

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, APRIL 25, 2022

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.

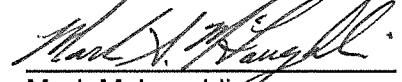
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – April 11, 2022

APPROVED BY:


Mark McLaughlin
City Manager

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

1. Public hearing regarding request to rezone Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business District) to C2 (Retail District). John Culpepper on behalf of Alpha Lake Ltd., authorized applicant for Kingsville Retail Group, owner. (Director of Planning & Development Services).
2. Public Hearing on request to replat Kingsville 25 Acres Ltd, 0.489 acres of Tract A and Kingsville 25 Acre Ltd, 12.96 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. (Director of Planning & Development Services).

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly

Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time.”

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend grant funds from the Criminal Justice Division for body worn camera for hardware and software for downloading and storing camera footage. (Police Chief).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the Jet Engine Repair Training Program. (ARP Funds) (City Manager/EDC Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend funding from the Coastal Bend Regional Advisory Council for EMS Medical Supplies. (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider appointment of Chris Maher to the Kingsville Historical Development Board for the three-year term. (Senior Planner & Historic Preservation Officer).
5. Discussion of Comprehensive Master Plan Steering Committee guidelines and introduction of members. (Director of Planning & Development Services).

6. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4 (Commercial District) to C2 (Retail District), amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).
7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business District) to C2 (Retail District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).
8. Consider replat of Kingsville 25 Acres Ltd, 0.489 acres of Tract A and Kingsville 25 Acre Ltd, 12.96 acres out of Tract G, also known as 2405 S. Brahma Blvd., Kingsville, Texas. (Director of Planning & Development Services).
9. Consider authorizing renewal of All-Risk Property Insurance Coverage for the City of Kingsville for the period of May 1, 2022 through April 30, 2023, as per staff recommendation. (Risk Manager).
10. Consider authorizing a Letter of Intent with Performance Services Inc. to conduct an Investment Grade Audit. for water meters and AMI systems, via TIPS purchasing cooperative, as per staff recommendation. (Energy Savings Performance Services). (Purchasing Manager).
11. Consider a resolution authorizing Change Order #1 for Phase I of the City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and Etech Construction Inc. (City Engineer).
12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Section 3-3-127, providing for the Main Street Advisory Board to meet quarterly. (Downtown Manager).
13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 budget to appropriate additional funding for Vehicle Maintenance for the Fire Department. (ARP Funds). (Fire Chief).
14. Consider a resolution authorizing the City to submit an application to the Ed Rachal Foundation for grant funds for equipment for the Kingsville Police Department. (Police Chief).
15. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors to increase distribution rates within the City should be denied; authorizing participation with the cities served by AEP Texas; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).
16. Discussion regarding process for handling receipt of citizen complaints. (Commissioner Torres).

17. Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the evaluation and duties of the City Manager. (Commissioner Torres).

VII. Adjournment.

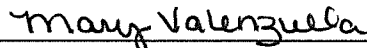
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

April 21, 2022 at 3:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, 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)

APRIL 11, 2022

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 11, 2022, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Hector Hinojosa, Commissioner
Sam R. Fugate, Mayor
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
Ricardo Torres, Police Chief
Emilio Garcia, Health Director
Diana Gonzales, Director of Human Resources
Bill Donnell, Public Works Director
Charlie Sosa, Purchasing Manager
Rudy Mora, City Engineer
Juan J. Adame, Fire Chief
Susan Ivy, Parks & Recreation Manager
Deborah Balli, Finance Director
Uchechukwu Echeozo, Director of Planning & Development Services
Kobby Agyekum, Senior Planner/HPO

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with all five City Commissioner 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 – March 28, 2022

Motion made by Commissioner Lopez to approve the minutes of March 28, 2022, as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR". Commissioner Torres "ABSTAINED".

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

1. Public hearing regarding request to rezone Sims 3, Block 3, Lot 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4 (Commercial District) to C2 (Retail District). Laura Jiminez, owner/applicant. (Director of Planning & Development Services).

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

Mr. Uchechukwu Echeozo, Director of Planning & Development Services reported that this item is a request to rezone this property from a C4 to C2. The applicant would like to subdivide the property to build housing. The property is currently zoned as C4 and

currently has a residential structure. Mr. Echeozo further reported that rezoning the property to a C2 would allow for residential structures.

Mayor Fugate asked if staff received any calls from individuals who received notification of this rezone.

Mr. Echeozo responded that no calls were received.

Mrs. Mary Valenzuela, City Secretary commented that she has received a public comment from a resident regarding the rezone of 915 E. Mesquite and will be read during the public comment section of the agenda.

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

There being no further comments Mayor Fugate closed this public hearing at 5:05 P.M.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Condemnation Update, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water, And Wastewater Rate Study Presentation, Golf Course, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager reported that he will be meeting with Ms. Mary Afuso from the Coastal Bend Council of Governments on April 19, 2022, to discuss monies that will be divided amongst the different entities. He further stated that he will report back to the Commission at a future meeting on the outcome of this meeting and the dollar amount the City of Kingsville will be receiving. Mr. McLaughlin further reported that sales tax numbers were released today, and the City of Kingsville had a great month in April. The February deposits were up 15% for the month leaving the city a year-to-date total of \$400,000 in sales tax, with a total at this time of \$3.4 million. He further announced that the City of Corpus Christi will be hosting the next TML Region 11 meeting on May 6th at the Texas State Aquarium.

Ms. Courtney Alvarez reported that the next City Commission meeting will be held on Monday, April 25, 2022, with the deadline for staff to submit their agenda items by Thursday, April 14, 2022. City Offices will be closed on Friday, April 15, 2022, for Good Friday.

Mayor Fugate read and presented two proclamations: Month of the Military Child and National Public Safety Telecommunicators Week.

IV. Public Comment on Agenda Items.³

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

Mrs. Mary Valenzuela, City Secretary read a public comment received from Gloria Alvarez of 912 E. Mesquite. The comment read as followed: My concern with this rezoning is that the reason behind this is so that multiple family houses can be placed on this lot for section 8 housing, which can potentially mean people moving in and out constantly. Also, with the renters that are currently there, we've already experienced a lack of care for us as neighbors. 915 has two homes currently and only one trash can, they never put the trash out on trash days and their trash flies up and down the street. I have already found multiple dirty diapers in my yard, and I live across the street. I then proceed to move the diapers back to their yard (I know it belongs to them because it matches what is hanging out of the trash bin). They have left said dirty diaper out in the street for 2 weeks. Bringing multiple temporary families in with the lack of landlord supervision has me very worried.

V.

Consent Agenda

Notice to the Public

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend funds for demolitions of unsafe structure by Code Enforcement. (Building Official).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to accept and expend donations received from Kingsville Parks Youth Pony League team sponsors for the purchase of supplies (for league). (Parks Director).

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for emergency sewer line repairs to an 18" gravity line at the North Wastewater Treatment Plant. (ARP funds). (Public Works Director).

4. Motion to approve final passage of an ordinance amending the Fiscal Year 2021-2022 budget to expend funds for the roof system replacement at the Police Department building. (ARP Funds). (Purchasing Manager).

5. Consider re-appointment of Joy Ansley to the Health Board for another 3-year term. (Health Director).

6. Motion to approve a revised resolution accepting award of Operation Stonegarden Grant funds for funding year 2022; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

7. Motion to approve a resolution authorizing the City Manager to enter into a revised Low Income Household Water Assistance Program "Water Provider Agreement" with Kleberg County Human Services. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Presentation and discussion on VA Mobile Unit for use by Kingsville veterans. (Commissioner Torres).

Commissioner Torres stated that she attended a meeting with the VA Office through the Kleberg County Services Office. One item that is coming in from the VA Office is a VA Mobile Unit for veterans in our community. She stated that Kleberg County has about 2,000 veterans within and does not include veterans from surrounding communities. She further stated that the VA will need assistance with the mobile unit which she has assured them that the city would be willing to assist.

Dr. Jennifer Wood, Acting Chief of Staff for VA Texas Valley Coastal Bend, stated that their office is based in Harlingen, TX with their health care extending to Corpus Christi and up to Laredo. She stated that with veterans living a good distance from their office and rather than expecting veterans to come down to the valley for services, they would like to bring the care to the Veterans. The mobile unit is an innovative idea and the first VA in the nation to try this concept. A primary care team will be placed on a mobile unit to travel to communities where veterans reside to receive healthcare.

Mr. Jose Meza, Graduated Health Administrative Professional Trainee, stated that they have an enrolled veteran population of almost 50,000 of which 10,000 live in rural areas. Due to remoteness and their age, they are more likely to have complex medical conditions. Due to the remoteness of their community, oftentimes it is hard for them to make their way to the Veteran's Office for medical assistance. The goal is to deploy medical units to these areas where the veteran can have easy access to medical health care. Mr. Meza further stated that a medical mobile unit will bring medical services to a community to serve its veterans. The unit will have ADA access for those veterans using mobile devices to get around. The mobile unit will have two exam rooms, a bathroom, a blood drawn area, and an audiology booth. Two mobile units are scheduled to arrive between June and July. One unit will be parked in Corpus Christi and deployed to Kingsville, Alice, and Carrizo Springs. The unit will be deployed to these communities one day a week. The second unit will be deployed to the valley area to serve those communities. The units will provide primary care, women's health, audiology, laboratory, and services they may be able to provide using Telemedicine.

Mayor Fugate asked how the City of Kingsville can assist with this service.

Mr. Meza responded that the assistance they will need is an area where they may park the mobile unit, power service, and assistance with outreach to the community veterans.

Mayor Fugate asked if a presentation has been made to Kleberg County?

Mr. Meza responded no.

Commissioner Torres commented that this was presented to Mr. Pecos, Veterans Affairs Officer for Kleberg County. She further stated that Mr. Pecos was going to set

up a meeting, but she moved forward with it before the meeting could be set as she wanted to make sure that the city was aware of what was going on.

Commissioner Alvarez asked if there was already a mobile unit available? Mr. Meza responded yes, but at this time that unit is decommissioned.

Commissioner Torres stated that Mr. Art Montiella who is with the Veteran's Center who have a similar project as well.

Mr. Montiella Veterans Outreach Veteran Program stated that his center is a mental health branch of the VA. He further stated that with there being veterans with mental health issues, they would like to bring their services to the community. He is currently speaking to representatives from Texas A&M Kingsville about using a space to provide services to veterans. He further stated that they would like to bring their services to the community of Kleberg and the City of Kingsville. He stated that they are looking for a designated space in the community where they can provide their services to the veterans from this community and the surrounding areas.

9. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Tax Notes, Series 2022"; entering into a Purchase and Investment Letter and a Paying Agent/Registrar Agreement; and approving other matters relating thereto. (Finance Director).

Mr. Don Gonzales of Estrada Hinojosa gave the City Commission a brief presentation on Tax Notes, Series 2022. Mr. Gonzales went over a graph which consisted of a graph showing the Municipal Market Data Yield Curve as well as a table showing the maturity dates and change over per week, month, and year. He stated that the graph will show how interest rates have moved up significantly in the past year. The table will show that there is a seven-year maturity that will end in 2029 with the change over the last year being +1.49 basis points which are about 1 1/2 %. Looking at one month it is +0.66 basis points of movement in this last month. Mr. Gonzales further stated that in March the Federal Government raised interest rates by 25 basis points. It is expected now that the Federal Government will raise between five and seven times more this year. For anyone looking at borrowing money will be looking at what they will be faced with over the period. He stated that for this case we are looking at borrowing money and paying it back over the next seven years. He further stated that what they are trying to figure out is at what point they lock up the interest rates that they will be offering in their bid for the City of Kingsville for the seven-year maturity. He further stated that if we were looking at interest rates that were obtained a year ago versus where we are today, we will see a significant difference. He further stated discussed the "AAA" MMD History since 2000 which showed the high and the low over the 22 years. He stated that the seven-year mark shows slightly below the average for a "AAA" rate. Mr. Gonzales discussed the 30-year "AAA" MMD vs. 30 Year Treasury since 2000 graph.

Mr. Matt Luhan representative of Estrada Hinojosa continued with the presentation. Mr. Luhan stated that for bid comparison, they have received four bids from American National Bank of Texas, Amegy Bank, Truist, and TIB National Association. The best bid received was from American National Bank of Texas with a 2.64% interest rate. He further stated that Estrada Hinojosa recommends selecting the bid from American National Bank of Texas based on the lower interest rate and similar terms. Mr. Luhan stated that the financing team consists of the City of Kingsville as the issuer, Estrada Hinojosa & Company, Inc. as the Financial Advisor, Winstead, PC as Bond Counsel, American National Bank of Texas as the Purchaser, and Wilmington Trust as the Paying Agent. Mr. Luhan further discussed the outstanding general obligation debt chart which shows the city's obligation debt of \$20.6 million in general obligation debt outstanding. Half of that amount, \$10.9 million is callable with its respective call dates. He stated the interest and principal payments from the fiscal year 2022 to the fiscal year 2051. Between 2023 and 2024, the debt payment drops leaving capacity and as

the city moves forward with its capital improvement plans through the next year, the city can use that to maintain a stable tax rate. Mr. Luhan further discussed the preliminary project list and sources and uses. Tax Notes, Series is an estimated amount of \$1,850,000. Uses have been broken down into two categories that will be used, a general fund for \$1,090,000 and a utility fund for \$720,000 with the cost of issuance of \$40,000 for a total use of \$1,850,000.

Commissioner Hinojosa commented that this gives the city a general idea as to how the city can use this money and further asked if this money could be used for operating expenses? He further stated that the issuance in deficit, items 4 and 5 on the ordinance gives too much of a leeway. He stated that he doesn't mind the other three listed in the ordinance but does have a concern with the payment of operating expenses or current expenses, or fund the issuer's cumulative cash-flow deficit.

Ms. Alvarez stated that as Bond Counsel was unable to be in attendance tonight, staff can ask what this is about and asked if Mr. Gonzales had an idea of what this meant.

Mr. Gonzales stated that the bond proceeds are allowed for capital items and not for operational or deficit funding. He stated that bond counsel has been doing most recently is adding these two provisions given what they have seen with the pandemic and certain funds that have been coming in such as ARP Funds and other CARES Act Funds. He further stated that what some governmental entities have done is use bond proceeds to fund some of those in the interim until they receive those funds and reimburse themselves. He further stated that this is giving more flexibility which is not what they would recommend. He stated that the city has control as to whether or not it would be used for a purpose other than capital improvements.

Mayor Fugate asked if those two items can be removed from the ordinance? Mr. Gonzales responded that the city is in a position of control and if the city already has these funds year marked for certain projects, there may not be any funds left over for the other purposes.

Commissioner Hinojosa commented that he is not comfortable with those two items on the ordinance and would like to see them removed.

Mayor Fugate asked for Ms. Alvarez to contact bond counsel and have items 4 and 5 listed on the first Whereas be removed from the ordinance.

Motion made by Commissioner Hinojosa to approve the ordinance authorizing the issuance of "City of Kingsville, Texas Tax Notes, Series 2022"; entering into a Purchase and Investment Letter and a Paying Agent/Registrar Agreement; and approving other matters relating thereto contingent to the removal of items 4 and 5 listed on the first "WHEREAS" of the ordinance, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

10. Discussion by H.M. King Historical Foundation on ideas/proposals/plans for city hall and surrounding area. (Mayor Fugate).

Mayor Fugate stated that the Foundation is interested in assisting with the landscaping of the premises. He further stated that landscaping work and the creation of the park next door to City Hall will be moving forward soon. There are significant funds to be able to begin the projects. He further stated that the northside of the city hall is being projected to create a city green area. The area will have a walking trail with trees and benches around the trail. The green space will allow children to play and practice their

sports. There have been talks about placing a recreational area, restrooms, and a water feature on the west side of the green area. All ideas will come to the City Commission where they will have a say on the plan of the green area. Mayor Fugate further discussed the plan for the area located on the south side of city hall where a statue of Mr. & Mrs. Richard King, provided by the King Ranch Family, will be installed and further spoke about the landscaping for that area. Mayor Fugate further stated that there have been talks about planting a community garden near the Planning Department, which is located on the southeast side of city hall.

11. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 3, Lot 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4 (Commercial District) to C2 (Retail District), amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Introduction item.

12. Consider authorizing purchase of HPE Nimble Intelligent self-managing network attached storage array, with installation and configuration for storage of digital video evidence from Greater South Texas Corp. dba Computer Solutions via DIR purchasing cooperative, as per staff recommendation. (Police Chief).

Mr. Ricardo Torres, Chief of Police stated that the Kingsville Police Department is requesting a resolution to create a line item for funds from the Fiscal Year 2022 Body-Worn Camera Grant Program. The purchase will consist of hardware and software to allow for the downloading of camera footage as well as software and hardware to allow for the storage of video from those cameras. He further stated that this is a grant for \$122,599.36, grant funds of \$91,949.52 with a cash match of \$30,649.84.

Motion made by Commissioner Hinojosa to authorize the purchase of HPE Nimble Intelligent self-managing network attached storage array, with installation and configuration for storage of digital video evidence from Greater South Texas Corp. dba Computer Solutions via DIR purchasing cooperative, as per staff recommendation, seconded by Commissioner Alvarez and Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

13. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend grant funds from the Criminal Justice Division for body worn camera for hardware and software for downloading and storing camera footage. (Police Chief).

Introduction item.

14. Discussion on Jet Engine Training Program grant opportunity for Kingsville. (City Manager/EDC Director).

Mr. McLaughlin stated that this is a program that has been worked on for over a year to try and grow jet engine mechanics for NAS Kingsville. It was recently discovered that there was a similar program in West Texas that has been terminated which allowed Kingsville to get some of the material to be used for this program. The program will be going through Coastal Bend College. He further stated that the city and the EDC will be funding the \$150,000 for this program, which is half of the cost needed. The other half of the cost will be coming from a grant applied for which they know that it is a very good guarantee to be awarded. It was further mentioned that the \$150,000 will be coming from the City ARP Funds to offset the cost of the grant match.

Mayor Fugate asked if the money was already allocated in the budget? Mr. McLaughlin responded that it was never transferred to the final budget. It was talked about during the budget workshops, but funds were never transferred.

Commissioner Torres asked if this will be a continuance project, or will it be done year by year?

Mr. McLaughlin responded that at this time it is a one-time project as it is unknown how it will play out.

15. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to appropriate funding for the Jet Engine Repair Training Program. (ARP Funds) (City Manager/EDC Director).

Introduction item.

16. Consider accepting a donation from the Coastal Bend Regional Advisory Council for Fire Department medical supplies. (Fire Chief).

Mr. Juan J. Adame, Fire Chief stated that the Kingsville Fire Department has received a donation from Coastal Bend Regional Advisory Council for an amount of \$6,141.00. Funds will be used for medical supplies.

Motion made by Commissioner Lopez and Commissioner Alvarez to accept a donation from the Coastal Bend Regional Advisory Council for Fire Department medical supplies, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2021-2022 Budget to accept and expend funding from the Coastal Bend Regional Advisory Council for EMS Medical Supplies. (Fire Chief).

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:16 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1



MEMO

Date: April 21, 2022

To: Mark McLaughlin (City Manager)

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).**

The Planning and Zoning Commission meeting held as scheduled this evening, April 20, 2022, with 4 members in attendance.

Members deliberated over the issue of granting approval for a rezone to enable the applicant to carry out development that complies with the proposed commercial (Retail) zoning district. Letters were sent out to neighbors and the City received no feedback. Commissioners, after deliberations, voted to approve the recommendation for a rezone of the said property from C3 to C2. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Idotha Battle, and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 6.15p.m.

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

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



Pub. Hrg -
Rezone

MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).**

The applicant approached the department because they wanted to re-zone the existing property (**KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17**) from C3 (Central Business) to C2. This rezone application is required for the whole of Tract A even though the applicant only needs 0.489-acre portion from the 7.17 acres to join to Tract G (adjacent property). The applicant is looking at replatting a portion of the (Tract A) property, ceding some land to add to the adjacent property (2401 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.

