is received. The per diem for this meal must be not be included in the advance request.
3. Conference registration details must be submitted with the Travel Authorization form to allow verification of discounted rates offered.
4. Conference attendance must be for legitimate purposes that assist the employee in the duties of their position.

#### Meals

1. The cost of meals, snacks, and other incidental expenses, including taxes and tips, will be reimbursed at the per diem rate authorized for the destination city.
2. The authorized per diem allowances shall be the rates set annually by the Federal Government's General Services Administration for different areas of the country.



3. To assist in determining the per diem rates for cities not listed, a traveler can enter the zip code of the destination city. The per diem rate along with the allocation must be submitted with the Travel Authorization Form.
4. Meals with an overnight stay must be submitted with the Travel Authorization Form and paid through a Travel Advance. Travelers should not use their P Card for meals that involve an overnight stay. If for some reason, the Traveler does not submit their Travel Authorization Form in time for processing by Accounts Payable and uses their P-Card for meal purchases, they will receive reimbursements for the actual meal purchase up to the per diem limit. *If the traveler does not submit meal receipts, the traveler will not receive any meal reimbursement.* Incidentals are not allowable if the traveler does not request a travel advance. *For example: Traveler did not submit Travel Authorization in time to receive their travel advance. Traveler receives authorization to still go on the requested travel. Traveler pays for their meals using their P-Card. (1) Per Diem for lunch is \$11.00, but the traveler pays \$7.89 for lunch + \$2.00 tip. Traveler will submit the receipt for \$9.89 and will only receive reimbursement for the \$9.89. Traveler will not receive the per diem \$11.00 rate. (2) Per Diem for lunch is \$11.00, but the traveler pays \$10.50 for lunch + \$2.00 tip. Traveler will submit the receipt for \$12.50 and will only receive reimbursement for \$11.00.*
5. Meals without an overnight stay are not allowed. No reimbursement or travel advance will be provided, and the employee cannot use their P Card to purchase the meal. However, there may be an emergency or extenuating circumstances that require an exception to this restriction. The Department Director may request an exception from the City Manager. Approval of this exception must be attached as backup documentation.

#### Other Incidental Expense

1. Other miscellaneous expenses eligible for reimbursement with receipts include tolls, parking charges, cab fares, and business-related telephone calls, faxes and copying.
2. Reasonable laundry and dry-cleaning costs, where travel from the City of Kingsville area extends over a period of seven or more consecutive days are covered.
3. Any traveler with a city issued cell phone may not submit for reimbursements for any phone calls unless it is an emergency.

4. Parking a personal vehicle at the airport while on City business, if necessary, should be pre-approved on the Travel Authorization form. ~~Reimbursement should not exceed the posted rate for Long Term parking lots at the Airport.~~

#### Internet Access

1. If you know you will need internet access to perform City business while traveling, you must contact the ~~Purchasing~~/Information Technology department and check out a MIFI device that will grant you internet access along a more secure network.
2. Employees can also check with ~~Purchasing~~/Information Technology for other options that will not result in hotel internet charges. Hotel internet charges are not reimbursable by the City.

#### Ineligible Expenses

1. Flight or trip insurance, collision damage waivers, personal telephone calls, laundry/dry cleaning (if travel is less than seven days), personal entertainment (includes alcohol), fitness center usage charges, and personal services in general are not eligible for reimbursement.
2. Other miscellaneous items requested should be forwarded to the Finance Department for consideration. When in doubt, pay for the item with a personal payment card and then submit it for reimbursement.

#### Exceptions

1. While it is expected that all city employees and officials adhere to the practices outlined in this Travel Policy, it is recognized that, at times, expenses not specifically listed may be incurred for the promotion of the city's interests and may be considered for reimbursement.
2. Exception requests should be fully documented in accordance with this policy and submitted for reimbursement.
3. Review and consideration of unusual expenses should be reasonable, and approval of such expenses should be granted only when there is a clear benefit to the City.
4. Although this Policy is intended to be comprehensive, circumstances may arise which are not specifically addressed by this Policy. In such circumstances, review and approval of associated travel and expenses shall be made by the Finance Department. Appeals of these decisions shall be directed to the City Manager.