Uche Echeozo
Director of Planning and
Development Services



MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).**

The applicant approached the department because they wanted to re-zone the existing property (**KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17**) from C3 (Central Business) to C2. The applicant is looking at replatting a portion of the property, ceding some land to add to the adjacent property (2401 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2405 South Brahma Blvd Nearest Intersection Brahma + General Canales
(Proposed) Subdivision Name South Gate Lot TR Block A
Legal Description: 0.489 acre tract of Kingville 25 Ac Ltd, Lot Tr A
Existing Zoning Designation C3 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Alpha Lake, Ltd. Phone (979) 696-1444 FAX _____
Email Address (for project correspondence only): John@culpepperrealty.com
Mailing Address 1710 George Bush Dr. E., Ste. 240 City College Station State TX Zip 77840
Property Owner Kingville Retail Group LP Phone (512) 452-8633 FAX _____
Email Address (for project correspondence only): John@commercialretailgroup.com
Mailing Address 11701 Bee Caves Road, Ste. 262 City Austin State TX Zip 78738

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

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

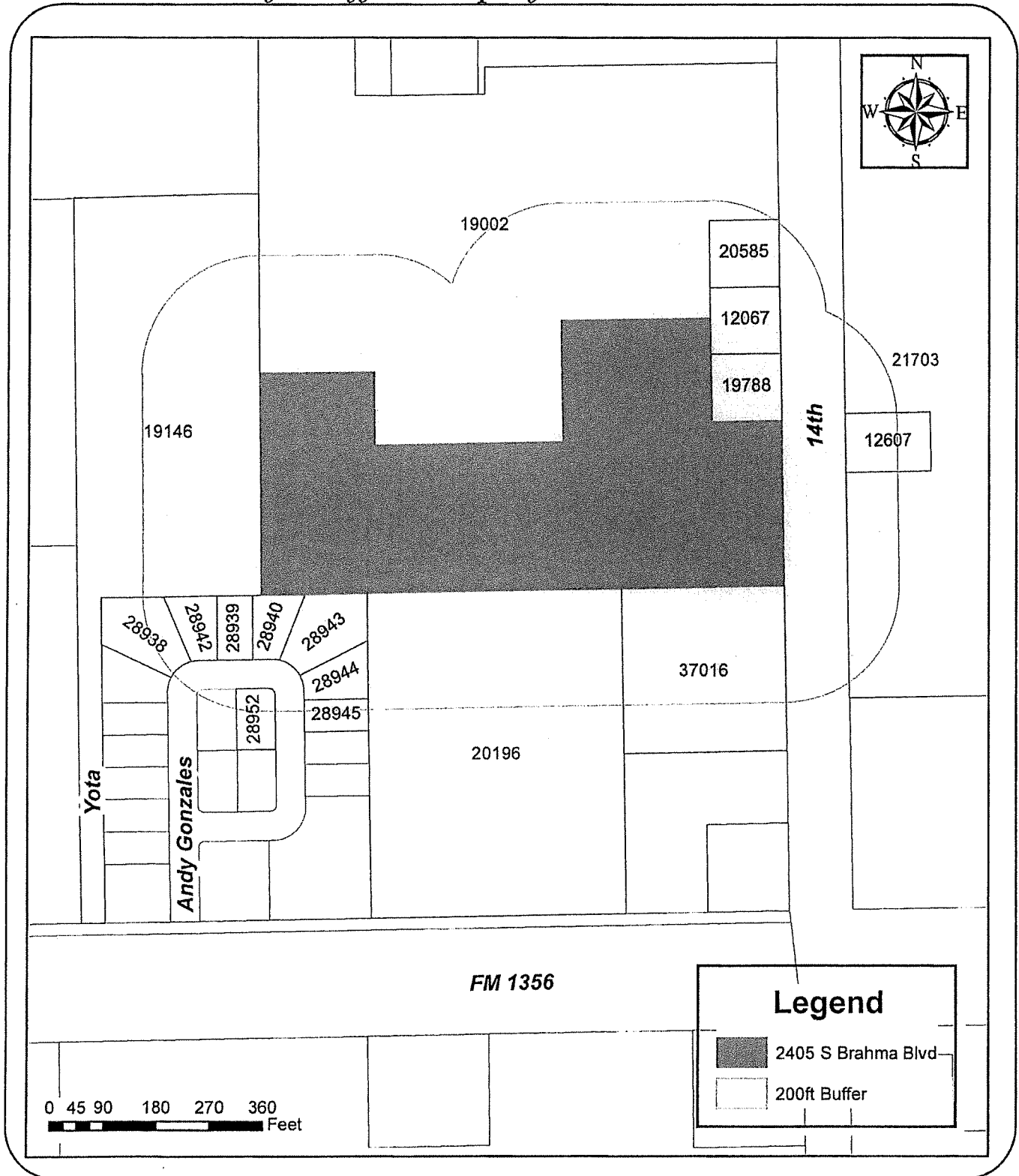
Please provide a basic description of the proposed project:

We would like to rezone the tract from C3 to C2, prior
to the re-plat of same property.


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

Applicant's Signature [Signature] Date: 3/28/22
Property Owner's Signature [Signature] Date: 3/28/22
Accepted by: _____ Date: _____

200 ft Buffer Map of 2405 South Brahma



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

Page 1 / 1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 3/17/2022		
	Note:		

HOUSING AUTHORITY OF THE
CITY OF KINGSVILLE
1000 W CORRAL AVE
KINGSVILLE, TX 78363-3035
#28938, 28942, 28939, 28940,
28943, 28944, 28945

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INGLESIDE, TX 78362
#19788

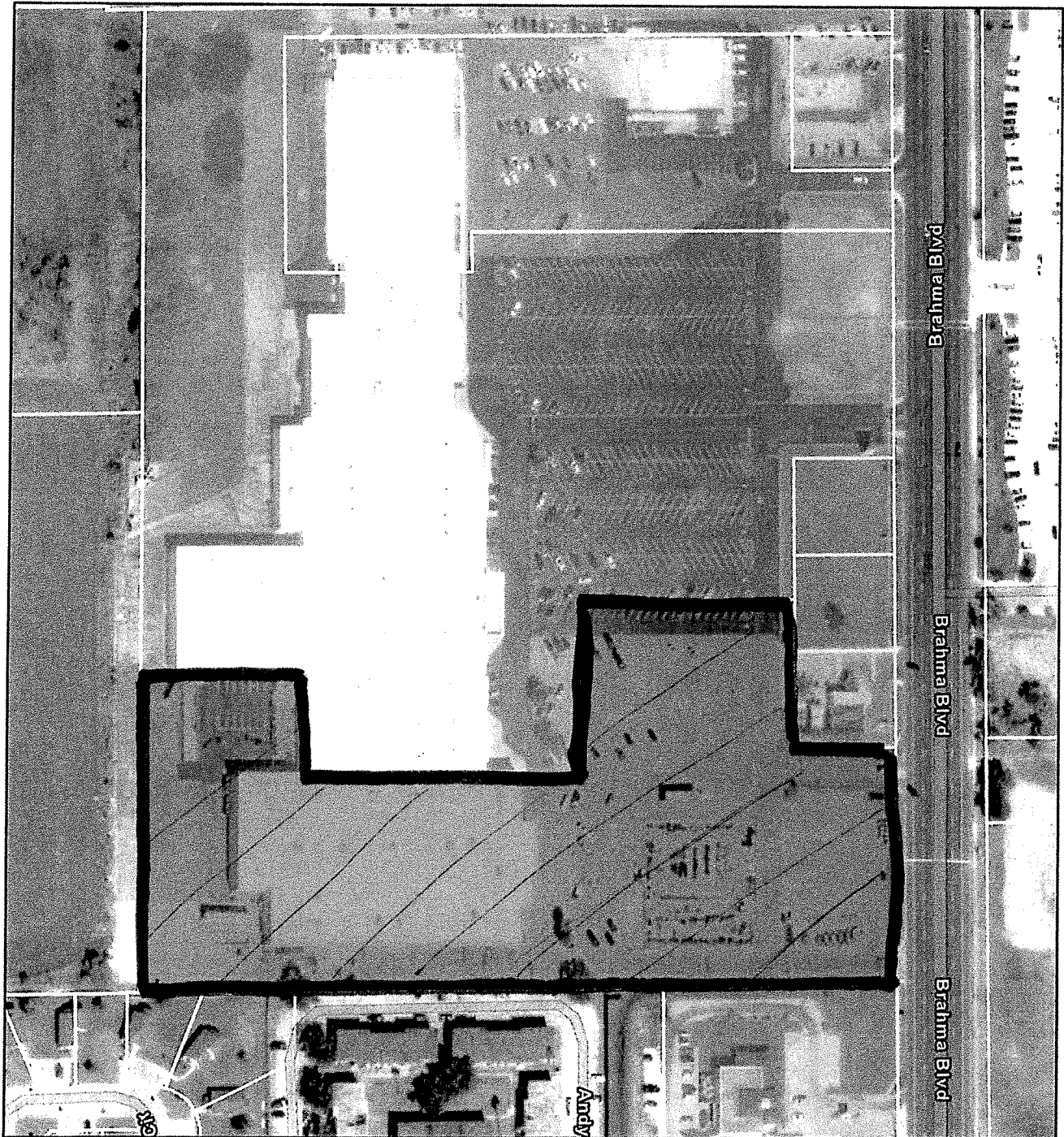
K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#21703, 12607

SCHUBERT DAVID E
715 ARROYO DR
KINGSVILLE, TX 78363
#19146

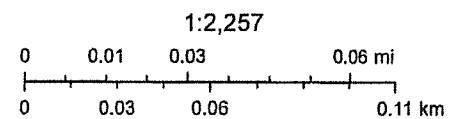
FIRST COMMUNITY BANK
416 N WATER ST
CORPUS CHRISTI, TX 78401-
2533
#37016

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
1700 GEORGE BUSH DR E
STE 240
COLLEGE STATION, TX 77840-3351
#19002, 20585, 12067
KINGSVILLE MULTIFAMILY
INVESTMENTS LLC
11816 INWOOD RD STE 3011
DALLAS, TX 75244
#20196

2405 S Brahma Zoning



April 5, 2022



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 > 11257 KINGSVILLE RETAIL GROUP LP for Year 2022

Tax Year: 2022 - Values not available

Property

Account

Property ID:	11257	Legal Description:	KINGSVILLE 25 AC LTD, LOT TR A, (TRACTOR SUPPLY), (SHOE DEPT), ACRES 7.17
Geographic ID:	139200001000192	Zoning:	C2
Type:	Real	Agent Code:	53359
Property Use Code:			
Property Use Description:			

Location

Address:	2405 S BRAHMA BLVD TX	Mapsco:	
Neighborhood:		Map ID:	A3
Neighborhood CD:			

Owner

Name:	KINGSVILLE RETAIL GROUP LP	Owner ID:	52070
Mailing Address:	11701 BEE CAVES ROAD, STE 262 AUSTIN, TX 78738	% Ownership:	100.000000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:

=

N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 67147.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1982	51396.0
CON	CONCRETE SLAB COMMERCIAL	FV		1982	192.0
ASP	ASPHALT (100%)	FV		1982	238154.0
MA	MAIN AREA	WH2L		1982	15199.0
MA	MAIN AREA	TRKWL		1982	552.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	7.1700	312325.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$510,840	\$218,630	0	729,470	\$0	\$729,470
2020	\$399,560	\$218,630	0	618,190	\$0	\$618,190
2019	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2018	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2017	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2016	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2015	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2014	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2013	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2012	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2011	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2010	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2009	\$268,000	\$218,630	0	486,630	\$0	\$486,630
2008	\$268,000	\$218,630	0	486,630	\$0	\$486,630

Questions Please Call (361) 595-5775

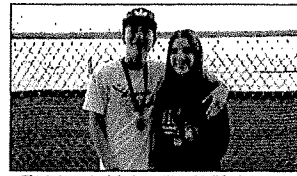


31-4A District JV Tennis Tournament results - Hannah Ortega - third place Freshman Girls Singles; and Milton Pree - second place - JV boys singles. (Submitted photo)

H.M. King tennis results announced



Calallen JV tournament - Third place JV mixed doubles - Alana Chavez and Albert Benavides; 1st consolation - girls singles - Hannah Ortega; JV girls singles - Danielle O'Grady. (Submitted photo)



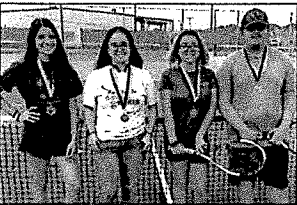
Third place mixed doubles - Flour Bluff freshman tournament - 2/11/22 - Aaron Ramos and Hannah Ortega. (Submitted photo)



Starr Gomez - Third place Kingsville Spring - girls varsity singles, second place girls varsity singles at Bishop Varsity tournament. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 20, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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, April 25, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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

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ORDINANCE #2022-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KINGSVILLE 25 ACRES LTD, LOT TRACT A, 7.17 ACRES, ALSO KNOWN AS 2405 S. BRAHMA BLVD., KINGSVILLE, TEXAS, FROM C3 (CENTRAL BUSINESS DISTRICT) TO C2 (RETAIL 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 John Culpepper of Alpha Lake, Ltd., applicant/authorized agent for Kingsville Retail Group, LP, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, April 20, 2022 during a meeting of the Planning and Zoning Commission, and on Monday, April 25, 2022 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 4-0 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 Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas, from C3 (Central Business District) to C2 (Retail 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 25th day of April, 2022.

PASSED AND APPROVED on this the 9th day of May, 2022.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

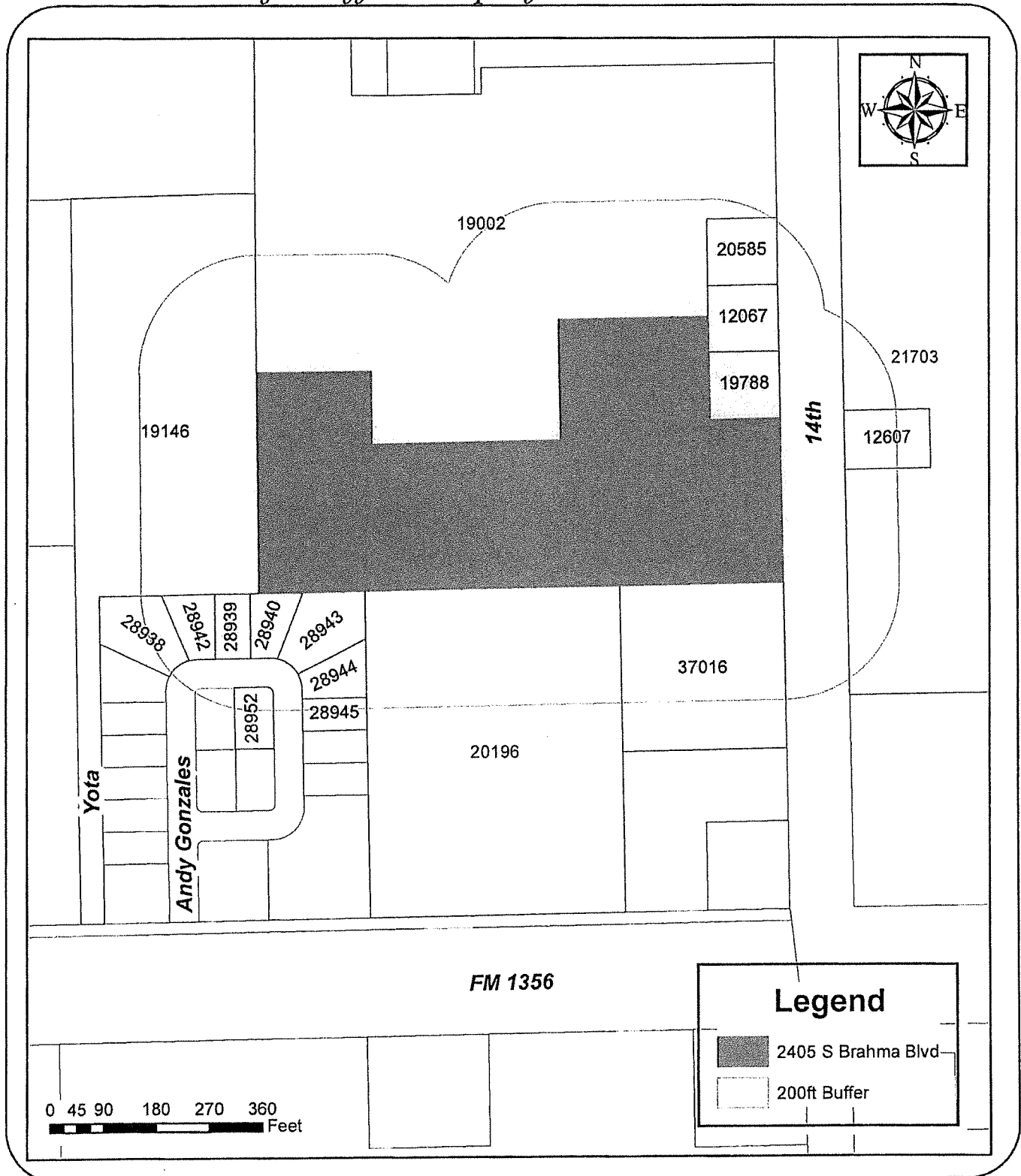
ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 2405 South Brahma



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

Page 1 / 1	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 3/17/2022		
	Note:		

PUBLIC HEARING #2



MEMO

Date: April 21, 2022

To: Mark McLaughlin (City Manager)

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 AC LTD, 0.489 acres out of TRACT A, and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S Brahma Blvd, Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled this evening, April 20, 2022, with 4 members in attendance.

Members deliberated over the issue of granting approval for a re-plat of existing lots as described above into the reconfigured lot shown in the attached diagram. Letters were sent out to neighbors and the City received no objections to the request. Commissioners, after deliberations, voted unanimously to approve the recommendation to re-plat the said property. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Idotha Battle and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.15p.m.

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

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



Pub Hrg -
Replat

MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

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

Subject: John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 AC LTD, 0.489 acres out of TRACT A, and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S Brahma Blvd, Kingsville, Texas.

The applicant approached the department because they wanted to replat the recently rezoned property (KINGSVILLE 25 AC LTD, 12.96 acres out of TRACT G and including a portion – 0.489 acres from the recently rezoned TRACT A) as described in the attached drawing. The applicant is looking at re-platting a portion of the property, ceding some land to add to the adjacent property (2213 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", is located below the "Thank you." text.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

I need a
rezone application
first - Mike
3/25/2022

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2405 South Brahma Blvd Nearest Intersection Brahma + General Cavazos

(Proposed) Subdivision Name Kingsville 25 Acre LTD Lot GR Block -

Legal Description: 0.489 acre tract of Kingsville 25 Ac Ltd, Lot Tr A & 12.96 Acres out of tract G

Existing Zoning Designation C2 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Alpha Lake, Ltd. Phone (979) 696-1444 FAX

Email Address (for project correspondence only): John@culpepper Realty.com

Mailing Address 1700 George Bush Dr. E Ste. 240 City College Station State TX Zip 77840

Property Owner Kingsville Retail Group LP Phone (512) 452-8633 FAX

Email Address (for project correspondence only): John@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, Ste. 262 City Austin State TX Zip 78738

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

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<input type="checkbox"/> Re-zoning Request.....\$250.00	<input checked="" type="checkbox"/> Re-plat.....\$250.00
<input type="checkbox"/> SUP Request/Renewal.....\$250.00	<input type="checkbox"/> Vacating Plat.....\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA).....\$250.00	<input type="checkbox"/> Development Plat.....\$100.00
<input type="checkbox"/> PUD Request.....\$250.00	<input type="checkbox"/> Subdivision Variance Request.....\$25.00 ea.

Please provide a basic description of the proposed project Please see the attached survey for the portion of the property listed above we'd like to have replatted, to be included with the adjacent tract owned by Alpha Lake, Ltd.

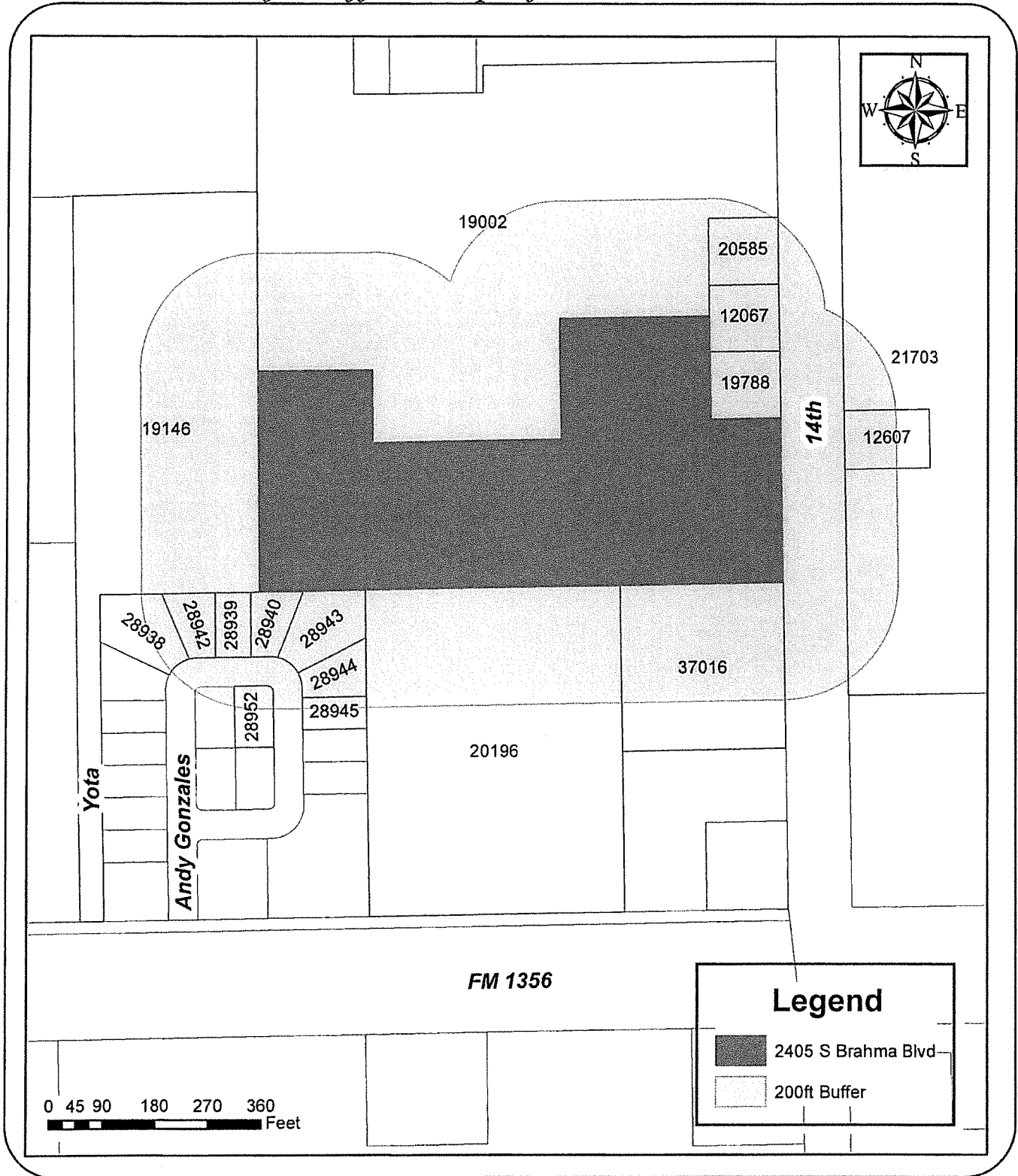
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's signature: [Signature] Date: 1/27/22

Property owners signature: [Signature] Date: 1/27/21

Accepted by: _____ Date: _____

200 ft Buffer Map of 2405 South Brahma



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

Page 1 / 1	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
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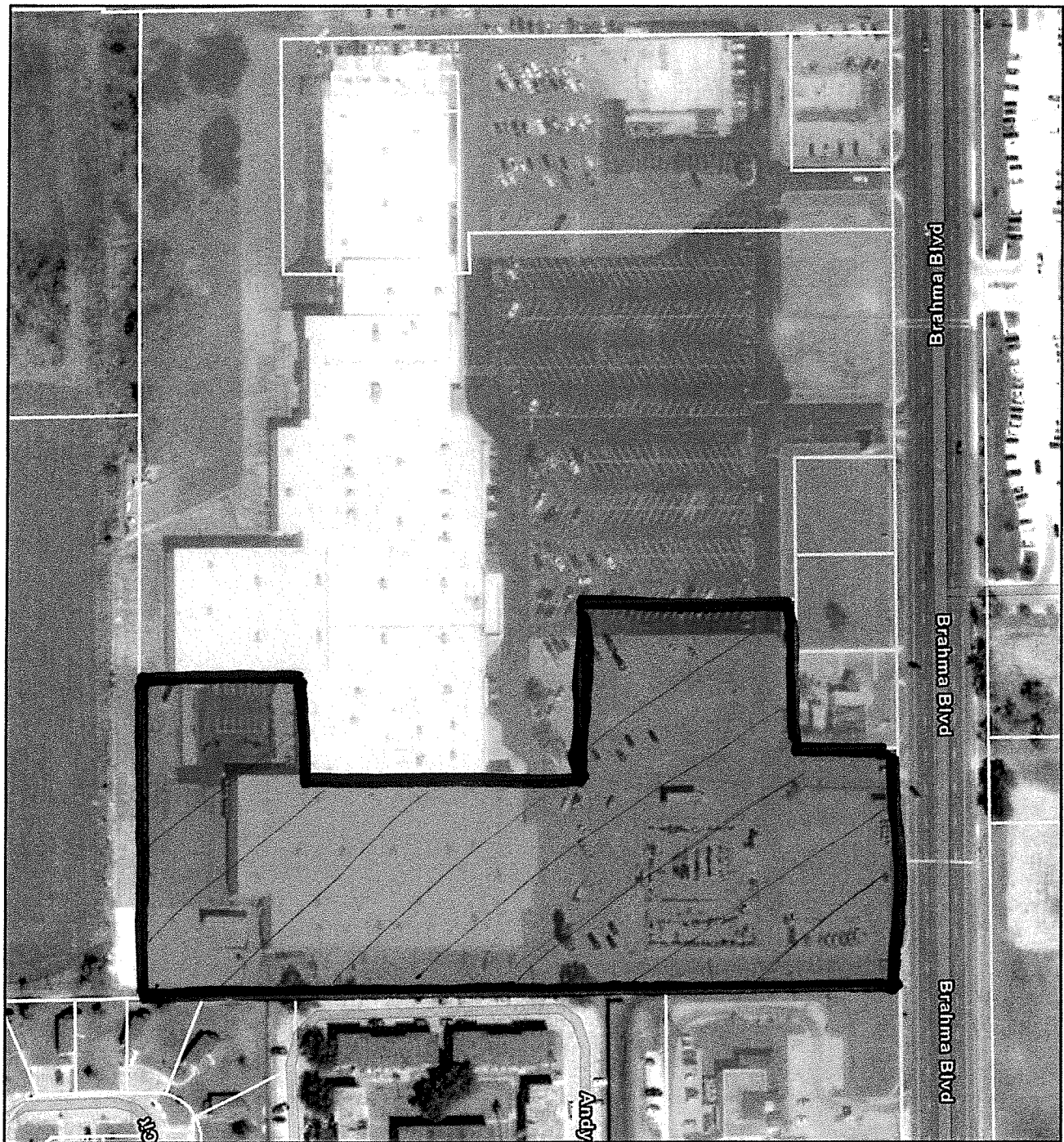
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#21703, 12607

SCHUBERT DAVID E
715 ARROYO DR
KINGSVILLE, TX 78363
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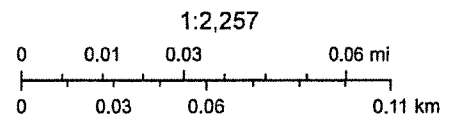
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#37016

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
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COLLEGE STATION, TX 77840-3351
#19002, 20585, 12067
KINGSVILLE MULTIFAMILY
INVESTMENTS LLC
11816 INWOOD RD STE 3011
DALLAS, TX 75244
#20196

2405 S Brahma Zoning

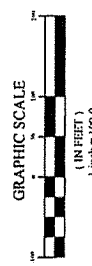


April 5, 2022



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

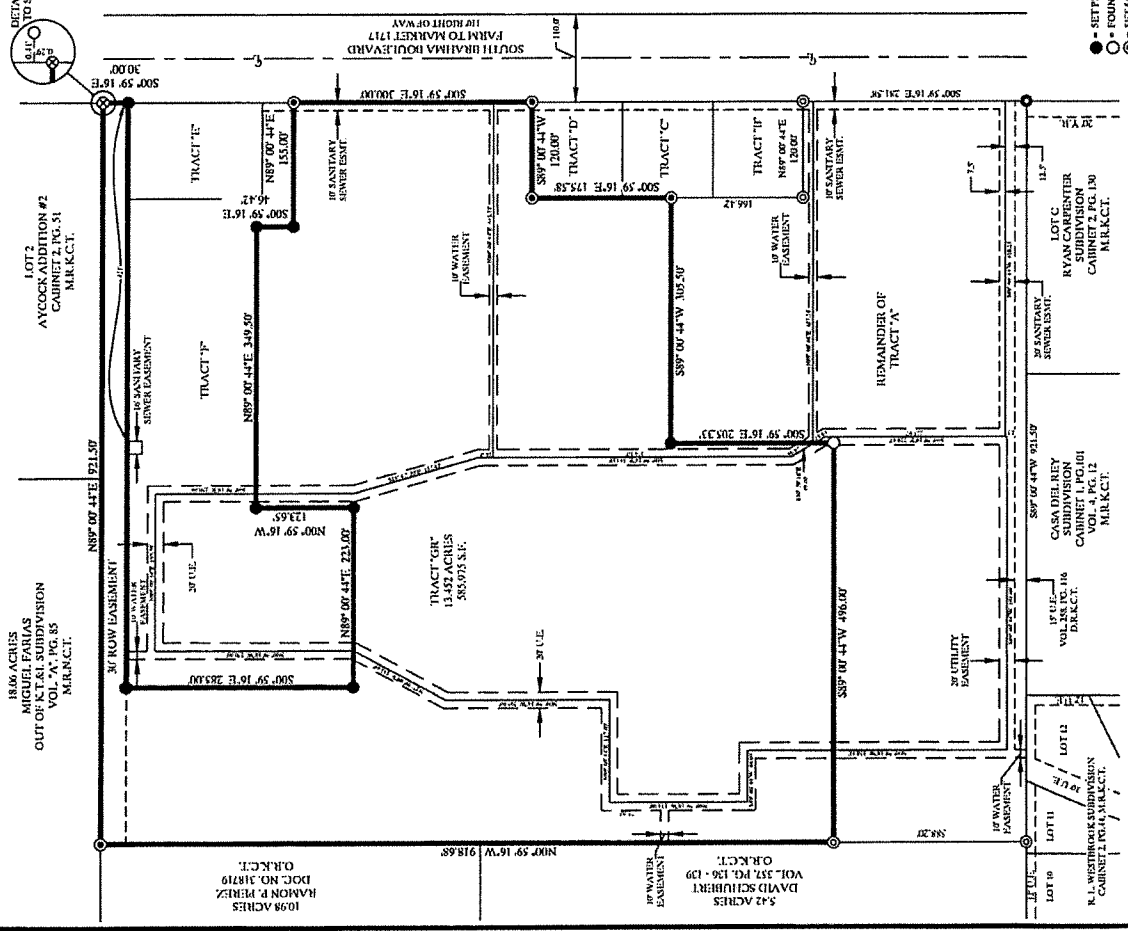
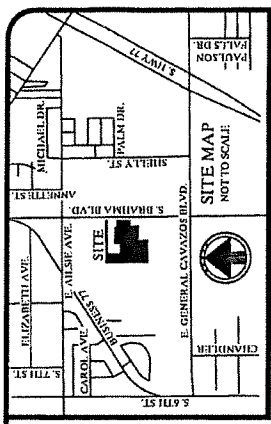
Briser Surveying
1405 South Foothill Drive, Suite 31
Coppell, Texas 75011
Phone: 972.450.1802
Fax: 972.450.1802
Email: info@brisersurveying.com
www.brisersurveying.com



KINGSVILLE 25 ACRE LTD.

TRACT "GR"

BEING A REPLAT OF SHOPPING CENTER TRACT "GY",
KINGSVILLE 25 ACRE LTD., AS SHOWN ON THE PLAT RECORDED IN
ENVELOPE H4, CABINET 1, MAP RECORDS OF KLEBERG COUNTY, TEXAS.



STATE OF TEXAS
COUNTY OF KLEBERG
CITY OF KINGSVILLE
WE, ALMA L. LEE, DO HEREBY CERTIFY THAT WE ARE
THE OWNER OF SAID PROPERTY, AND THAT THE
PROPERTY SHOWN HEREON, WE HAVE HAD SAID LAND
SURVEYED AS SHOWN ON THE FOREGOING MAP. THIS MAP
HAS BEEN PREPARED FOR THE PURPOSE OF DESCRIPTION
AND DELINEATION.

THIS THE _____ DAY OF _____, 2022
REPRESENTATIVE

STATE OF TEXAS
COUNTY OF KLEBERG
CITY OF KINGSVILLE
I, _____, CLERK OF THE COUNTY COURT IN AND
FOR KLEBERG COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE
RECORD INSTRUMENT DATED THE _____ DAY OF _____, 2022,
WHICH IS THE INSTRUMENT OF THE FOREGOING MAP, WAS
RECORDED IN MY OFFICE THE _____ DAY OF _____, 2022 AT
O'CLOCK _____ M IN SAID COUNTY IN VOLUME _____, PAGE _____ MAP
RECORDS.

THIS THE _____ DAY OF _____, 2022
NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF KLEBERG
CITY OF KINGSVILLE
THIS FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS
APPROVED BY THE DIRECTOR OF PLANNING FOR THE CITY OF
KINGSVILLE, TEXAS.

THIS THE _____ DAY OF _____, 2022
DIRECTOR OF PLANNING

STATE OF TEXAS
COUNTY OF KLEBERG
CITY OF KINGSVILLE
THIS FINAL PLAT OF THE HEREIN DESCRIBED
PROPERTY WAS APPROVED BY THE PLANNING AND
ZONING COMMISSION FOR THE CITY OF KINGSVILLE,
TEXAS.

THIS THE _____ DAY OF _____, 2022
CHAIRMAN

NOTES

1. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" ON THE
FLOOD INSURANCE RATE MAP, COUNTY FLOOD INSURANCE MAP, WHICH
RECORDS DATE OF MARCH 11, 2014 AND IS NOT A SPECIAL
FLOOD HAZARD AREA.
2. SURVEYING AND BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (9) 4265
DATUM.
3. SETBACKS ARE STEEL REBAR SET WITH YELLOW PLASTIC CAP LABELED
BRISER SURVEYING.
4. THE TOTAL PLATTED AREA IS 13.42 ACRES.

- = SETBACK NAIL
- = FOUND PK NAIL
- ⊙ = SETBACK REBAR
- ⊗ = FOUND DRILL HOLE
- ⊕ = PROPERTY CORNER

DATE OF MAP: 24 FEBRUARY 2022

Kleberg CAD

Property Search > 11257 KINGSVILLE RETAIL GROUP LP for Year 2022

Tax Year: 2022 - Values not available

Property

Account

Property ID:	11257	Legal Description:	KINGSVILLE 25 AC LTD, LOT TR A, (TRACTOR SUPPLY), (SHOE DEPT), ACRES 7.17
Geographic ID:	139200001000192	Zoning:	C2
Type:	Real	Agent Code:	53359
Property Use Code:			
Property Use Description:			

Location

Address:	2405 S BRAHMA BLVD TX	Mapsco:	
Neighborhood:		Map ID:	A3
Neighborhood CD:			

Owner

Name:	KINGSVILLE RETAIL GROUP LP	Owner ID:	52070
Mailing Address:	11701 BEE CAVES ROAD, STE 262 AUSTIN, TX 78738	% Ownership:	100.0000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value: = N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 67147.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1982	51396.0
CON	CONCRETE SLAB COMMERCIAL	FV		1982	192.0
ASP	ASPHALT (100%)	FV		1982	238154.0
MA	MAIN AREA	WH2L		1982	15199.0
MA	MAIN AREA	TRKWL		1982	552.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	7.1700	312325.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$510,840	\$218,630	0	729,470	\$0	\$729,470
2020	\$399,560	\$218,630	0	618,190	\$0	\$618,190
2019	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2018	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2017	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2016	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2015	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2014	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2013	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2012	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2011	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2010	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2009	\$268,000	\$218,630	0	486,630	\$0	\$486,630
2008	\$268,000	\$218,630	0	486,630	\$0	\$486,630

Questions Please Call (361) 595-5775



31-4A District JV Tennis Tournament results - Hannah Oregon - third place Freshman Girls Singles; and Hilton Proe - second place - JV boys singles. (Submitted photo)



Star Gomez - Third place Kingsville Spring - girls varsity singles, second place girls varsity singles at Bishop Varsity - tournament. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)

H.M. King tennis results announced



Cadettes JV tournament - Third place JV mixed doubles - Alyssa Chavez and Albert Benavides 1st consolation - girls singles - Hannah Oregon; JV girls singles - Danielle O'Grady. (Submitted photo)



Third place mixed doubles - Flour Bluff freshmen tournament - 2/19/22 - Aaron Ramos and Hannah Oregon. (Submitted photo)



Conner Knippers and Chris Mah - first place Boys Doubles - Bishop Varsity tournament - 3/11/22. (Submitted photo)

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 20, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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, April 25, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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.

Join us for **THE BIGGEST TAX REFUND SALE**

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(361) 299-6096

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Homes starting at \$59,000

We Provide Programs:

- If you are in a Disaster County
- Credit Challenged
- Lower Income
- Value Oriented Buyers

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CONSENT AGENDA

AGENDA ITEM #1

Budget Am.

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin/City Manager
FROM: Ricardo Torres, Chief of Police
DATE: March 29, 2022
SUBJECT: ****UPDATE****Body-Worn Camera Grant Program, FY2022

Summary:

The Kingsville Police Department is requesting a resolution to create a line item for funds from the FY2022 Body-Worn Camera Grant Program. The purchase will consist of hardware and software to allow for the downloading of camera footage as well as software and hardware to allow for the storage of video from those cameras.

Background:

Funds may be used for obtaining body-worn cameras, digital video storage, and retrieval systems or cloud-based services. PSO will not pay for any service or subscription-based support that exceeds the cost prorated to the one-year project period.

Eligible officers. Pursuant to Sec. 1701.652, Occupations Code, grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) who: 1) Engage in traffic or highway patrol or otherwise regularly detain or stop motor vehicles; or 2) Primary responders who respond directly to calls for assistance from the public.

Training. Pursuant to Sec. 1701.656, Occupations Code, a law enforcement agency must provide training to: 1) Peace officers who will wear the body worn cameras. 2) Any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

Financial Impact:

Previously we were awarded a grant from BJA FY 20 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies. 54 FOCUS X1 BODY WORN CAMERA PACKAGE that includes:

Grand Total for 54 Coban Focus X1 Body Worn Camera Package \$41,310.00.



**City of Kingsville
Police Department**

Funds must be used to purchase body-worn cameras and require a 1:1 match by the grantee, so BJA and the City of Kingsville are funding \$20,655.00 a piece for the cameras. Federal funds shall not be used to pay for data storage costs associated with body-worn camera footage.

As noted, the above-mentioned grant did not cover any costs for downloading of body camera's nor did it cover any storage for the camera footage. Therefore, we applied for and received a grant for hardware and software to allow for the downloading of camera footage as well as software and hardware to allow for the storage of video from those cameras.

This will include the following:

**From Absolute Communications,
Buyboard**

Statement of Work

- Install 14 AP's Per the map
- Install and configure two switches for the AP's
- Configure the AP's per customer request
- Train customer on Management Cloud system

Cabling Requirements

- Run (1) data cable run to the existing network IT Rack each AP.
- Additional cabling, if needed, will be priced separately
- Proposal assumes that all cabling is in place and is in working condition.

Total \$12,567.00

**Great South Texas Corp dba Computer Solutions
DIRHPE4160-HPEDIR-TSO-4160 Exp 10/2/2022**

- HPE Nimble Intelligent self-managing network attached storage array. With installation and configuration for storage of digital video evidence.

Total \$110,032.36

Grand Total \$122,599.36

Requires a 25% cash match or \$30,649.84



**City of Kingsville
Police Department**

Recommendation:

We request approval of a resolution to create a line item to accept and expend funding approved through this grant as well as provide the \$30,649.84 cash match.



RESOLUTION #2021- 74

A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, CRIMINAL JUSTICE DIVISION'S BODY-WORN CAMERA GRANT PROGRAM, FY2022; AUTHORIZING THE CHIEF OF POLICE 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 Kingsville Police Department apply for and, if awarded, accept and administer the Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2022, which provides funding to enable police agencies to purchase body-worn cameras, data, software, video storage, and technology; and

WHEREAS, the City agrees to provide the applicable matching funds for the said project as required by the grant application, which are expected to be a 25% match and will specify the exact budgetary line item when an award is made; and

WHEREAS, to support the safety of officers and citizens through the use of body-worn cameras the City would like to use grant funds to purchase body-worn cameras, software, technology, and storage for its law enforcement personnel; and

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

WHEREAS, the City of Kingsville has previously applied for similar grants that assist with improved officer and citizen safety; and

WHEREAS, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, 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 application for the Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2022.

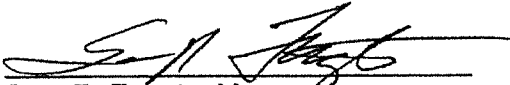
II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2022, including but not limited to any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

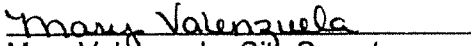
III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 25th day of October, 2021.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO ACCEPT AND EXPEND GRANT FUNDS FROM THE CRIMINAL JUSTICE DIVISION FOR BODY WORN CAMERA FOR HARDWARE AND SOFTWARE FOR DOWNLOADING AND STORING CAMERA FOOTAGE.

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 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT #25

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 207 – CJD BWC Grant					
<u>Revenues - 4</u>					
2100	Police	State Grants	72010	\$122,599.36	
0000	Transfer In	Transfer From Fund 121	75121	\$30,649.84	
<u>Expenditures – 5</u>					
2100	Police	Machinery & Equipment	71200	\$153,249.20	
Fund 121 – GF ARP Funding					
<u>Expenditures - 5</u>					
6900	Transfer To	Transfer To Fund 207	80207	\$30,649.84	

[To amend the City of Kingsville FY 21-22 Budget to accept and expend grant funds from the Criminal Justice Division for body worn camera software and hardware for downloading and storage of camera footage. Funding will come from the Grant funding with exception of the cash match which will be funded through ARP funding.]

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 11th day of April 2022.

PASSED AND APPROVED on this the 25th day of April 2022.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

Action Item
- B. A.

To: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

From: Manny Salazar, President/CEO, Kingsville Chamber of Commerce and Greater Kingsville Economic Development Council

Date: March 25, 2022

Subject: Jet Engine Training Program

BACKGROUND:

The City of Kingsville has been a steadfast supporter of local businesses and economic development programs, and understands the challenges that exist when creating a business.

The Chamber of Commerce is partnering with Coastal Bend College, the Texas Workforce Commission and Workforce Solutions of the Coastal Bend to create a jet engine repair training program at the CBC campus in Kingsville.

The program will address a critical workforce issue facing NAS Kingsville by creating a pipeline of local residents who can fill jobs on the base. The base benefits from a stable and highly skilled workforce with a lower turnover rate than recruiting workers from outside of the area. The community benefits by creating an entry point to careers on base that include family supporting wages, which helps keep jobs in our community and families living here too.

The Grant:

The Workforce Solutions of the Coastal Bend (WSCB) intends to apply for the Texas Industry Partnership Grant through the Texas Workforce Commission. The grant has a 50-50 match of up to \$150,000. It is a one-time expense. The grant match must be made from private funds to comply with grant stipulations, so the Chamber of Commerce is partnering with WSCB to provide the private cash match needed for the grant. Workforce Solutions of the Coastal Bend will also partner with Coastal Bend College, who will provide the training program and submit to WSCB for draw down of the grant funds for the jet engine repair training program.

The Chamber of Commerce is requesting \$150,000 in City ARPA funds to offset the cost of the grant match. The Chamber and City will enter into an agreement for a job training/recruitment program if the grant is awarded and the Chamber releases its funding. The agreement would then stipulate for the funds to be provided to the Chamber by the City.

FINANCIAL IMPACT:

Use \$150,000 in City ARPA funds for job training/recruitment program.

RECOMMENDATION:

Request approval of \$150,000 for the City to partner with the Chamber of Commerce to offset costs to the Chamber for the Texas Industry Partnership Grant cash match to establish a jet engine training program in Kingsville.

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE FUNDING FOR THE JET ENGINE REPAIR TRAINING PROGRAM.

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 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT #24

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 121 – GF ARP Funding					
<u>Expenditures-5</u>					
1030	City Special	Professional Services	31400	\$150,000	

[To amend the City of Kingsville FY 21-22 Budget to appropriate funding for job training program with the Chamber of Commerce for the Jet Engine Training Program. Funding will come from the ARP funding.]

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 11th day of April 2022.

PASSED AND APPROVED on this the 25th day of April 2022.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

Budget Am.

City of Kingsville
Department Name

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Juan J. Adame, Fire Chief
DATE: April 5, 2022
SUBJECT: Accept donation from Coastal Bend Regional Advisory Council

Summary:

The Kingsville Fire Department is requesting approval to accept a donation from the Coastal Bend Regional Advisory Council in the amount of \$6,141.00.

Background:

Each year CBRAC distributes funds to emergency medical services departments based on the number of EMS calls. They recently notified us of an award for \$6,141.00.