### Authorizations

1. Travel authorizations and advances must be approved by the Department Director or their designated representative in accordance with the provisions of this Policy.
2. Traveler must submit the Travel Authorization Request form along with all supporting documentation to the Department Director. Once approved by the Department Director, the request will be submitted to Finance who will then send to the City Manager for approval. The number of reviews is necessary because each reviewer is looking for a different item. Directors determine the need for travel. Finance reviews budget and policy compliance. City Manager has final determination that travel is in the best interest of the City.
3. All out of state travel requests need to go before the City Commissioners for approval. Allow enough time to get this request on the agenda for discussion and approval.
4. The City Manager, or designee, may at any time restrict travel and/or direct additional approvals as necessary to be obtained prior to any travel being authorized. If so directed, the stated policy and process for travel and travel authorization remains in effect and supersedes any approvals listed in this Policy during the given time-period.
5. The traveler shall complete the Travel Authorization Request Form and forward to the Department Director for approval prior to the start date of the itinerary.
6. All anticipated expenses associated to the trip should be included in the Travel Authorization Form including all items that may be paid, other than by the traveler, such as registration or conference fees, airline tickets, etc.
7. Conferences, conventions, training classes and other meetings require inclusion of a formal brochure including dates, costs and other materials to document itinerary details and anticipated expenses.
8. Department Directors and Finance shall review the Travel Authorization Request form for the reasonableness of the anticipated expenditures, for comparison with budgeted travel expense allocations and make the determination whether or not travel will commence. Finance also verifies that there are not any outstanding travel reconciliations and that all prior amounts due the city have been cleared. Finance then submits to the City Manager for final approval. Travel authorization must be reviewed prior to submittal to the City Manager.

9. Any emergency trip that is taken without a prepared and signed Travel Authorization form must be approved in advance by the City Manager and documented through e-mail or some other form of written approval.

#### Travel Reconciliation

1. Within five (5) business days after a traveler's return from an authorized trip, the traveler is responsible for completing and submitting the completed travel reconciliation section. Failure to complete this reconciliation will delay any reimbursement or may affect the approval of future travel requests.
2. The Travel Reconciliation section must be accompanied by a copy of the original or corrected Travel Authorization Request form along with the final hotel bill and any other final receipt that was not submitted with the original travel request.
3. The Travel Reconciliation must be submitted to ~~Purchasing for validation and it will be forwarded to~~ Finance for final processing and filing.
4. When the Travel Reconciliation is completed and the employee owes money back to the City, payment must be made at the time of submittal at the Utility Billing office and a copy of the receipt must be attached to front of the Reconciliation form.
5. In the absence of a lost, forgotten or otherwise unavailable receipt(s), a traveler may prepare a written statement of expense(s).
  - Correspondence must provide as much detail as possible to document the expenses including date, place of purchase, type of purchase, dollar amount and reason for no receipt.
  - Department Director's review and approval is required on the written statement.
  - The statement is then included with the Travel Reconciliation submittal.
6. If the Travel Reconciliation indicates that the traveler is owed reimbursement, payment will be processed by Accounts Payable on the next check run.
7. Additionally, travel advances not cleared within 60 days may result in an employee not allowed further travel advances. Exemptions for further travel must be authorized by the Department Director. Restrictions from future travel advances may be enforced as permanent by the City Manager if the traveler repeatedly fails to submit receipts and other required documents in accordance with this Policy.