Financial Impact:

No negative financial impact. The donation will be used for departmental medical supplies.

Recommendation:

Accept the donation from the Coastal Bend Regional Advisory Council in the amount of \$6,141.00 to be used for Fire Department medical supplies.



COASTAL BEND REGIONAL
ADVISORY COUNCIL
PO BOX 18460
CORPUS CHRISTI TX 78480

001-5-2200-22400
AMERICAN BANK
800-267-8316
www.americanbank.com

6651

88-328/1149

CHECK NUMBER

03/29/2022

PAY TO THE
ORDER OF City of Kingsville Fire Dept

\$ **6,141.00

Six thousand one hundred forty-one and 00/100*****

DOLLARS

City of Kingsville Fire Dept
Attn: Chief Adame
119 N. 10th St.
Kingsville, TX 78363

MEMO EMS County FY22 Kleberg Co.

Two Signatures Required
Void After 90 Days

Christina Kelly
AUTHORIZED SIGNATURE

1100555111

03/29/2022

City of Kingsville Fire Dept

Date
03/29/2022

Type
Bill

Reference
EMS Cnty FY22

Original Amount
6,141.00

Balance Due
6,141.00

Check Amount

Payment
6,141.00
6,141.00

RAC-Primary

EMS County FY22 Kleberg Co.

6,141.00

6651

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO ACCEPT AND EXPEND FUNDING FROM THE COASTAL BEND REGIONAL ADVISORY COUNCIL FOR EMS MEDICAL SUPPLIES.

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 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT #26

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 027 – EMS Fund					
<u>Revenues - 4</u>					
2200	Fire	State Grants	72010	\$6,141.00	
<u>Expenditures – 5</u>					
2200	Fire	Medical Supplies	22400	\$6,141.00	

[To amend the City of Kingsville FY 21-22 Budget to accept and expend funding from the Coastal Bend Regional Advisory Council for the purchase of EMS medical supplies.]

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 11th day of April 2022.

PASSED AND APPROVED on this the 25th day of April 2022.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #4

City of Kingsville
Planning and Development Services Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Kobby Agyekum, Senior Planner/HPO

DATE: April 14, 2022

SUBJECT: Appointment of Chris Maher to the Historical Development Board.

Summary: The Department of Planning and Development Services works with the City's Historical Development Board. A vacancy exists on the board and Chris Maher is willing to serve on the board for a three-year term.

Background: The Code of Ordinances of the City of Kingsville provides for a Historical Development Board in Chapter XV, Article 5-Historic Districts and Landmarks. The board is to be composed of nine members, who serve in an advisory capacity and have no authority to bind the City except for applications as stated in the ordinance. Members serve for three-year terms. Chris Maher is a long-time resident and is currently the Director of Visitor Program and Archives at the King Ranch. He is interested in serving on the board and we think he will be an asset to it. A copy of his resume is attached.

Financial Impact: None.

Recommendation: Appoint Chris Maher to the City's Historical Development Board for a three-year term.



Contact

cjmaher16@yahoo.com

www.linkedin.com/in/cjmaher16
(LinkedIn)

king-ranch.com/visit (Company)

Top Skills

Microsoft Office

Project Management

Journalism

Languages

English (Native or Bilingual)

Honors-Awards

News Website (First Place)

News Photo (First Place)

Headline Writing (First Place)

Headline Writing (First Place)

Humorous Column Writing
(Honorable Mention)

Christopher Maher

Director of Visitor Program and Archives at King Ranch, Inc.
Kingsville

Experience

King Ranch, Inc.

Director of Visitor Program and Archives

January 2020 - Present (2 years 4 months)

Kingsville, Texas

Kingsville Publishing Company

Publisher/Editor and General Manager

March 2011 - December 2019 (8 years 10 months)

Kingsville, Texas

Alice Newspapers, Inc. - Nueces County Record Star

Managing Editor

February 2010 - March 2011 (1 year 2 months)

Robstown, Texas

Alice Newspapers, Inc.

Managing Editor

July 2009 - February 2010 (8 months)

Alice Newspapers, Inc. - Nueces County Record Star

Managing Editor

September 2008 - July 2009 (11 months)

Alice Newspapers, Inc.

Reporter

December 2003 - August 2008 (4 years 9 months)

Education

Texas A&M University-Kingsville

Bachelor of Arts (B.A.), History and English · (1994 - 2002)

AGENDA ITEM #5

City of Kingsville
Planning and Development Services Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Uche Echeozo, Director

DATE: April 13, 2022

SUBJECT: Introducing Members of the Steering Committee to City Commission.

Summary: The Department of Planning and Development Services has formally constituted the Steering Committee that would provide advisory services towards the preparation of the City's Comprehensive Plan. Consequently, they wish to introduce the members to City Commission.

Background: The Planning department, together with the Planning and Zoning Commission, is tasked, amongst other things, with the preparation and review of the City's Comprehensive Plan. In order to facilitate the smooth process towards the production of the said plan, a 9-member committee has been created to assist the City by offering their time, knowledge and wealth of experience. Consequently, a listing of the members as well as the relevant guidelines are attached for your information.

Financial Impact: None.

Recommendation: Call them up for recognition. (This is just an introduction of members to the Commission).





COMPREHENSIVE MASTER PLAN STEERING COMMITTEE GUIDELINES

Purpose:

The purpose of the Steering Committee is to oversee activities necessary to develop and implement a comprehensive plan pursuant to Texas Local Government Code, Chapter 213. Chapter 213 provides that municipalities may adopt comprehensive plans for the purposes of promoting the sound development of the municipality and promoting the public health, safety, and welfare. Chapter 213 further provides that the municipality may define the content and design of a comprehensive plan, and define the relationship between the comprehensive plan and the city's land use and development regulations.

The Objectives include:

- To assist with the development, adoption, and implementation of the City's Comprehensive Plan.
- Monitor the plan for consistency among communities and guide the Comprehensive Plan implementation, including the introduction of required resolutions and ordinance amendments.

Membership:

The Steering Committee shall be comprised of 9 members, one of whom should be from the Planning and Zoning Commission. In identifying Steering Committee members, planning staff should consider individuals who have been and are still contributing to the development and planning of the City. They should be individuals with established relationship throughout the community, who are willing to commit to regular meetings for the duration of the Comprehensive Plan process.

The Steering Committee is a diverse collective of community members that represent different districts and varying demographics within the city. Particular effort should be given to the issue of diversity and inclusion in the establishment of the committee. Similarly, there should be an emphasis on active members of the community. The Steering Committee is a key component of the public participation element of the Plan.

Role of the Steering Committee:

The Committee's role is to provide advice, ensure delivery of the project outputs, and the achievement of project outcomes. This may include such tasks as providing advice about changes to the project as it develops. The Steering Committee will provide recommendations to the Planning and Zoning Commission as well as the City Commission on the drafting and adoption of the Comprehensive Plan.

Responsibilities:

- Provide guidance through the entirety of the process.
- Provide advisory services with respect to data reviews, developing and reviewing goals, policies, and draft documents.
- Comment on all phases of the project including at community engagement meetings (community meetings).
- Identify issues and concerns throughout the plan process.

- Encourage community buy-in and public participation during community engagement events.
- Promote awareness, participation, and support for the plan.
- Represent broad community interests.

STEERING COMMITTEE MEMBERS

1. Rev. Idotha Battle (Planning and Zoning)
2. Mr. Dennis Yaklin
3. Mr. Omar Andrew Moralez
4. Mr. Nick Harrel
5. Ms. Victoria Esquivel
6. Mrs. Maggie Salinas
7. Mr. Charlie Ratliff (NAS)
8. Dr. Amby Anoruo (TAMUK)
9. Mrs. Christal Ramirez-Garcia

Thank you

Yours Sincerely,

Uche Echeozo
Director of Planning
and Development Services

AGENDA ITEM #6

Action Item

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



MEMO

Date: April 7, 2022
To: Mark McLaughlin (City Manager)
From: Uche Echeozo (Director of Planning and Development Services)
Subject: Laura Jiminez, applicant/Owner; requesting the rezone of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C4 (Commercial) to C2 (Retail).

The Planning and Zoning Commission meeting held as scheduled this evening, April 6, 2022, with x members in attendance.

Members deliberated over the issue of granting approval for a rezone to enable the applicant to carry out housing development that complies with the proposed commercial (Retail) zoning district. Letters were sent out to neighbors and the City received xxx feedback. Commissioners, after deliberations, voted to approve the recommendation for a rezone of the said property to from C4 to C2. A recorded vote of all members present was taken and Commissioners Mike Klepac, Idotha Battle, Larry Garcia, and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about xx.xxp.m.

Thank you.

Uche Echeozo
Director of Planning and
Development Services

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



MEMO

Date: March 25, 2022
To: Planning and Zoning Commission Members
From: Uche Echeozo (Director of Planning and Development Services)
Subject: **Laura Jiminez, applicant/Owner; requesting the rezone of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C4 (Commercial) to C2 (Retail).**

The applicant approached the department because they wanted to re-zone the existing property (**SIMS 3, BLOCK 3, LOTS 7-11**) from C4 (Commercial) to C2. C2 is a Retail district that allows forms of dwelling, and the applicant is looking at utilizing their property by putting up dwelling units for habitation.

Looking at the zoning of properties immediately surrounding the subject property, a C4 (Commercial) zoning classification is discernable to the North, East and South of the property. However, a Single-Family Residential (R1) zoning is to the West. Requesting a C2 reduces the intensity of the Commercial use while accommodating residential development. This is a beautiful way to 'transit' from Commercial to Residential. Moreover, there is already a dwelling on the property for residential purpose.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and provide suitable housing for residents of Kingsville.

Thank you.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 915 E. Mesquite St. Nearest Intersection 14th
(Proposed) Subdivision Name _____ Lot 7-11 Block 3
Legal Description: SIM 3 BLOCK 3 LOT 7-11
Existing Zoning Designation C4 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Laura Jiminez Phone 361-675-6158 FAX _____
Email Address (for project correspondence only): Missingchazz@gmail.com
Mailing Address 6347 Alpine Trail Ln City Katy State TX Zip 77494
Property Owner Laura Jiminez Phone 361-675-6158 FAX _____
Email Address (for project correspondence only): _____
Mailing Address _____ City _____ State _____ Zip _____

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

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

Please provide a basic description of the proposed project:

Would like to zone it to C2 two-family + multifamily
SIM 3 BLOCK 3 LOT 7-11

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

Applicant's Signature [Signature] Date: 3-8-22
Property Owner's Signature [Signature] Date: 3-8-22
Accepted by: _____ Date: _____

Kleberg CAD

Property Search > 19072 JIMINEZ LAURA M for Year 2022

Tax Year: 2022 - Values not available

Property

Account

Property ID:	19072	Legal Description:	SIMS 3, BLOCK 3, LOT 7 - 11
Geographic ID:	166600307000192	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	915 E MESQUITE	Mapsco:	
Neighborhood:		Map ID:	A1
Neighborhood CD:			

Owner

Name:	JIMINEZ LAURA M	Owner ID:	67967
Mailing Address:	6347 ALPINE TRAIL LANE KATY, TX 77494	% Ownership:	100.000000000000%

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Improvement / Building

Improvement #1: RESIDENTIAL State Code: A1 Living Area: 1551.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	MM3	EW5	1955	1551.0
OPMA	OPEN PORCH MASONRY AVERAGE *			1955	84.0

Improvement #2: RESIDENTIAL State Code: A1 Living Area: 588.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	FF2	EW9	2004	588.0
CNC	CONCRETE SLAB RESIDENTIAL *			2004	36.0

Land

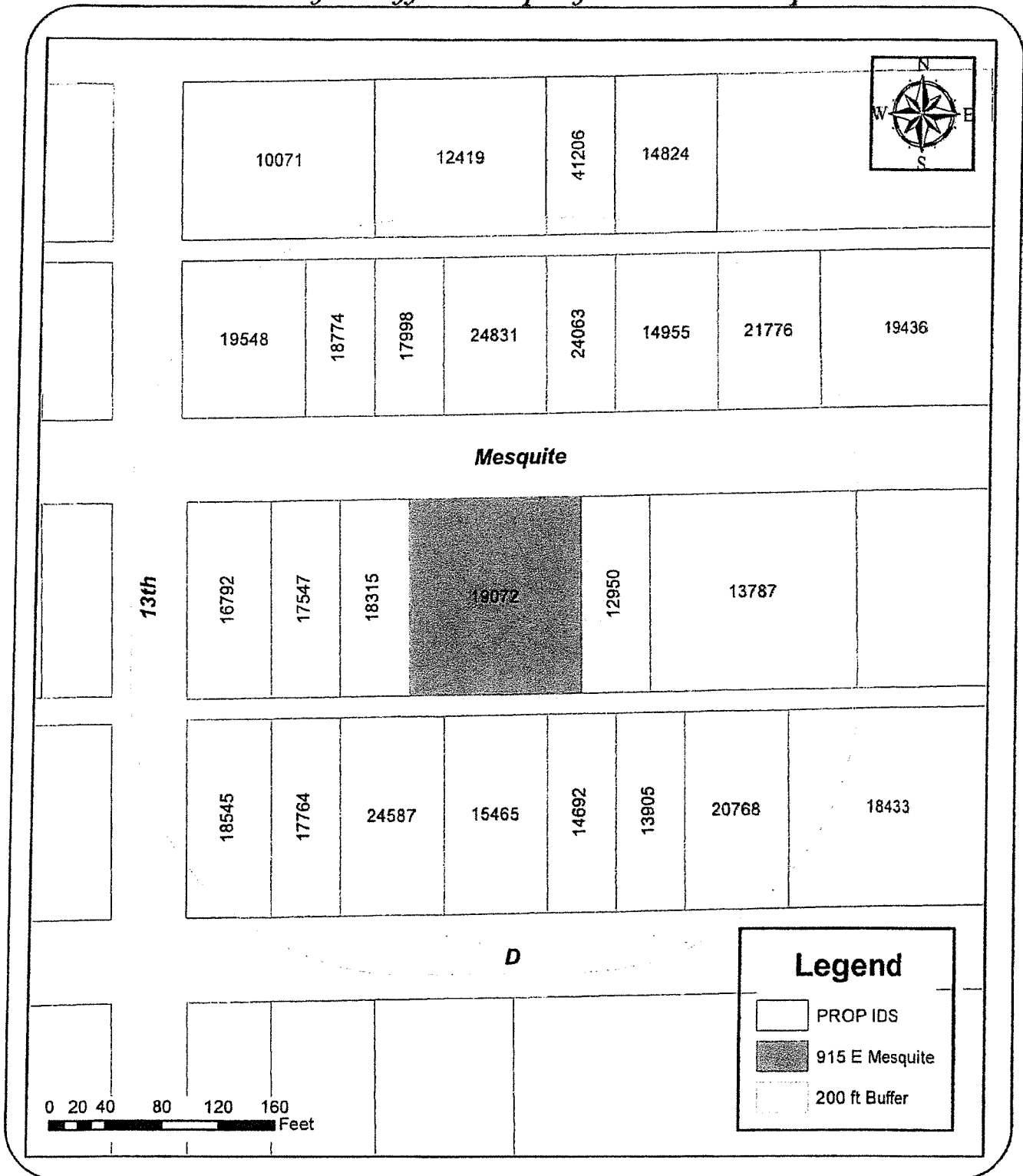
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A1	A1	0.1227	5343.75	37.50	142.50	N/A	N/A
2	A1	A1	0.1636	7125.00	50.00	142.50	N/A	N/A
3	A1	A1	0.1227	5343.75	37.50	142.50	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$76,320	\$7,500	0	83,820	\$0	\$83,820
2020	\$70,460	\$7,500	0	77,960	\$3,258	\$74,702
2019	\$39,890	\$7,500	0	47,390	\$3,029	\$44,361
2018	\$34,760	\$7,500	0	42,260	\$0	\$42,260
2017	\$37,730	\$7,500	0	45,230	\$0	\$45,230
2016	\$37,730	\$7,500	0	45,230	\$0	\$45,230
2015	\$37,730	\$7,500	0	45,230	\$0	\$45,230
2014	\$37,730	\$7,500	0	45,230	\$0	\$45,230
2013	\$37,730	\$7,500	0	45,230	\$0	\$45,230
2012	\$37,730	\$7,570	0	45,300	\$0	\$45,300
2011	\$37,730	\$7,570	0	45,300	\$0	\$45,300
2010	\$37,730	\$7,570	0	45,300	\$0	\$45,300
2009	\$37,730	\$7,570	0	45,300	\$0	\$45,300
2008	\$36,720	\$7,570	0	44,290	\$0	\$44,290

Questions Please Call (361) 595-5775

200 ft Buffer Map of 915 E Mesquite



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

Page 1 / 1	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 3/17/2022		
	Note:		

RUDY GALVAN PAINT
& BODY COLLISION CENTER LLC
905 E CORRAL AVE
KINGSVILLE, TX 78363
#10071

PEREZ SABAS JR
ETAL
PO BOX 1754
KINGSVILLE, TX 78364-1754
#14824

K C SALLEY VAN & STORAGE
CO
12337 CUTTEN RD
HOUSTON, TX 77066-1807
#24831

CASTILLO-MCNEALEY EMMA
1106 N 10TH ST
KINGSVILLE, TX 78363
#21776, 19436

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

CHAPA SUSAN GARCIA
2107 COLORADO
KINGSVILLE, TX 78363
#17764

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

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

K C SALLEY VAN & STORAGE
CO
12337 CUTTEN RD
HOUSTON, TX 77066-1807
#12419

RODRIGUEZ ISRAEL
902 E MESQUITE
KINGSVILLE, TX 78363
#19548

GONZALEZ RAUL
ABEL GONZALEZ
PO BOX 180
KINGSVILLE, TX 78364-0180
#24063

GUERRA MARGARITA C
ETVIR JOSE GUERRA
901 E MESQUITE AVE
KINGSVILLE, TX 78363-3939
#16792, 18545

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

DE LA ROSA SANTIAGO EST
% ELDA HARDING
11 NW HAVENSHIRE CIR
LAWTON, OK 73505
#24587

CHAVANA REGINO ROGELIO
920 E D AVE
KINGSVILLE, TX 78363-3932
#13905

SOUTH TEXAS MOVERS LP
1201 S PADRE ISLAND DR
CORPUS CHRISTI, TX 78416-
2116
#41206

SAUCEDA JUAN
ETUX NOELIA
1011 GREENJAY
KINGSVILLE, TX 78363-2784
#18774, 17998

GONZALES MARCOS EST
926 E MESQUITE AVE
KINGSVILLE, TX 78363
#14955

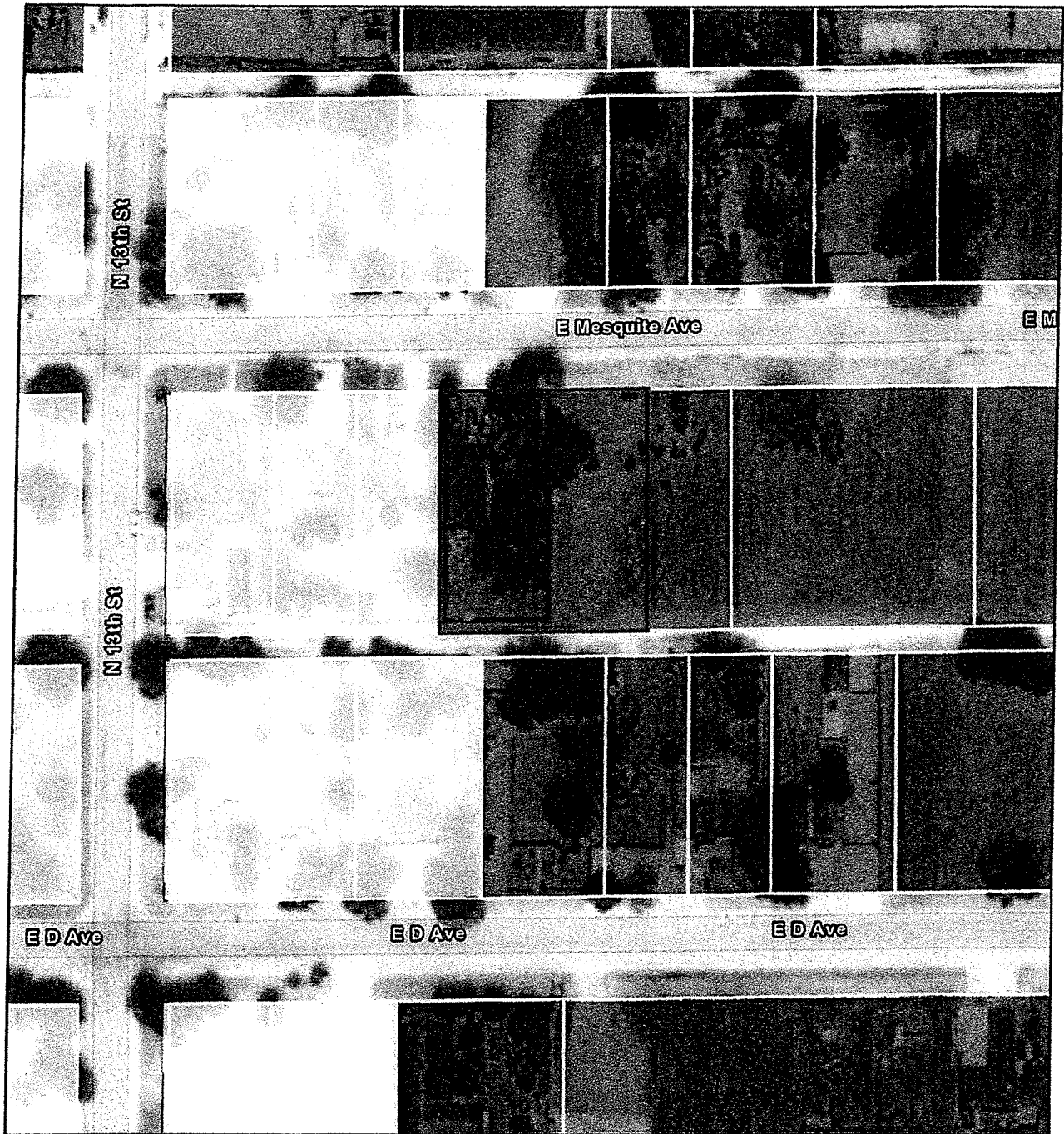
RODRIGUEZ JULIO JR
ETUX VELMA
2003 DENMARK LN
LAREDO, TX 78045-8395
#17547

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

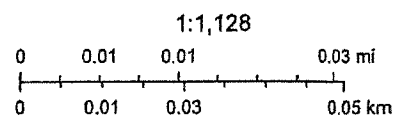
CAMPOS RHONDA LEE
914 E AVE D
KINGSVILLE, TX 78363
#15465

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

915 E Mesquite



March 9, 2022



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

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 6, 2022 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:

Laura Jiminez, Applicant/Owner; requesting the rezone of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C4 (Commercial) to C2 (Retail).

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, April 11, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

Laura Jiminez, Applicant/Owner; requesting the rezone of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C4 (Commercial) to C2 (Retail).

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.

Health Department gives all A's in latest inspection

By TERRY FITZWATER
PUBLISHER

The City of Kingsville Health Department conducted 26 more inspections during the weeks of Feb. 14 to Feb. 23, and the scores for those establishments all exceeded 90 or higher.

A score of 90 or higher is considered to be an "A" on the health inspection scale. The scores included nine perfect scores of 100, which computes to 31.6 percent of the stores inspected.

The stores with scores of a perfect 100 included: Whalaburger on 14th Street; McDonald's on

South Highway 77; Winners of Love Soup Kitchen; Ice Cream Dream Mobile; Harrel School; McDonald's on 14th Street; Kwik Pantry on West Corral; Ricardo Food Mart; and Harvey School.

Just missing the perfect 100 score with totals of 99 were seven more establishments, meaning 61.5 per-

cent of the establishments inspected had 99% or 100%. Stores that had totals of 99 were: Javelina Mart; Balfin Bay Convenience Store; Taco Bell; Dairy Queen of Kingsville; 11AM King High School; Love's Truck Stop; and Walgreens.

Three establishments followed closely behind with 98%, including: The

Fisherman's Market; Spice Station Indian Cuisine; and the Elks Lodge on 6th Street.

Next in line were two places with 97%: Agave Jalisco No. 4 and Riviera School.

Dollar General on North 14th Street checked in with a 96, followed by Star's Drive Inn and Stripes No.

2201/7-Eleven with 95%. Mariachi House of Burgers checked in with a 92, while Big House BBQ rounded out the all "A" scoring with a 91.

These were the best group of combined scores encountered by the City of Kingsville Health Department in the past two years.

CITY OF KINGSVILLE

TRASH-OFF DAY



The City of Kingsville will be hosting a Trash-Off Day. Citizens can dump their trash for FREE!

Saturday, March 26, 2022 from 8:30 a.m. - 12 p.m.

*** Weather Permitting ***

Located at 6th Street and E. Avenue B. Two blocks NORTH of Kleberg Elementary School

You must provide proof of residency and a utility bill. Contact Code Compliance for more info at 361-595-8893. NO Contractors allowed! KINGSVILLE RESIDENTS ONLY!

We WILL Accept:

- Appliances (no refrigerators or freezers)
- Brush
- Furniture
- Tires (8 per vehicle)

ONLY standard automobile tires.

Hand Sanitizer and Face Masks will be provided.

PLEASE STAY HOME IF YOU FEEL SICK OR HAVE A FEVER. THANK YOU!



We will NOT Accept:

- Hazardous Waste
- Refrigerators or Freezers
- Concrete
- Household Garbage
- Shredded or Roofing Shingles



Applications Sought for 2022 Appraisal Review Board

The Kleberg County Appraisal District is currently seeking applications from residents of Kleberg County interested in service on the Appraisal Review Board (ARB).

The Appraisal Review Board (ARB) is an independent panel of citizens responsible for hearing property owner appeals regarding appraised value, exemption denials and other appraisal related matters.

Applications are available at the Kleberg County District, 502 e. Kleberg Ave., Kingsville, Texas 78363.

If you have any questions, please call the Kleberg County Appraisal District at (361) 595-5775.

All applications must be received by the Appraisal District by the close of business on Friday, April 15, 2022.

SARITA ELEMENTARY SCHOOL of the Kenedy County-Wide Common School District is accepting student transfer applications for the 2022-2023 school year.

Applications may be found online at www.saritaschool.net. Applications will be accepted March 21-April 11th.

- Pre-K3 through 6th grade
- Small Class Sizes
- Highly-Qualified, Experienced Teachers & Librarian
- Counselor-led character education classes
- After-School Care
- Complimentary School Supplies and Meals
- Music and Technology classes
- Flag Football - Volleyball - Basketball - UIL
- 20 miles south of Kingsville down Highway 77
- Transportation will be provided

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 6, 2022 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: Laura Jiminez, Applicant/Owner, requesting the rezoning of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C1 (Commercial) to C2 (Retail). 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, April 11, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard: Laura Jiminez, Applicant/Owner, requesting the rezoning of SIMS 3, BLOCK 3, LOTS 7-11, also known as 915 E Mesquite, Kingsville, Texas from C1 (Commercial) to C2 (Retail). 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 NOTICE

Brief Explanatory Statements of Proposed Constitutional Amendments Special Election, May 7, 2022

Proposition Number 1
(SJR 1)

SJR 1 proposes a constitutional amendment authorizing the legislature to provide for the reduction of the amount of a limitation on the total amount of property taxes that may be imposed for general elementary and secondary public school purposes on the residence homestead of a person who is elderly or disabled in order to reflect any statutory reduction in the maximum compressed rate of the maintenance and operations taxes imposed for those purposes on the person's homestead from the preceding tax year.

The proposed amendment will appear on the ballot as follows: "The constitutional amendment authorizing the legislature to provide for the reduction of the amount of a limitation on the total amount of ad valorem taxes that may be imposed for general elementary and secondary public school purposes on the residence homestead of a person who is elderly or disabled to reflect any statutory reduction from the preceding tax year in the maximum compressed rate of the maintenance and operations taxes imposed for those purposes on the homestead."

Proposition Number 2
(SJR 2)

SJR 2 proposes a constitutional amendment increasing the amount of the residence homestead exemption from property taxes for public school purposes from \$25,000 to \$40,000.

The proposed amendment will appear on the ballot as follows: "The constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes from \$25,000 to \$40,000."

Published by The Office of the Texas Secretary of State, www.sos.texas.gov, 1-800-252-VOTE (6853).

ORDINANCE #2022-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO SIMS 3, BLOCK 3, LOT 7-11, ALSO KNOWN AS 915 E. MESQUITE, KINGSVILLE, TEXAS, FROM C4 (COMMERCIAL DISTRICT) TO C2 (RETAIL 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 Laura Jiminez, owner/applicant, 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, April 6, 2022 during a meeting of the Planning and Zoning Commission, and on Monday, April 11, 2022 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 4-0 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 7-11, also known as 915 E. Mesquite, Kingsville, Texas, from C4-Commercial District to C2-Retail 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 11th day of April, 2022.

PASSED AND APPROVED on this the 25th day of April, 2022.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

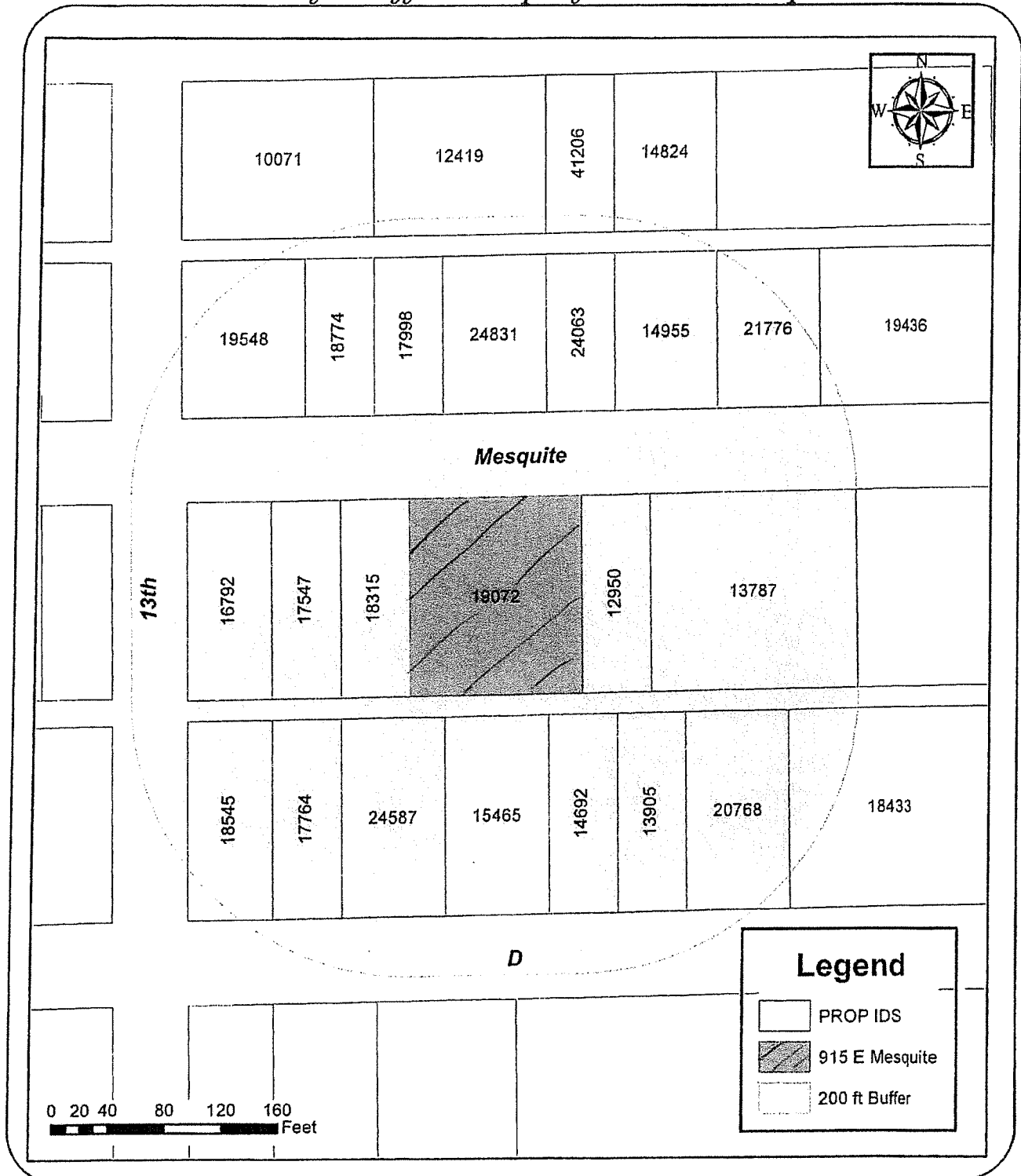
ATTEST:

Mary Valenzuela, City Secretary


APPROVED:

Courtney Alvarez, City Attorney

200 ft Buffer Map of 915 E Mesquite



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

Page 1 / 1	Drawn By: Planning Department	DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.	 CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055
	Last Update: 3/17/2022		
	Note:		

AGENDA ITEM #7



MEMO

Date: April 21, 2022

To: Mark McLaughlin (City Manager)

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).**

The Planning and Zoning Commission meeting held as scheduled this evening, April 20, 2022, with 4 members in attendance.

Members deliberated over the issue of granting approval for a rezone to enable the applicant to carry out development that complies with the proposed commercial (Retail) zoning district. Letters were sent out to neighbors and the City received no feedback. Commissioners, after deliberations, voted to approve the recommendation for a rezone of the said property from C3 to C2. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Idotha Battle, and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 6.15p.m.

Thank you.

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

Uche Echeozo
Director of Planning and
Development Services

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



MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

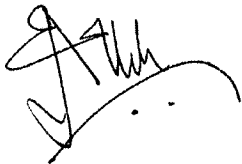
From: Uche Echeozo (Director of Planning and Development Services)

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).**

The applicant approached the department because they wanted to re-zone the existing property (**KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17**) from C3 (Central Business) to C2. This rezone application is required for the whole of Tract A even though the applicant only needs 0.489-acre portion from the 7.17 acres to join to Tract G (adjacent property). The applicant is looking at replatting a portion of the (Tract A) property, ceding some land to add to the adjacent property (2401 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.



Uche Echeozo
Director of Planning and
Development Services



MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

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

Subject: John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the rezone of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S Brahma Blvd, Kingsville, Texas from C3 (Central Business) to C2 (Retail).

The applicant approached the department because they wanted to re-zone the existing property (KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17) from C3 (Central Business) to C2. The applicant is looking at replatting a portion of the property, ceding some land to add to the adjacent property (2401 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.

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

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2405 South Brahma Blvd Nearest Intersection Brahma + General Canavos
(Proposed) Subdivision Name South Gate Lot TR Block A
Legal Description: 0.489 acre tract of Kingville 25 Ac Ltd, Lot Tr A
Existing Zoning Designation C3 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Alpha Lake, Ltd. Phone (979) 696-1444 FAX _____
Email Address (for project correspondence only): John@culpepperrealty.com
Mailing Address 1700 George Bush Dr. E., Ste. 240 City College Station State TX Zip 77840
Property Owner Kingville Retail Group LP Phone (512) 452-8633 FAX _____
Email Address (for project correspondence only): John@commercialretailgroup.com
Mailing Address 11701 Bee Caves Road, Ste. 262 City Austin State TX Zip 78738

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

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

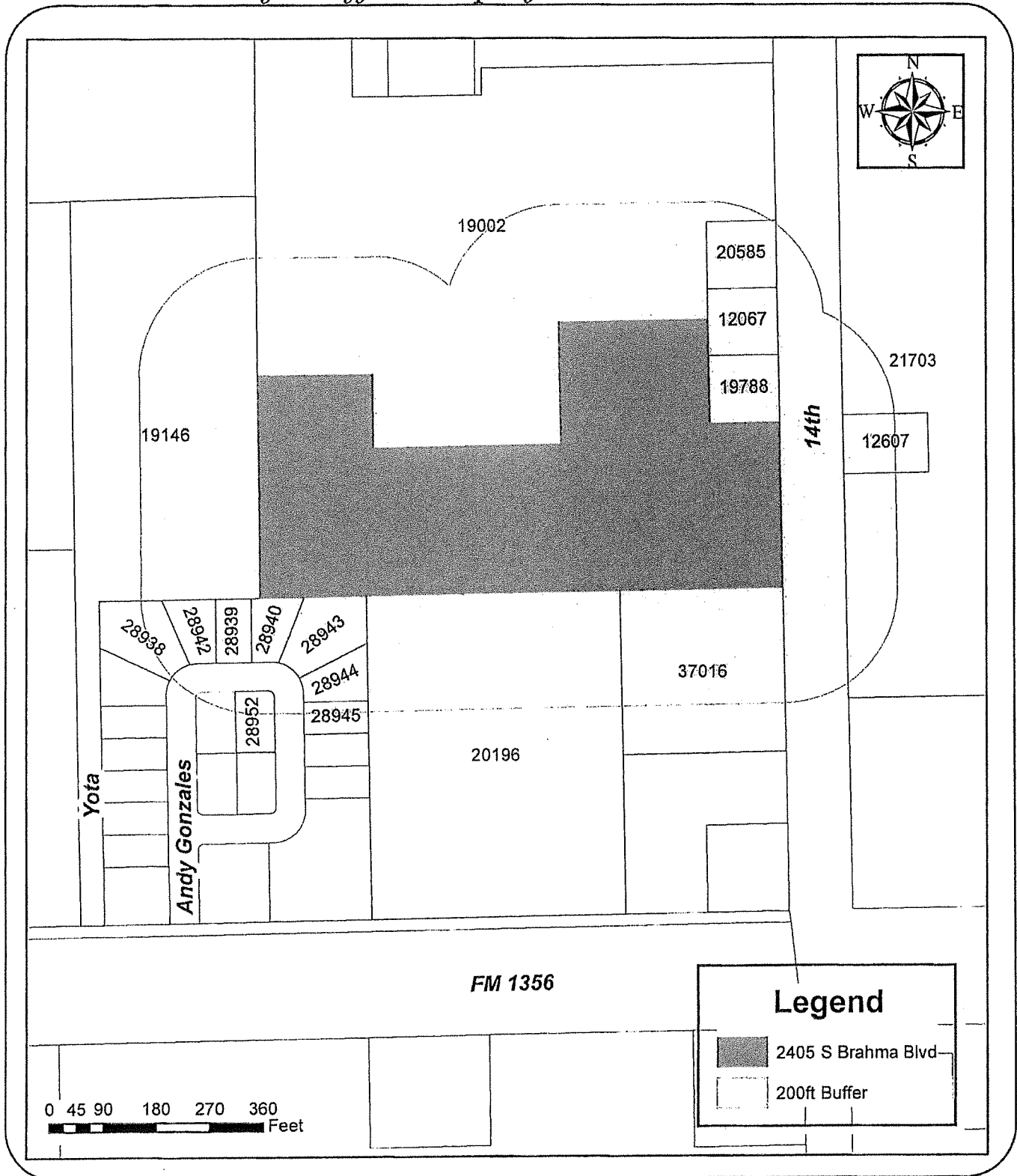
Please provide a basic description of the proposed project:

We would like to rezone the tract from C3 to C2, prior
to the re-plat of same property.

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

Applicant's Signature [Signature] Date: 3/28/22
Property Owner's Signature John O'Shugherty Date: 3/28/22
Accepted by: _____ Date: _____

200 ft Buffer Map of 2405 South Brahma



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

Page 1 / 1	Drawn By: Planning Department	<p>DISCLAIMER THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT 410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 3/17/2022		
	Note:		

HOUSING AUTHORITY OF THE
CITY OF KINGSVILLE
1000 W CORRAL AVE
KINGSVILLE, TX 78363-3035
#28938, 28942, 28939, 28940,
28943, 28944, 28945

TEXAS GOOD LIFE COMPANIES
LLC
PO BOX 1777
INGLESIDE, TX 78362
#19788

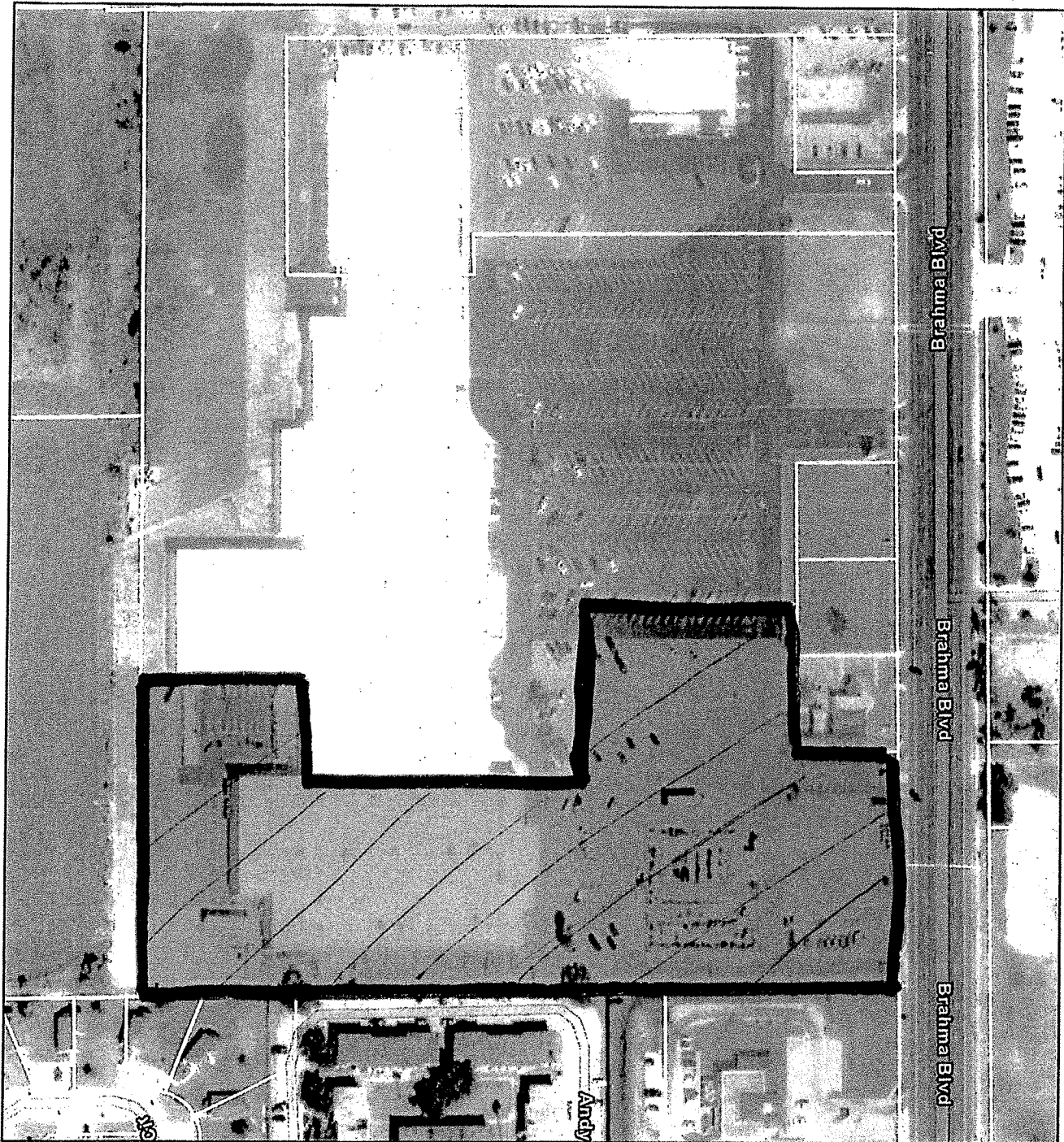
K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#21703, 12607