#### Travel Non-Exempt Employees

1. Employees classified as non-exempt (hourly) will be paid for any travel time outside of their scheduled work hours when they are a passenger on an airplane, train, boat, bus, or automobile. The employee will be paid from the time they leave the City to the time they arrive at the hotel based on the time requirements from the Mileage calculator. Whenever possible, Department Directors shall adjust non-exempt (hourly) employee schedules to coincide with travel/training to include travel time in the workweek and not create overtime. *Example: A Monday – Friday work week may be adjusted to Sunday – Thursday or any work week combination in order not to create overtime.*

#### Calculation of Per Diem

1. Meal expenses incurred by travelers while on official city business requiring an overnight stay are reimbursed on a per diem basis using the rates established by the Federal GSA.
2. Official travel time starts at the time the traveler leaves their home, office, or other point of departure and ends at the time the traveler returns to their home, office, or other point of return.
3. Employees choosing to extend travel time prior to or at the end of official travel for personal convenience will not be considered on travel status for that time. Travel status would be calculated as if the travel had begun and ended had the traveler not extended the travel.
4. Travelers may claim full per diem even if meals are provided at the conference. However, Department Directors may limit this benefit due to budgetary constraints.
5. On the day of departure, breakfast per diem is provided if you leave before 7 am, lunch is provided if you leave prior to 11:00 am and dinner is provided if you leave before 5:00 pm. On the day of return, if you return prior to 11:00 am, breakfast per diem will be provided, prior to 5:00 pm, lunch per diem will be provided, after 7:00 pm, dinner per diem will be provided. Employees may not extend the departure and/or return time to receive additional per diem. Department Directors will validate departure and arrival times for reasonableness of conference attendance. The fact that the employee still leaves early does not mean that the employee would be entitled to receive more than the dinner per diem.
6. Per diem will not be paid in addition to a Ticketed Event. Department Directors have the responsibility of making sure that attending the ticketed event is beneficial as it is normally more expensive than the allotted per diem rate.

### Roles & Responsibilities

- Finance Department
  1. The Finance Department has the responsibility of maintaining and updating this Policy for Commission approval.
  2. Prepare payments for and ensure proper accounting of all approved and eligible travel-related expenditures.
  3. Monthly report to the City Manager's Office any travel reconciliation/receipts that have not been submitted to Finance within significant prescribed time frames established by this Policy.
  4. Conduct compliance audits.
- Department Directors
  1. Assign appropriate staff person to act as the department travel coordinator.
  2. Make every effort to anticipate travel expenses so expenses will be accurately budgeted.
  3. Be expected to ensure travel expenses do not overrun travel appropriations through the course of the fiscal year by reviewing the reasonableness of anticipated expenditures and the financial feasibility of the trip.
  4. Review all requests for travel authorization. Such review shall include a determination whether travel is necessary and a determination of the reasonableness of those expenses for payment by the City.
  5. Ensure that the selection and acquisition of related arrangements (transportation, accommodation, advances, etc.) are consistent with the provision of this policy.
  6. Enforce deadlines for timely submission from traveler and prompt approval processing by the Director.
- Traveler
  1. Once travel has been approved, the employee may not make changes that cause the city to expend additional funds without prior approval of their supervisor. Example: Traveler is approved to take a city vehicle which is no cost to the city for mileage.

Without approval, employee decides to take personal vehicle which results in the employee requesting mileage. Reimbursement will be denied unless the city vehicle is not available, and the Director has been advised and approves the change prior to departure. Substantiation of this change authorization must be included with the travel reconciliation.

2. Be conservative in expenditures while traveling on City business as if such costs were being paid by themselves. Reasonable records and original receipts of travel expenses need to be maintained.
3. Obtain prior authorization to travel by submission of the Travel Authorization form. Accurately list all categories of expenses anticipated to be incurred and sign the form as indicated.
4. Traveler's signature on the Travel Authorization Request form attests to an understanding and agreement to amounts authorized for travel and the amount and purpose of any advance being requested.
5. Travelers should have full understanding of accountabilities upon completion of the authorized trip and steps to be taken should the trip be cancelled or postponed.
6. Attend the conference/training sessions. It is not appropriate or acceptable to attend social events during the normal session hours. (*i.e., trip to a museum, etc. during time that classes are going on*) Travel to a conference or seminar is a privilege in that the City expects you to return with additional knowledge that will assist you in your job duties. Not attending conference sessions may invalidate your trip and you may then be responsible for repayment of all trip expenditures.
7. Submit fully completed travel expense reconciliations according to the provision of this policy with the necessary supporting documentation, including original receipts and explanations as required.
8. Traveler may remove or redact personal information such as personal credit card numbers, mileage account numbers, home address, date of birth, social security numbers or other information that is not pertinent to the expense receipt. Travelers are reminded that any receipt submitted to the City becomes a public document and subject to open records requests.
9. Be responsible for safeguarding of travel advances and funds provided.