SCHUBERT DAVID E
715 ARROYO DR
KINGSVILLE, TX 78363
#19146

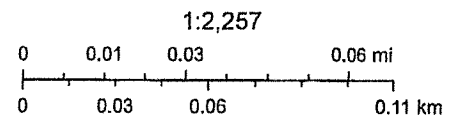
FIRST COMMUNITY BANK
416 N WATER ST
CORPUS CHRISTI, TX 78401-
2533
#37016

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
1700 GEORGE BUSH DR E
STE 240
COLLEGE STATION, TX 77840-3351
#19002, 20585, 12067
KINGSVILLE MULTIFAMILY
INVESTMENTS LLC
11816 INWOOD RD STE 3011
DALLAS, TX 75244
#20196

2405 S Brahma Zoning



April 5, 2022



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 > 11257 KINGSVILLE RETAIL GROUP LP for Year 2022 Tax Year: 2022 - Values not available

Property

Account

Property ID:	11257	Legal Description:	KINGSVILLE 25 AC LTD, LOT TR A, (TRACTOR SUPPLY), (SHOE DEPT), ACRES 7.17
Geographic ID:	139200001000192	Zoning:	C2
Type:	Real	Agent Code:	53359
Property Use Code:			
Property Use Description:			

Location

Address:	2405 S BRAHMA BLVD TX	Map ID:	A3
Neighborhood:			
Neighborhood CD:			

Owner

Name:	KINGSVILLE RETAIL GROUP LP	Owner ID:	52070
Mailing Address:	11701 BEE CAVES ROAD, STE 262 AUSTIN, TX 78738	% Ownership:	100.000000000000%

Exemptions:

Values

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

(=) Assessed Value: = N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 67147.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1982	51396.0
CON	CONCRETE SLAB COMMERCIAL	FV		1982	192.0
ASP	ASPHALT (100%)	FV		1982	238154.0
MA	MAIN AREA	WH2L		1982	15199.0
MA	MAIN AREA	TRKWL		1982	552.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	7.1700	312325.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$510,840	\$218,630	0	729,470	\$0	\$729,470
2020	\$399,560	\$218,630	0	618,190	\$0	\$618,190
2019	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2018	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2017	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2016	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2015	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2014	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2013	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2012	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2011	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2010	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2009	\$268,000	\$218,630	0	486,630	\$0	\$486,630
2008	\$268,000	\$218,630	0	486,630	\$0	\$486,630

Questions Please Call (361) 595-5775

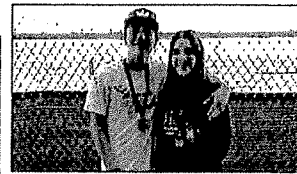


31-1A District JV Tennis Tournament results - Hannah Ortega - third place Freshman Girls Singles and Hilton Pre - second place - JV boys singles. (Submitted photo)

H.M. King tennis results announced



Caddo JV tournament - Third place JV mixed doubles - Alyssa Chavez and Albert Bousfield; 1st consolation - girls singles - Hannah Ortega; JV girls singles - Danielle O'Grady. (Submitted photo)



Third place mixed doubles - Flour Bluff freshman tournament - 2/1/22 - Aaron Ruines and Hannah Ortega. (Submitted photo)



Starr Gomez - Third place Kingsville Spring - girls varsity singles, second place girls varsity singles at Bishop Varsity tournament. (Submitted photo)



Second place JV boys singles - Flour Bluff tournament - 2/1/22 - Aaron Ruines. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/1/22 - Aaron Ruines. (Submitted photo)

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 20, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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, April 25, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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

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ORDINANCE #2022-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO KINGSVILLE 25 ACRES LTD, LOT TRACT A, 7.17 ACRES, ALSO KNOWN AS 2405 S. BRAHMA BLVD., KINGSVILLE, TEXAS, FROM C3 (CENTRAL BUSINESS DISTRICT) TO C2 (RETAIL 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 John Culpepper of Alpha Lake, Ltd., applicant/authorized agent for Kingsville Retail Group, LP, owner, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, April 20, 2022 during a meeting of the Planning and Zoning Commission, and on Monday, April 25, 2022 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 4-0 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 Kingsville 25 Acres Ltd, Lot Tract A, 7.17 acres, also known as 2405 S. Brahma Blvd., Kingsville, Texas, from C3 (Central Business District) to C2 (Retail 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 25th day of April, 2022.

PASSED AND APPROVED on this the 9th day of May, 2022.

Effective Date: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney

19146

19002

20585

12067

19788

21703

12607

14th

37016

20196

28938

28942

28939

28940

28943

28944

28945

28952

Yota

Andy Gonzales


FM 1356

Legend

2405 S Brahma Blvd

200ft Buffer

0 45 90 180 270 360 Feet

<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> Page 1/1 </div>	Drawn By: Planning Department	<p style="text-align: center;">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>	<div style="text-align: center;">  <p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p> </div>
	Last Update: 3/17/2022 Note:		

AGENDA ITEM #8



MEMO

Date: April 21, 2022

To: Mark McLaughlin (City Manager)

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

Subject: **John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 AC LTD, 0.489 acres out of TRACT A, and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S Brahma Blvd, Kingsville, Texas.**

The Planning and Zoning Commission meeting held as scheduled this evening, April 20, 2022, with 4 members in attendance.

Members deliberated over the issue of granting approval for a re-plat of existing lots as described above into the reconfigured lot shown in the attached diagram. Letters were sent out to neighbors and the City received no objections to the request. Commissioners, after deliberations, voted unanimously to approve the recommendation to re-plat the said property. A recorded vote of all members present was taken and Commissioners Brian Coufal, Larry Garcia, Idotha Battle and the Chairman – Steve Zamora all voted 'YES'

The meeting was adjourned by 6.15p.m.

Thank you.

A handwritten signature in black ink, appearing to read "Uche Echeozo", with a large, 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



Action Item -
Replat

MEMO

Date: April 8, 2022

To: Planning and Zoning Commission Members

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

Subject: John Culpepper of Alpha Lakes, applicant/authorized agent; Kingsville Retail Group LP, owner; requesting the replat of KINGSVILLE 25 AC LTD, 0.489 acres out of TRACT A, and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S Brahma Blvd, Kingsville, Texas.

The applicant approached the department because they wanted to replat the recently rezoned property (KINGSVILLE 25 AC LTD, 12.96 acres out of TRACT G and including a portion – 0.489 acres from the recently rezoned TRACT A) as described in the attached drawing. The applicant is looking at re-platting a portion of the property, ceding some land to add to the adjacent property (2213 S Brahma) that currently has a C2 zoning.

Consequently, this application is being submitted for your consideration. Therefore, it is recommended that you consider the said application and approve same since this will encourage optimal use of the property and enhance the economic base of Kingsville.

Thank you.

Uche Echeozo
Director of Planning and
Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

*I need a
rezone application
first - Mike
3/25/2022*

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 2405 South Brahma Blvd Nearest Intersection Brahma + General Cavazos

(Proposed) Subdivision Name Kingsville 25 Acre LTD Lot GR Block -

Legal Description: 0.489 acre tract of Kingsville 25 Ac Ltd, Lot Tr A & 12.96 Acres out of tract 6

Existing Zoning Designation C2 Future Land Use Plan Designation C2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Alpha Lake, Ltd. Phone (979) 696-1444 FAX _____

Email Address (for project correspondence only): John@culpepper Realty.com

Mailing Address 1700 George Bush Dr. E. Ste. 240 City College Station State TX Zip 77840

Property Owner Kingsville Retail Group LP Phone (512) 452-8633 FAX _____

Email Address (for project correspondence only): John@commercialretailgroup.com

Mailing Address 11701 Bee Caves Road, Ste. 262 City Austin State TX Zip 78738

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

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

Please provide a basic description of the proposed project Please see the attached survey for the portion of the property listed above we'd like to have replatted, to be included with the adjacent tract owned by Alpha Lake, Ltd.

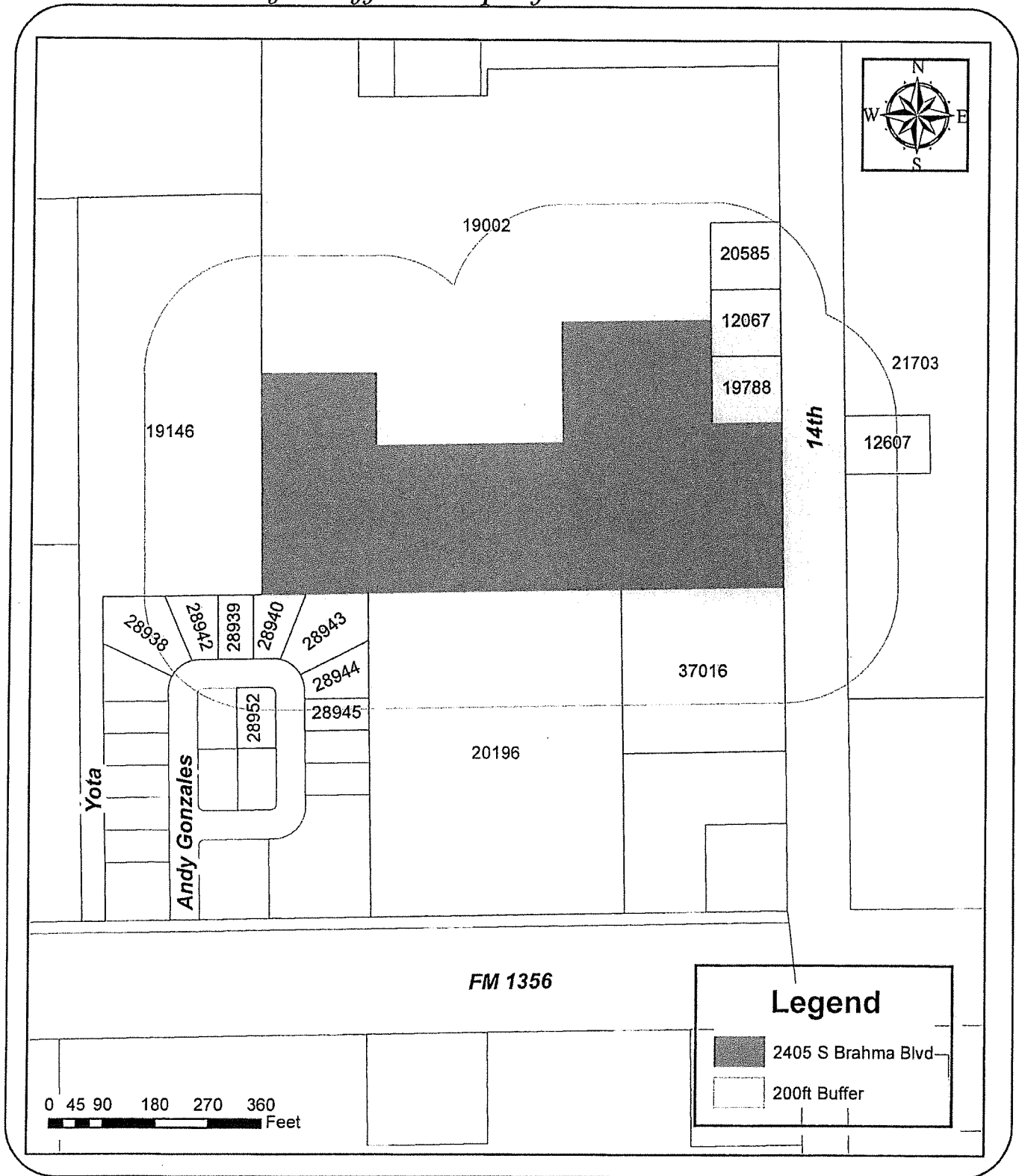
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's signature: [Signature] Date: 1/27/22

Property owners signature: [Signature] Date: 1/27/21

Accepted by: _____ Date: _____

200 ft Buffer Map of 2405 South Brahma



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

Page 1 / 1	Drawn By: Planning Department	<p>DISCLAIMER</p> <p>THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.</p>	<p>CITY OF KINGSVILLE PLANNING DEPARTMENT</p> <p>410 West King Kingsville, Texas 78363 Office: 361-595-8055</p>
	Last Update: 3/17/2022		
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1000 W CORRAL AVE
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#28938, 28942, 28939, 28940,
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LLC
PO BOX 1777
INGLESIDE, TX 78362
#19788

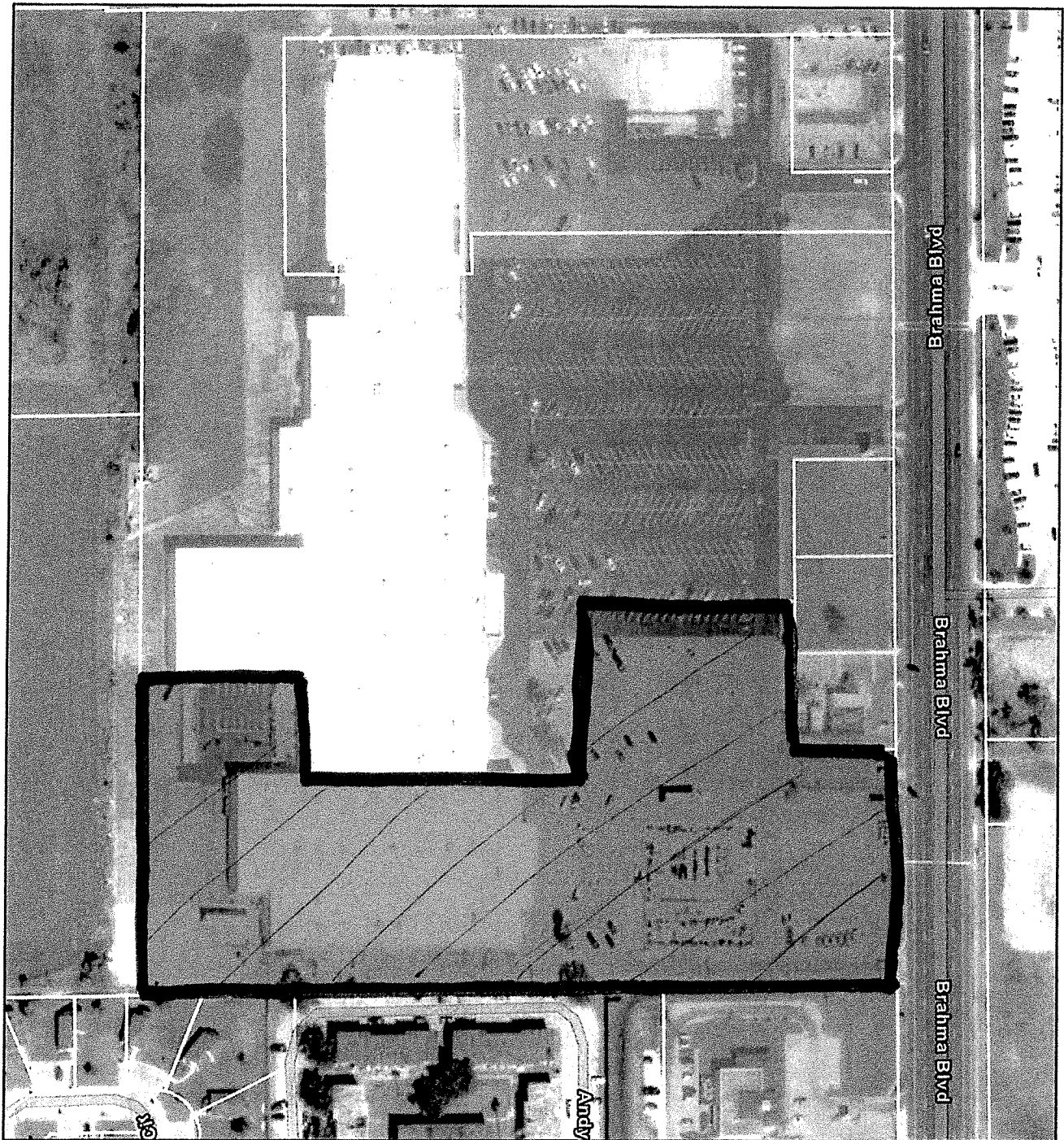
K I S D
PO BOX 871
KINGSVILLE, TX 78364-0871
#21703, 12607

SCHUBERT DAVID E
715 ARROYO DR
KINGSVILLE, TX 78363
#19146

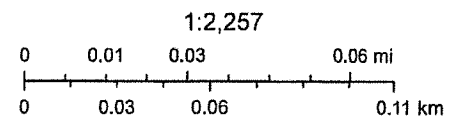
FIRST COMMUNITY BANK
416 N WATER ST
CORPUS CHRISTI, TX 78401-
2533
#37016

ALPHA LAKE LTD
A TEXAS LIMITED PARTNERSHIP
1700 GEORGE BUSH DR E
STE 240
COLLEGE STATION, TX 77840-3351
#19002, 20585, 12067
KINGSVILLE MULTIFAMILY
INVESTMENTS LLC
11816 INWOOD RD STE 3011
DALLAS, TX 75244
#20196

2405 S Brahma Zoning



April 5, 2022



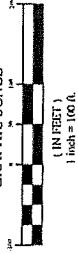
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Brisler Surveying

1435 South Texas Island Drive, Suite 101
Corpus Christi, Texas 78411
Phone: 361-650-3462
Fax: 361-650-3462
Email: info@brislersurveying.com
www.brislersurveying.com



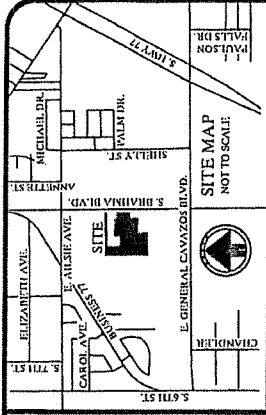
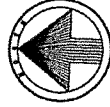
GRAPHIC SCALE



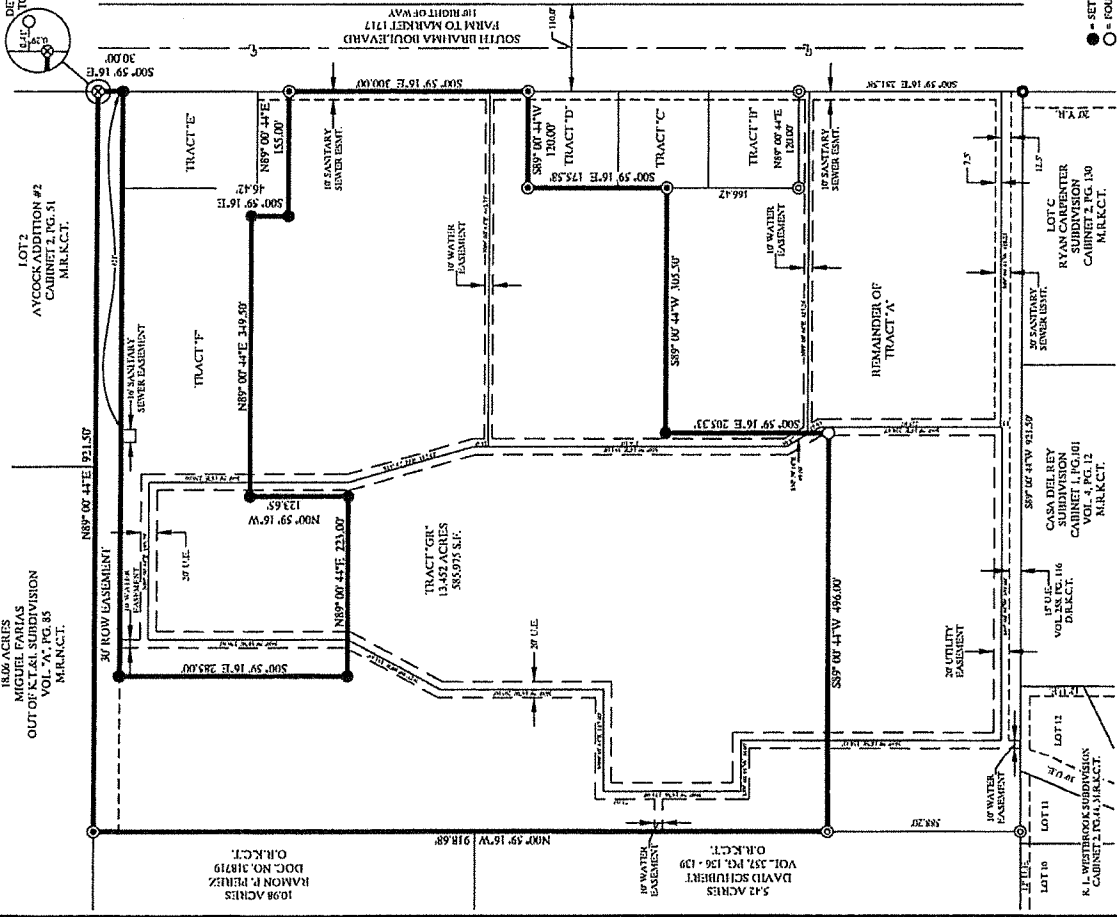
KINGSVILLE 25 ACRE LTD.

TRACT "GR"

BEING A REPLAT OF SHOPPING CENTER TRACT (TRACT "G"),
KINGSVILLE 25 ACRE LTD., AS SHOWN ON THE PLAT RECORDED IN
ENVELOPE 144, CABINET 1, MAP RECORDS OF KLEBERG COUNTY, TEXAS.



DETAIL NOT
TO SCALE



STATE OF TEXAS
COUNTY OF KLEBERG

WE, ALPIA LAKE LTD., DO HEREBY CERTIFY THAT WE ARE
THE OWNERS OF THE HEREIN DESCRIBED PROPERTY, AND
THAT THE HEREIN DESCRIBED PROPERTY IS NOT SUBJECT TO
ANY OTHER INTEREST, AND THAT THE HEREIN DESCRIBED
PROPERTY IS SHOWN ON THE FOREGOING MAP, THIS MAP
HAS BEEN PREPARED FOR THE PURPOSE OF DESCRIPTION
AND DEDICATION.

THIS THE ____ DAY OF ____, 2022

REPRESENTATIVE

STATE OF TEXAS
COUNTY OF KLEBERG

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY
OF ____, 2022, AT ____, TEXAS, I HAVE
PERSONALLY KNOWN AND BEEN SATISFIED THAT THE
SIGNED AND SUBSCRIBED TO THE FOREGOING INSTRUMENT AND
ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME
AS THE ACT AND DEED OF SAID LANDS FOR THE PURPOSE
AND CONSIDERATION THEREIN EXPRESSED, AND IN THE
CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS THE ____ DAY OF ____, 2022

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF KLEBERG

THIS FINAL MAP OF THE HEREIN DESCRIBED PROPERTY WAS
APPROVED BY THE BOARD OF PLANNING FOR THE CITY OF
KINGSVILLE, TEXAS.

THIS THE ____ DAY OF ____, 2022

DIRECTOR OF PLANNING

STATE OF TEXAS
COUNTY OF KLEBERG

THIS FINAL MAP OF THE HEREIN DESCRIBED
PROPERTY WAS APPROVED BY THE PLANNING AND
ZONING COMMISSION FOR THE CITY OF KINGSVILLE,
TEXAS.

THIS THE ____ DAY OF ____, 2022

CHAIRMAN

STATE OF TEXAS
COUNTY OF KLEBERG

THIS FINAL MAP OF THE HEREIN DESCRIBED PROPERTY WAS
APPROVED BY THE MAYOR AND THE CITY COMMISSION OF
KINGSVILLE, TEXAS.

THIS THE ____ DAY OF ____, 2022

MAYOR

CITY SECRETARY

STATE OF TEXAS
COUNTY OF KLEBERG

CLERK OF THE COUNTY COURT IN AND
FOR KLEBERG COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE
FOREGOING INSTRUMENT DATED THE ____ DAY OF ____, 2022
WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR
RECORD IN SAID COUNTY IN VOLUME ____, PAGE ____, MAP
RECORDS.

NO
FILED FOR RECORD

COUNTY CLERK
KLEBERG COUNTY, TEXAS

AT ____ O'CLOCK ____ M

STATE OF TEXAS
COUNTY OF NUECES

I, RONALD E. BRISTER, A REGISTERED PROFESSIONAL
LAND SURVEYOR, HAVE PREPARED THE FOREGOING MAP FROM A SURVEY MADE
ON THE GROUND UNDER MY DIRECTION AND IT IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE,
INFORMATION AND BELIEF.

THIS THE ____ DAY OF ____, 2022

RONALD E. BRISTER
REGISTERED PROFESSIONAL LAND SURVEYOR

NOTES:

1. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "C" ON THE
FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 4877C-005 E, WHICH
PANEL IS AN EFFECTIVE DATE OF MARCH 17, 2014 AND IS NOT IN A SPECIAL
FLOOD HAZARD AREA.
2. DIMENSIONS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83 (99) + 2011
DATUM.
3. SET 58° RE-MAR = STEEL REBAR SET WITH YELLOW PLASTIC CAP LABELLED
BRISTER SURVEYING.
4. THE TOTAL PLATTED AREA IS 13.452 ACRES.

DATE OF MAP: 21 FEBRUARY 2022

Kleberg CAD

Property Search > 11257 KINGSVILLE RETAIL GROUP LP for Year 2022 Tax Year: 2022 - Values not available

Property

Account

Property ID:	11257	Legal Description:	KINGSVILLE 25 AC LTD, LOT TR A, (TRACTOR SUPPLY), (SHOE DEPT), ACRES 7.17
Geographic ID:	139200001000192	Zoning:	C2
Type:	Real	Agent Code:	53359
Property Use Code:			
Property Use Description:			

Location

Address:	2405 S BRAHMA BLVD TX	Map ID:	A3
Neighborhood:			
Neighborhood CD:			

Owner

Name:	KINGSVILLE RETAIL GROUP LP	Owner ID:	52070
Mailing Address:	11701 BEE CAVES ROAD, STE 262 AUSTIN, TX 78738	% Ownership:	100.000000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value: = N/A

Taxing Jurisdiction

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 67147.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2A		1982	51396.0
CON	CONCRETE SLAB COMMERCIAL	FV		1982	192.0
ASP	ASPHALT (100%)	FV		1982	238154.0
MA	MAIN AREA	WH2L		1982	15199.0
MA	MAIN AREA	TRKWL		1982	552.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	7.1700	312325.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$510,840	\$218,630	0	729,470	\$0	\$729,470
2020	\$399,560	\$218,630	0	618,190	\$0	\$618,190
2019	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2018	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2017	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2016	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2015	\$285,790	\$218,630	0	504,420	\$0	\$504,420
2014	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2013	\$182,760	\$218,630	0	401,390	\$0	\$401,390
2012	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2011	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2010	\$185,870	\$218,630	0	404,500	\$0	\$404,500
2009	\$268,000	\$218,630	0	486,630	\$0	\$486,630
2008	\$268,000	\$218,630	0	486,630	\$0	\$486,630

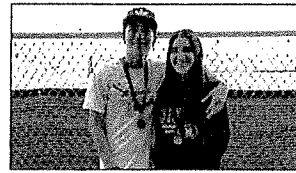
Questions Please Call (361) 595-5775



31-1A District JV Tennis Tournament results - Hannah Ortega - third place Freshman Girls Singles; and Hilton Proce - second place - JV boys singles. (Submitted photo)



Golden JV tournament - Third place JV mixed doubles - Alyssa Chavez and Albert Brumfield; 1st consolation - girls singles - Hannah Ortega; JV girls singles - Danielle O'Grady. (Submitted photo)



Third place mixed doubles - Flour Bluff freshman tournament - 2/19/22 - Aaron Ramos and Hannah Ortega. (Submitted photo)



Shari Gomez - Third place Kingsville Spring - girls varsity singles; second place girls varsity singles at Bishop Varsity tournament. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)



Second place JV Boys singles - Flour Bluff tournament - 2/19/22 - Aaron Ramos. (Submitted photo)

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, April 20, 2022 at 6:00 p.m. wherein the Commission will discuss and/or take action on the following items and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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, April 25, 2022 at 5:00 p.m. wherein the City Commission will discuss the consideration of the following item and at which time all interested persons will be heard:

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the replat of KINGSVILLE 25 ACRE LTD, 0.489 acres out of TRACT A and KINGSVILLE 25 ACRE LTD, 12.96 acres out of TRACT G, also known as 2405 S. Brahma Blvd., Kingsville, Texas.

John Culpepper of Alpha Lake, Ltd. applicant/authorized agent; Kingsville Retail Group LP owner; requesting the rezoning of KINGSVILLE 25 AC LTD, LOT TR A, ACRES 7.17, also known as 2405 S. Brahma Blvd., Kingsville, Texas from C3 (Central Business) to C2 (Retail).

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

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1814 N 17th Corpus Christi Tx. 78408
(361) 299-6096

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PRICES INCLUDE:
 Delivery • Setup • Tie Down • Level • Appliance • A/C

Ask About Our Home Replacement Program!

OFFERING MANUFACTURED MOBILE HOMES FROM 8 DIFFERENT FACTORIES

\$500 Down!

- ✓ Best Price Guaranteed
- ✓ 9 Different Lenders
- ✓ 11 Different Manufacturers
- ✓ S. Texas' Highest Volume Dealer
- ✓ Homes starting at \$59,000

We Provide Programs:

- If you are in a Disaster County
- Credit Challenged
- Lower Income
- Value Oriented Buyers

WWW.MOBILEHOMESCORPUSCHRISTITX.COM

AGENDA ITEM #9

City of Kingsville
Human Resources Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: David Solis, Risk Manager (HR Department)

DATE: April 14, 2022

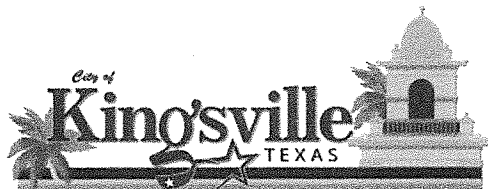
SUBJECT: All-Risk Property Insurance Renewal

Summary: This item presented for consideration will authorize award of the All-Risk Property Insurance Coverage for the City of Kingsville for the period of May 1, 2022 through April 30, 2023. This policy covers perils of Fire, Flood, Earthquake, Lightening, Windstorm, Named Storm and Equipment Breakdown. The City's Total Insured Values (TIV) for this renewal with incumbent insurance carrier, AmRisc, are \$58,464,658.00 which is the same value as last year.

Background: In February, Carlisle Insurance approached the City's incumbent Property Insurance carrier (Amrisc) to request a renewal quote. Carlisle Insurance also solicited quotes from 16 additional property insurance carriers that underwrite Coastal Windstorm and all-other peril risks. The attached letter from Chase Carlisle illustrates the current state of the global property insurance market which has transitioned from a soft market to a hard market. The proposal includes a list of the markets approached for this renewal.

This is an annually budgeted item. See attached documents including recommendation from Carlisle Insurance, AmRisc proposal, and the Carrier's Schedule of Values (SOV) Breakout spreadsheet.

Financial Impact: The enclosed renewal quote of \$328,192.75 is an increase of \$66,679.85 as compared to the expiring premium. The increase is due primarily to the



City of Kingsville
Human Resources Department

Property Insurance marketplace which is driven by global and domestic property insurance losses. With the exception of the named Storm deductible, all policy Deductibles and the Policy Terms and Conditions remain unchanged for this Policy year. The named storm deductible will increase from 2% to 3%. Property Insurance premiums are budgeted in Insurance-Property/Liability Insurance line items in both General Fund and the Utility Fund.

Recommendation: After review of Carlisle Insurance recommendation and AmRisc proposal, staff is recommending continuing with AmRisc as the City's all-risk property insurance carrier for another policy year (May 1, 2022 – April 30, 2023) with an annual cost of \$ 328,192.75.





2022 - 2023
INSURANCE PROPOSAL



PRESENTED BY:
Chase Carlisle, CIC, CMIP, CPCU

April 13, 2022



April 14, 2022

City of Kingsville
ATTN: David Solis

Kingsville, TX

Re: Property Insurance Renewal

Dear Mr. Solis,

I want to first thank you and the City of Kingsville for allowing Carlisle Insurance the opportunity obtain property insurance renewal quotes on your behalf.

The global property insurance market has continued to harden as we have seen for consecutive years since 2017. While we are still seeing rates increase, it seems that we are not running into capacity issues. Nonetheless, public entity accounts are still seeing anywhere between a 10-40% rate increase.

On behalf of the City of Kingsville, we marketed and submitted the risk to 17 carriers in an effort to produce the broadest coverage terms while maintaining a competitive pricing. The incumbent carrier, AmRisc, proved to be the best result and our recommendation for renewal as proposed. A marketing summary has been provided to staff with the responses from the other markets.

The enclosed renewal proposal reflects a 26% rate increase from the expiring 2021-2022 term with a change to the Named Storm deductible from a 2% to 3%. Overall cost increased by \$66,679.85.

Again, I want to thank you for your continued trust in our firm. We value our relationship with the City.

Yours truly,

Chase Carlisle, CIC, CMIP, CPCU
Vice President
(361)884-2775
chasec@carlisleins.com

U.S. 2021 Billion-Dollar Weather and Climate Disasters

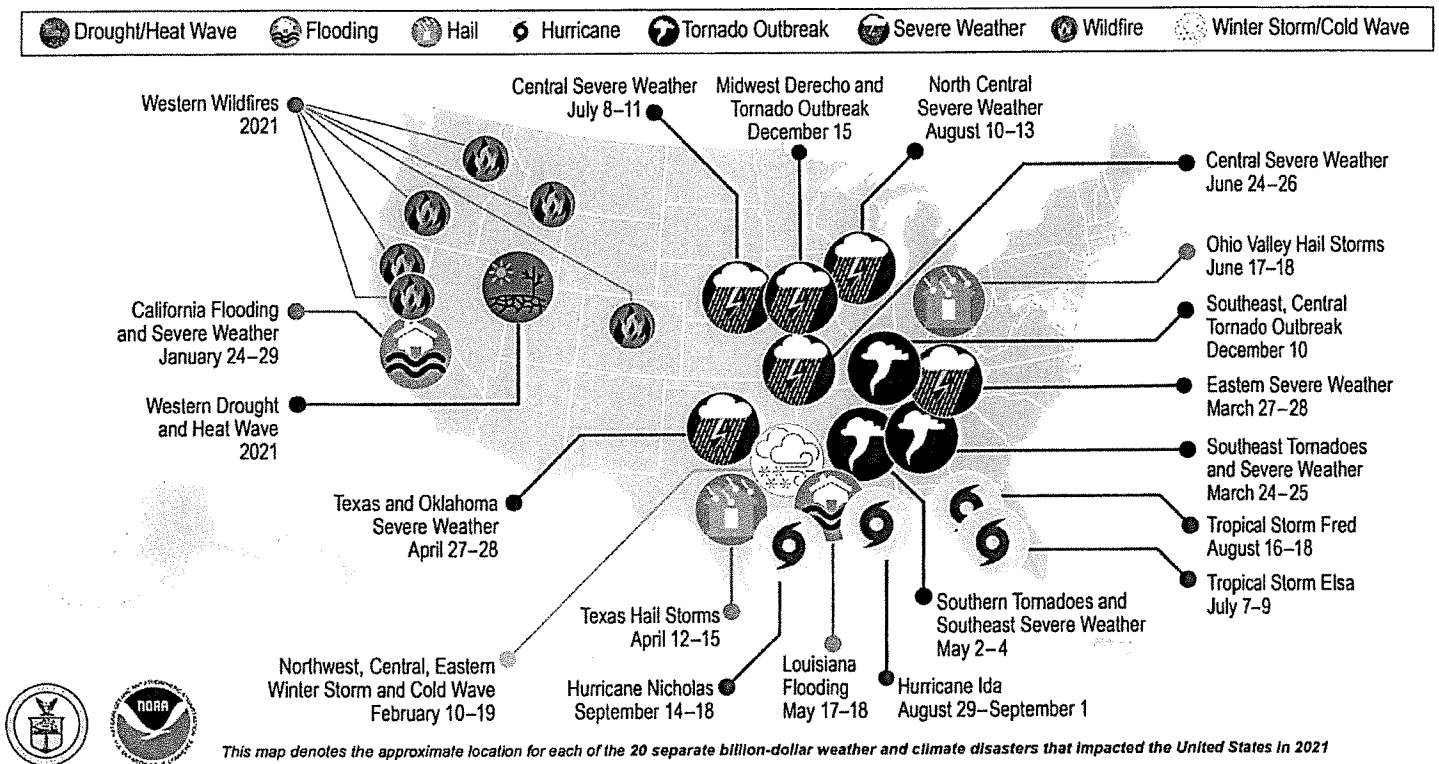


TABLE OF CONTENTS

Agency Introduction.....	1
Property Insurance Proposal.....	2
Other Quotes.....	3

DISCLAIMER: The abbreviated outlines of coverages used throughout this proposal are not intended to express any legal opinion as to the nature of coverage. They are only visuals to a basic understanding of coverages. Please read your policy for specific details of coverages.

AGENCY INTRODUCTION

At Carlisle Insurance, whether it is for yourself, your business or both, we take pride in providing a personalized plan to give you the right coverage now to provide peace of mind in the future. We understand what it means to be proud of what you have, and how important it is to know that it is protected. We are proud to offer the strength to protect you when you need it most, the security of a plan tailored to your needs, and the stability of an enduring insurance agency.

Since 1925 Carlisle Insurance has provided clients with protection through any obstacle. We have grown our business to operate in multiple locations and continue to offer quality protection to meet the growing needs of those who count on us. At Carlisle Insurance we view ourselves as more than a Corpus Christi insurance agency; we are a family of professionals who **Take Pride** in our commitment to covering what matters most to you.

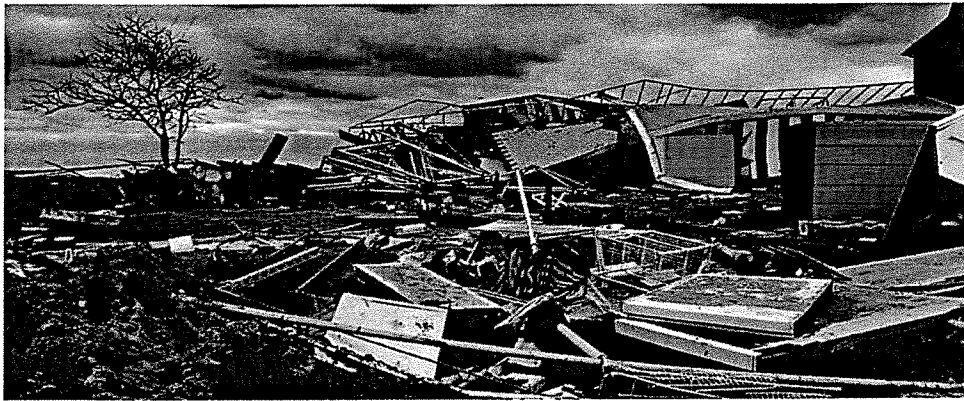
We pride ourselves on certified employees you can trust to have the skills and experience to find the right plan for you and your company. We believe it is important to take the extra effort and make sure our employees are some of the most educated and most prepared to handle your business. Whether it is our producers or service representatives, our team members are committed to identifying the right coverage for your business, your home and your life.

We **Take Pride** in our ability to cover your business and your needs so you can be ready for what could happen next. As a long-standing company, the Carlisle Insurance family knows what it takes to be successful and we will continue to work towards that success with pride to serve you in the future. When you trust in Carlisle Insurance, you trust in coverage you can be proud of.

HURRICANE RECOVERY PLAN

We have developed a disaster plan for our agency to assist our clients at the time of loss. The plan uses a two level approach. The following lists the highlights.

- o **YOUR DATA IS PROTECTED.** Our client information, including information on your property locations and coverage, is mirrored off site daily and it is backed up to tape which is removed to an off-site location.
- o **LEVEL ONE DISASTER.** In case of a disaster or evacuation affecting one of our offices, the fax and phone lines will be rerouted to one of our other three offices in South Texas. Any of our offices can handle the operations for any other office.
- o **LEVEL TWO DISASTER.** In case of a large scale or prolonged disaster we have partnered with Agility Recovery Solutions (www.agilityrecovery.com), a national disaster recovery company, to get us up and going very soon after a disaster. They had an excellent track record of providing service after the Katrina and Rita hurricanes. Within 48 hours after the disaster, Agility Recovery will bring in trailers, computers, satellite data and phone connections and generators to create a fully functional office. The fax and phone lines will be rerouted through the satellite connections to enable seamless communication with our clients.



WE ENCOURAGE YOU TO DEVELOP A DISASTER RECOVERY PLAN FOR YOUR BUSINESS. THE FOLLOWING ARE USEFUL LINKS:

- o For information on safety tips, contact the Institute for Business and Home Safety at www.disastersafety.org
- o For up to date tracking of approaching hurricanes access the National Oceanographic & Atmospheric Administration at www.noaa.gov
- o For road conditions including status of hurricane evacuation routes go to www.txdot.gov

PROPERTY INCLUDING WINDSTORM

Company Certain Underwriters at Lloyds
A.M. Best's Rating: A XV
Policy Term: 05/01/2022 - 05/01/2023

COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$41,172,342	\$12,713,354	\$500,000	\$4,078,962

COVERED PROPERTY - SEE ATTACHED SCHEDULE

COVERAGE TERMS

Flood Limit	\$2,500,000 Per Occ & in Annual Aggregate Except; \$1,000,000 Per Occ and in Annual Aggregate for locations in Zones A & V
Deductible- All Other Perils	\$10,000 Per Occurrence
Named Storm Deductible	3% Min \$100,000 Per Occurrence, Per Occ , Per Location
All Other Wind/Hail Deductible	\$100,000 Per Occurrence
Deductible- Flood	\$100,000 Per Occurrence Maximum NFIP whether purchased or not, for locations in Zones Prefixed with A or V or within Zone B, X500, Plus \$100,000 Per Occ
Deductible- Earthquake	\$25,000 Per Occurrence
Business Income Term	Actual Loss Sustained
Causes of Loss Form	Special
Valuation	Replacement Cost
Coinsurance	NIL
Ordinance & Law	See Form

****Return Premium to remove Outdoor Property (TIV \$4,078,962)****
\$12,000 Plus Taxes and Fees

Premium	\$	312,538.00
Policy Fee	\$	250.00
Taxes	\$	15,170.17
Fees	\$	234.58
Estimated Annual Premium	\$	328,192.75
Minimum Earned	\$	109,638.30
Minimum Annual Premium	\$	328,192.75

Sub limits

COVERAGES	LIMITS
Earth Movement	\$5,000,000 Per Occ & Annual Agg for All Locations Combined
Accounts Receivable	\$2,000,000
Civil or Military Authority; the lesser of	30 Days Max/\$1,000,000
Contingent Time Element; the lesser of	60 Days Max/\$1,000,000
Contractors Equipment; Unscheduled: Owned, leased, rented or borrowed	\$250,000
Any One Item	\$25,000
Course of Construction	\$250,000
Course of Construction Soft Costs	\$25,000
Debris Removal; the lesser of	25%/\$5,000,000
Electronic Data & Media	\$1,000,000
Errors or Omissions	\$100,000
Extended Period of Indemnity	180 Days
Extra Expense/Expediting Expense	\$1,000,000
Fine Arts	\$500,000
Fire Brigade Charges	\$250,000
Fungus, Mold, Mildew, Spores, Yeast	\$100,000 (Per Occ/Annual Aggregate)
Ingress/Egress	30 Days max \$1,000,000
Leasehold Interest	\$100,000
Limited Pollution Coverage	\$100,000 Annual Aggregate
Lock Replacement	\$25,000
Miscellaneous Unnamed Locations	\$100,000
Newly Acquired Property	90 Days max \$1,000,000
Ordinance or Law- Coverage A	Included in Building Limit
Ordinance or Law- Coverage B&C	20% Per Bldg, Max \$1M Per Occ
Ordinary Payroll	60 Days
Plants, Lawns, Trees or Shrubs	\$100,000
Any One Plant, Lawn, Tree or Shrub	\$25,000
Professional Fee	\$250,000 (Annual Aggregate)
Reclaiming, restoring or repairing land improvements	\$25,000
Reward Reimbursement	\$25,000
Royalties	\$25,000
Service Interruption (72 Hour Qualifying Period)	\$500,000
Spoilage	\$100,000
Time Element Monthly Limitation	1/12 th Monthly
Transit	\$100,000
Underground Pipes, Flues & Drains	\$50,000
Valuable Papers & Records	\$2,000,000
Sinkhole Loss Extension	As Per Schedule
Cyber Suite	\$100,000 (Annual Aggregate)
Wind Driven Precipitation	Excluded
Equipment Breakdown	\$50,000,000