10. Submit claims and clear any debt for travel advance if any, no later than five (5) business days after completion of travel. Any monies owed to the City must be paid in full within the five (5) business days. Any funds owed due to trip cancellation or postponement must be paid in full within five (5) business days.
11. The traveler is responsible to obtain and retain a receipt for monies returned to the City.



## **AGENDA ITEM #20**

**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: August 24, 2021

SUBJECT: Proposed Change to Policy # 731 Flex Leave

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**Summary:**

To enhance City of Kingsville leave benefits, it is proposed to increase Flex Leave hours from 8 to 12 hours per year for full-time employees and from 8 hours to 10 hours per year for regular part-time employees. In addition, the Flex Leave policy will revert eligibility requirements to non-civil service regular full-time and part-time employees only.

**Background:**

On June 28, 2021, City Commission approved amendment to allow a one-time additional leave accrual to Flex Leave as an alternative to allow all employees time off to celebrate a new federal holiday of Juneteenth National Independence Day. This provided the City the opportunity to provide leave as the federal holiday had passed and did not provide enough notice to allow entities to make policy changes to add an extra holiday.

As a proposal to increase holidays is being addressed with amendment to Policy 720.01 – Designation of Holidays, the Flex Leave policy is proposed to revert to previous eligibility requirements. Eligible employees are non-civil service full-time and regular part-time employees.

In addition, to enhance non-civil service employee benefits, it is proposed to increase flex leave hours by 4 hours for full-time positions and by 2 hours for part-time positions. These additional hours would be granted during the employee's birthday month.

**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 additional flex leave hours to non-civil service full-time and regular part-time employees.



RESOLUTION NO. 2021-\_\_\_\_\_

**A RESOLUTION AMENDING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICY NO. 731 -FLEX LEAVE TO PROVIDE ADDITIONAL HOURS DURING AN EMPLOYEE'S BIRTH MONTH.**

**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 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 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**, the proposal would add four-hours of flex leave time for full-time non-civil service employees and add two-hours of flex leave time for part-time non-civil service employees *during the employee's birth month* starting with the upcoming fiscal year on October 1, 2021;

**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 12<sup>th</sup> day of October, 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.

All non-exempt and exempt full-time non-civil service employees shall earn four (4) additional hours and regular part-time non-civil service employees shall earn two (2) additional hours of Flex Leave during the Employee's birth month.

- 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.

*Proposed Amendment 09/07/2021*

# **AGENDA ITEM #21**

**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;

**WHEREAS**, the City approved the nomination of Albert Garcia on June 28, 2021 via resolution #21-43 and now wishes to add another candidate as well;

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

I.

**THAT** the City of Kingsville herewith nominates the following persons as candidates for election to the Board of Directors for the Kleberg County Appraisal District:

\_\_\_\_\_  
**KINGSVILLE, TEXAS 78363**

**AND**

**Albert Garcia**  
**1243 E. Yoakum**  
**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 12<sup>th</sup> day of October, 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**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.

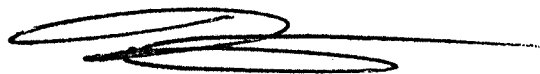
I am enclosing information on what is involved in the Board of Director elections process. This process requires interaction between each taxing entity and the appraisal district. The number of votes allocated to a voting unit is based on the ratio of its tax levy on the preceding year to the total tax 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 by 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)

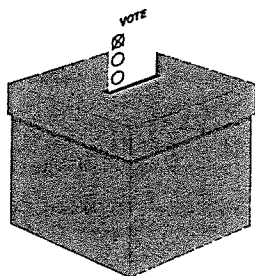
<sup>17</sup> Tex. Tax Code §6.031(a) and (b)

<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
<b>By Consanguinity</b> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Children</li> </ul> <b>By Affinity</b> <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>	<b>By Consanguinity</b> <ul style="list-style-type: none"> <li>• Grandparents</li> <li>• Grandchildren</li> <li>• Brothers &amp; sisters</li> </ul> <b>By Affinity</b> <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>	<b>By Consanguinity</b> <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> <b>By Affinity</b> <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>

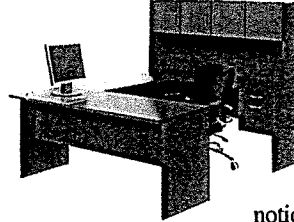
A resolution proposing staggered terms must be filed with the chief appraiser after June 30 and before Oct. 1.<sup>58</sup> If the chief appraiser determines that enough taxing units filed valid resolutions, he or she must notify all taxing units of the change before Oct. 10.<sup>59</sup> Staggered terms 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**

$$\begin{array}{rcl}
 \$12,199,834.50 & \div & \$39,809,013.07 \\
 0.306459 & \times & 1000 \\
 306.46 & = & 306 \\
 306 & \times & 5 \\
 & = & 1530
 \end{array}$$

**CITY OF KINGSVILLE**

$$\begin{array}{rcl}
 \$7,331,592.33 & \div & \$39,809,013.07 \\
 0.184169 & \times & 1000 \\
 184.17 & = & 184 \\
 184 & \times & 5 \\
 & = & 920
 \end{array}$$

**KINGSVILLE I.S.D.**

$$\begin{array}{rcl}
 \$13,237,495.77 & \div & \$39,809,013.07 \\
 0.332525 & \times & 1,000 \\
 332.53 & = & 333 \\
 333 & \times & 5 \\
 & = & 1665
 \end{array}$$

**RICARDO I.S.D.**

$$\begin{array}{rcl}
 \$2,083,702.02 & \div & \$39,809,013.07 \\
 0.052342 & \times & 1000 \\
 52.34 & = & 52 \\
 52 & \times & 5 \\
 & = & 260
 \end{array}$$

**RIVIERA I.S.D.**

$$\begin{array}{rcl}
 \$2,764,186.22 & \div & \$39,809,013.07 \\
 0.069436 & \times & 1,000 \\
 69.44 & = & 69 \\
 69 & \times & 5 \\
 & = & 345
 \end{array}$$

**SANTA GERTRUDIS I.S.D.**

$$\begin{array}{rcl}
 \$1,098,656.54 & \div & \$39,809,013.07 \\
 0.027598 & \times & 1,000 \\
 27.60 & = & 28 \\
 28 & \times & 5 \\
 & = & 140
 \end{array}$$

KLEBERG COUNTY APPRAISAL DISTRICT  
2022-2023 BOARD OF DIRECTORS  
TAXING ENTITY CALCULATION OF VOTES

**SOUTH TEXAS WATER AUTHORITY**

$$\begin{array}{rcl}
 \$1,039,951.49 & \div & \$39,809,013.07 \\
 0.026124 & \times & 1,000 \\
 26.12 & = & 26 \\
 26 & \times & 5 \\
 \hline
 & = & 130
 \end{array}$$

**KENEDY COUNTY GROUNDWATER**

$$\begin{array}{rcl}
 \$47,717.90 & \div & \$39,809,013.07 \\
 0.001199 & \times & 1,000 \\
 1.20 & = & 1 \\
 1 & \times & 5 \\
 \hline
 & = & 5
 \end{array}$$

**CITY OF CORPUS CHRISTI**

$$\begin{array}{rcl}
 \$5,876.30 & \div & \$39,809,013.07 \\
 0.00015 & \times & 1,000 \\
 0.15 & = & 1 \\
 1 & \times & 5 \\
 \hline
 & = & 5
 \end{array}$$

KLEBERG COUNTY PRAISAL 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

# **AGENDA ITEM #22**