Sub limits- Continued

COVERAGES	LIMITS
Back-up of Sewers and Drains	Included
Outdoor Property Separate 10% Ded Min \$100K	As Per Schedule
Personal Effects & Property of Others	Included
Mobile Equipment	\$1,000,000
Owned Mobile Equipment- Off Premises	\$500,000

TERMS & CONDITIONS

Terms and conditions include but are not limited to:

- Flood- Maximum NFIP, whether purchased or not, for Locations in Zones prefixed with A or V within Zone B, X500 or X-Shaded; Plus \$100,000 Per Occ
- Percent Deductibles are Per Bldg, Per Structure
- Limits are as per schedule by Building, NOT BLANKET
- All Buildings with outstanding damage are excluded.
- Cosmetic Roof Damage Endorsement Applies
- Exclusion of Certified Acts of Terrorism (Can be purchased for additional premium of \$15,388)
- Coverage Excludes all damage directly or indirectly caused by Named Storm in existence upon receipt of written request to bind

SUBJECT TO

- Warrant No losses last 5 years on properties to be covered unless specified in Property Application
- Warrant No Exterior Insulation Finish System (EIFS) Construction
- Severe Cancellation Penalties apply to CAT Exposed Property
- Signed Property Application (SOV)
- Signed Flood Notice
- Signed TRIA Disclosure Notice
- Roof Coverings to be ACV if originally installed or last fully replaced prior to 2010
- Wind driven rain excluded (Can be added back with \$25,000 additional premium)

RT LocID	LocName	StreetName	City	State	Zip	BldgValue	ContValue	OtherValue	BIValue	TotalTIV
1	Central Fire Station	119 N 10th St	Kingsville	TX	78363	2,968,000	396,500	0	0	3,364,500
39	Municipal Building	200 E Kleberg	Kingsville	TX	78363	2,558,000	384,540	0	0	2,942,540
40	N Plant	2891 E Santa Gertrudis Dr	Kingsville	TX	78363	3,189,397	250,000	0	0	3,439,397
41	S Plant Sewer Treatment	20000 FM 1717	Kingsville	TX	78363	1,694,448	250,000	0	0	1,944,448
186	Animal Shelter	3421 N FM 1355	Kingsville	TX	78363	591,700	0	0	0	591,700
198	City Hall	400 W King Ave	Kingsville	TX	78363	4,782,005	750,000	0	500,000	6,032,005
200	Collage Building	410 W King Ave	Kingsville	TX	78363	639,000	100,000	0	0	739,000
201	Fire Station #2	515 N Armstrong	Kingsville	TX	78363	405,000	53,196	0	0	458,196
202	Gril Box To JGPM Sewer Plant	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	13,061	75,000	0	0	88,061
204	Kingsville Fire Dept Training Ctr	309 N 6th St	Kingsville	TX	78363	419,000	8,000	0	0	427,000
205	Cyclone Replac For JGPM Sewer	1100 E FM 1717	Kingsville	TX	78363	5,322	0	0	0	5,322
207	S Plant Sewer Pump Station	20000 FM 1717	Kingsville	TX	78363	8,606	150,000	0	0	158,606
211	Stationary Siren	500 E Trent Rd	Kingsville	TX	78363	0	0	18,233	0	18,233
212	Stationary Siren	17th and Lee	Kingsville	TX	78363	0	0	18,233	0	18,233
213	Stationary Siren	Kenedy and Armstrong	Kingsville	TX	78363	0	0	18,233	0	18,233
215	S Plant UV Shed	20000 FM 1717	Kingsville	TX	78363	12,251	350,000	0	0	362,251
216	S Plant Blower Building	20000 FM 1717	Kingsville	TX	78363	135,450	550,000	0	0	685,450
217	N Plant UV Shed	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	72,000	700,000	0	0	772,000
218	N Plant Blower Building	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	162,000	1,100,000	0	0	1,262,000
219	Office/Break Room	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	162,000	35,000	0	0	197,000
220	N Plant Chemical Storage Bldg	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	12,000	10,000	0	0	22,000
221	N Plant Employee Break Room	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	0	0	34,000	0	34,000
222	Equipment Storage/North	1300 E Corral	Kingsville	TX	78363	125,000	0	0	0	125,000
223	Equipment Storage/South	1300 E Corral	Kingsville	TX	78363	369,000	0	0	0	369,000
224	Pump House/Water Well/Telemetry	5th And Ave C	Kingsville	TX	78363	50,000	290,400	0	0	330,400
225	84K gal Ground Storage Tank (Well)	5th And Ave C	Kingsville	TX	78363	12,000	0	0	0	12,000
226	500K gal Elevated Tank/Telemetry	Kenedy and Armstrong	Kingsville	TX	78363	1,511,561	9,000	0	0	1,520,561
227	500K gal Elevated Tank/Telemetry	12th and Kenedy St	Kingsville	TX	78363	1,511,561	9,000	0	0	1,520,561
228	Pump House/Water Well/Booster P	1100 E General Cavazos	Kingsville	TX	78363	554,951	168,000	0	0	722,951
229	212K gal Ground Water Tank	1100 E General Cavazos	Kingsville	TX	78363	163,620	0	0	0	163,620
230	1M gal Elevated Water Tank	1100 E General Cavazos	Kingsville	TX	78363	2,576,306	0	0	0	2,576,306
231	Pump House/Water Well/Chlorinator	3rd and Caesar	Kingsville	TX	78363	231,440	303,463	0	0	534,903
232	2M gal Ground Water Tank (Well 2)	3rd and Caesar	Kingsville	TX	78363	1,376,392	0	0	0	1,376,392
233	Pump House/Water Well/Telemetry	6th And Henrietta	Kingsville	TX	78363	200,000	76,810	0	0	276,810
234	212K gal Ground Water Tank (Well)	6th And Henrietta	Kingsville	TX	78363	163,620	0	0	0	163,620
235	84K gal Ground Storage Tank	1131 W Kenedy	Kingsville	TX	78363	189,000	0	0	0	189,000
236	Portable Enclosure(2) Ammonia Tot	101 Sage Rd	Kingsville	TX	78363	2,632	123,463	0	0	126,115
237	Heavy Equipment Shed	348 E CR 2130	Kingsville	TX	78363	157,000	3,000	0	0	160,000
238	Weigh Station Office	348 E CR 2130	Kingsville	TX	78363	266,750	30,000	0	0	296,750
239	Bandstand (Pavilion)	110 W Kleberg	Kingsville	TX	78363	0	0	25,312	0	25,312
240	Heavy Equipment Shed	1300 E Corral	Kingsville	TX	78363	917,000	0	0	0	917,000
241	84K gal Ground Water Tank	General Cavazos and 6th St	Kingsville	TX	78363	79,481	0	0	0	79,481
242	Signal Lights and Control Box	701 N 6th St	Kingsville	TX	78363	0	0	50,828	0	50,828
243	Signal Lights and Control Box	702 N Armstrong	Kingsville	TX	78363	0	0	50,828	0	50,828
244	Signal Lights and Control Box	103 E Kleberg Ave	Kingsville	TX	78363	0	0	50,828	0	50,828
245	Signal Lights and Control Box	230 S 6th St	Kingsville	TX	78363	0	0	50,828	0	50,828
246	Pumphouse/Well #23/Telemetry/Ch	2602 S 6th St	Kingsville	TX	78363	601,222	385,000	0	0	986,222
247	85K gal Ground Water Tank	2602 S 6th St	Kingsville	TX	78363	130,000	0	0	0	130,000
248	Portable Polymer Building	2602 S 6th St	Kingsville	TX	78363	0	0	1,721	0	1,721
249	Polymer Building	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	0	0	80,500	0	80,500
250	Train Depot	104 E Kleberg	Kingsville	TX	78363	353,000	75,000	0	0	428,000
251	Lift Station Building	17th and Lee	Kingsville	TX	78363	50,000	0	0	0	50,000
252	Lift Station Building	Trent Rd	Kingsville	TX	78363	2,000	0	0	0	2,000
253	Entire Water Well #24/Telemetry	13th St and Kenedy St	Kingsville	TX	78363	138,867	385,000	0	0	523,867
254	85K gal Ground Water Tank	13th St and Kenedy St	Kingsville	TX	78363	81,506	0	0	0	81,506
255	(6) Aluminum Lighting Poles	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	0	0	10,500	0	10,500

All Locations
58,454,658

RT LocID	LocName	Streetname	City	State	Zip	BldgValue	ContValue	OtherValue	BIValue	TotalTIV
256	Generator 275kw	25 Miles East on 1717 off Hwy	Kingsville	TX	78363	57,485	0	0	0	57,485
257	Generator 275kw (S#2307588)	17th and Lee	Kingsville	TX	78363	57,485	0	0	0	57,485
258	Scales	348 E CR 2130	Kingsville	TX	78363	0	0	60,000	0	60,000
259	Storm Sentry Monitor System	1700 E King	Kingsville	TX	78363	0	0	18,225	0	18,225
260	Tourism Office	1501 N Hwy 77	Kingsville	TX	78363	329,000	50,000	0	0	379,000
261	Storage Shed	1300 E Corral	Kingsville	TX	78363	0	0	42,000	0	42,000
262	Generator 800kw	North Plant	Kingsville	TX	78363	151,875	0	0	0	151,875
263	Generator 150kw	FM 1717	Kingsville	TX	78363	75,938	0	0	0	75,938
264	Londonderry Series Light (20)	various locations	Kingsville	TX	78363	0	0	46,575	0	46,575
265	Wastequip Dumpsters (600 Units)	various locations	Kingsville	TX	78363	0	0	331,068	0	331,068
266	Restroom - Soccer Field	501 E Escondido Rd	Kingsville	TX	78363	0	0	75,000	0	75,000
267	Concession/Pressbox #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	35,000	0	35,000
268	Restroom #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	75,000	0	75,000
269	Concession/Pressbox #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	50,000	0	50,000
270	Restroom #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	50,979	0	50,979
271	Soccer Field Bleachers and Post	501 E Escondido Rd	Kingsville	TX	78363	0	0	48,728	0	48,728
272	Baseball Fence/Lights/Scoreboard	501 E Escondido Rd	Kingsville	TX	78363	0	0	150,672	0	150,672
273	Concession/Pressbox #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	50,000	0	50,000
274	Concession/Pressbox #4	501 E Escondido Rd	Kingsville	TX	78363	0	0	31,512	0	31,512
275	Dugout #8	501 E Escondido Rd	Kingsville	TX	78363	0	0	2,581	0	2,581
276	BBQ Building	485 Santiago Park Ln	Kingsville	TX	78363	0	0	40,332	0	40,332
277	Restroom	501 E Escondido Rd	Kingsville	TX	78363	0	0	30,667	0	30,667
278	Bath House - Storage	501 E Escondido Rd	Kingsville	TX	78363	0	0	46,785	0	46,785
279	Pier	501 E Escondido Rd	Kingsville	TX	78363	0	0	53,000	0	53,000
280	Restroom	501 E Escondido Rd	Kingsville	TX	78363	0	0	48,722	0	48,722
281	Storage	501 E Escondido Rd	Kingsville	TX	78363	107,229	0	0	0	107,229
282	Concession/Restroom/Pressbox	501 E Escondido Rd	Kingsville	TX	78363	0	0	81,277	0	81,277
283	Shop	501 E Escondido Rd	Kingsville	TX	78363	0	0	88,046	0	88,046
284	Radio Tower Storage #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	21,735	0	21,735
285	Radio Tower Storage #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	41,525	0	41,525
286	Radio Tower Storage #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	3,550	0	3,550
287	Concession/Restroom	501 E Escondido Rd	Kingsville	TX	78363	0	0	104,755	0	104,755
288	Ballfield Fence/Lights/Score Board	501 E Escondido Rd	Kingsville	TX	78363	0	0	104,947	0	104,947
289	Covered Seating #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	8,038	0	8,038
290	Brookshire Pool House	1519 E Kennedy	Kingsville	TX	78363	400,000	0	0	0	400,000
291	Brookshire Pool Fence	1519 E Kennedy	Kingsville	TX	78363	0	0	39,000	0	39,000
292	Office/Recreation Center	11050 E Escondido	Kingsville	TX	78363	1,051,000	45,650	0	0	1,096,650
293	Radio Tower #2	12100 Escondido Rd	Kingsville	TX	78363	0	0	250,386	0	250,386
294	Radio Tower #2	12100 Escondido Rd	Kingsville	TX	78363	0	0	170,973	0	170,973
295	S Plant Portable Office Bldg	20000 FM 1717	Kingsville	TX	78363	0	0	11,000	0	11,000
297	Portable Office/Equio Bldg	20000 FM 1717	Kingsville	TX	78363	0	0	11,000	0	11,000
298	Fence	6th And Ave C	Kingsville	TX	78363	0	0	5,265	0	5,265
299	Fence	1116 E General Cavazos	Kingsville	TX	78363	0	0	2,962	0	2,962
300	Fence	3rd and Caesar	Kingsville	TX	78363	0	0	5,062	0	5,062
301	Portable Building	3rd and Caesar	Kingsville	TX	78363	0	0	31,885	0	31,885
302	Fence	6th And Henrietta	Kingsville	TX	78363	0	0	39,000	0	39,000
303	Pump House Building	1131 W Kenedy	Kingsville	TX	78363	1,215	58,054	0	0	59,269
304	Fence	1131 W Kenedy	Kingsville	TX	78363	0	0	1,987	0	1,987
305	Maintenance Bldg/Lit Station/Storage	611 Santiago Park Ln	Kingsville	TX	78363	10,000	15,000	0	0	25,000
306	Heavy Equipment Shed/Storage	348 E CR 2130	Kingsville	TX	78363	491,000	0	0	0	491,000
307	Catwalk	348 E CR 2130	Kingsville	TX	78363	0	0	10,000	0	10,000
308	Landfill Litter Net	348 E CR 2130	Kingsville	TX	78363	151,875	0	0	0	151,875
309	800mhz Equipment Building	501 E Escondido Rd	Kingsville	TX	78363	36,652	312,000	0	0	348,652
310	Fence	2602 S 6th St	Kingsville	TX	78363	0	0	7,088	0	7,088
311	Lab/Office	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	0	0	95,000	0	95,000
312	Animal Shelter Storage	3421 N FM 1355	Kingsville	TX	78363	0	0	23,000	0	23,000

RT LocID	LocName	StreetName	City	State	Zip	BldgValue	ContValue	OtherValue	BValue	TotalTIV
313	Storage Building #1	309 N 6th St	Kingsville	TX	78363	0	0	1,924	0	1,924
314	Storage Building #2	1850 N Armstrong	Kingsville	TX	78363	0	0	5,000	0	5,000
315	Fence	13th St and Kenedy St	Kingsville	TX	78363	0	0	7,088	0	7,088
317	Polymer Building	13th St and Kenedy St	Kingsville	TX	78363	0	0	1,519	0	1,519
318	Lift Station	1100 E FM 1717	Kingsville	TX	78363	66,150	20,000	0	0	86,150
319	Lift Station	Sage and Hwy 77	Kingsville	TX	78363	263,000	25,000	0	0	288,000
320	Lift Station	2612 S Hwy 77	Kingsville	TX	78363	40,450	30,000	0	0	70,450
321	Lift Station	Farm Rd 3320	Kingsville	TX	78363	8,000	30,000	0	0	38,000
322	Lift Station	May St	Kingsville	TX	78363	10,500	30,000	0	0	40,500
323	Lift Station	South Creek Subdivision	Kingsville	TX	78363	10,500	30,000	0	0	40,500
324	Lift Station	Carlos Truan	Kingsville	TX	78363	10,500	30,000	0	0	40,500
325	Morgan Tool Shed	1200 E General Cavazos Blvd	Kingsville	TX	78363	0	0	75,500	0	75,500
326	Covered Pavillion	251 N 6th St	Kingsville	TX	78363	0	0	60,750	0	60,750
327	Restroom - Soccer Field	501 E Escondido Rd	Kingsville	TX	78363	0	0	3,528	0	3,528
328	Covered Sealing #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	6,883	0	6,883
329	Dugout #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
330	Dugout #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
331	Covered Sealing #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	6,883	0	6,883
332	Dugout #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
333	Covered Sealing #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	6,883	0	6,883
334	Dugout #4	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
335	Dugout #5	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
336	Dugout #6	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
337	Dugout #7	501 E Escondido Rd	Kingsville	TX	78363	0	0	2,581	0	2,581
351	Dugout #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,614	0	1,614
352	Covered Sealing #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,936	0	1,936
353	Covered Sealing #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,936	0	1,936
354	Dugout #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,614	0	1,614
356	Dugout #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,614	0	1,614
357	Covered Sealing #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	2,904	0	2,904
358	Covered Sealing #4	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,828	0	1,828
359	Dugout #5	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,614	0	1,614
360	Dugout #6	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,614	0	1,614
361	Shop	501 E Escondido Rd	Kingsville	TX	78363	0	0	88,046	0	88,046
363	Dugout #1	501 E Escondido Rd	Kingsville	TX	78363	0	0	4,840	0	4,840
364	Dugout #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	4,840	0	4,840
365	Dugout #3	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
366	Dugout #4	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
367	Covered Sealing #2	501 E Escondido Rd	Kingsville	TX	78363	0	0	3,764	0	3,764
368	Storage	501 E Escondido Rd	Kingsville	TX	78363	0	0	2,688	0	2,688
369	Dugout #5	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
370	Pressbox	501 E Escondido Rd	Kingsville	TX	78363	0	0	2,797	0	2,797
371	Dugout #6	501 E Escondido Rd	Kingsville	TX	78363	0	0	1,506	0	1,506
372	Shed	1519 E Kennedy	Kingsville	TX	78363	0	0	6,131	0	6,131
376	Fence	1519 E Kennedy	Kingsville	TX	78363	0	0	7,971	0	7,971
377	Golf Clubhouse	2522 E Escondido	Kingsville	TX	78363	1,131,000	75,000	0	0	1,206,000
378	Golf Cart Shop	2522 E Escondido	Kingsville	TX	78363	294,638	805,000	0	0	1,099,638
379	Outdoor Trees and Shrubs	400 W King Ave	Kingsville	TX	78363	0	0	100,000	0	100,000
381	IT Assets	400 W King Ave	Kingsville	TX	78363	0	1,231,680	0	0	1,231,680
382	Public Works Dept	1300 E Corral	Kingsville	TX	78363	1,634,000	186,247	0	0	2,020,247
383	Metal Storage Building	2522 E Escondido	Kingsville	TX	78363	0	0	11,300	0	11,300
384	Large Equipment Storage Shed	2801 E Santa Gertrudis Dr	Kingsville	TX	78363	0	0	125,000	0	125,000
385	1 Million Gallon Ground Storage Tank	2302 Sage Rd	Kingsville	TX	78363	1,319,700	0	0	0	1,319,700
386	1500 GPM Booster Pump w/Control	2302 Sage Rd	Kingsville	TX	78363	295,000	0	0	0	295,000
387	230KW Generator w/ATS	1116 E General Cavazos	Kingsville	TX	78363	0	0	80,000	0	80,000
388	230KW Generator w/ATS	830 E Kenedy St	Kingsville	TX	78363	0	0	80,000	0	80,000

[illegible]

PREMIUM SUMMARY

POLICY	2021-2022	2022-2023
Property	\$261,512.90	\$328,192.75
Total	\$261,512.90	\$328,192.75

Payment Terms:

1. Payment in full made out to Carlisle Insurance Agency, Inc.
2. Finance Note – down payment made out to Carlisle Insurance Agency, Inc.
3. Direct Bill – Company will issue an invoice separately for (payment terms) on (list policies).

When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries, call your customer service representative.

This insurance proposal is based on information provided. Coverage descriptions are abbreviated and not all available coverages may have been included. The actual policy contains all of the terms and conditions. If there is a conflict between this proposal and the policy, the policy provisions shall prevail.

INSURED SIGNATURE

PRINTED NAME

DATE

OTHER QUOTES

PROPERTY INCLUDING WINDSTORM:

- Beazley – Not able to offer full limits
- Hallmark E&S- Excess only
- Intact Specialty Property- declined, cannot entertain TIV in Tier 1
- James River Insurance Company- Excess only
- Markel- Excess Only
- RSUI- Not able to offer full limits
- Sompo International- Not able to offer full limits
- Amwins Global Risks- Not able to compete, pricing too high Need \$300K
- Arrowhead Insurance Risk Managers LLC- Closed Pricing too high
- AXIS Insurance- Declined, does not want to write municipality
- Catalytic Risk Managers- Declined, schedule too heavy on outdoor & ancillary structures
- Everest National Insurance- Closed- Pricing too high
- ICAT- Declined, not interested in municipalities, TIV over \$25M
- Lexington Specialty Insurance Agency- Declined, no interested in this type of exposure in TX
- Velocity Risk Underwriters LLC- Declined Underwriting concerns
- Ventus Risk Management Inc- only able to consider high excess position

AGENDA ITEM #10

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa Purchasing Manager
DATE: April 19, 2022
SUBJECT: Investment Grade Audit for Water Meters

Summary:

This item authorizes the City Manager to sign a Letter of Intent with Performance Services Inc., from Round Rock, Texas, through TIPS Purchasing Cooperative for an Investment Grade Audit to explore the Replacement of Water Meters and AMI Systems for the City of Kingsville.

Background:

The existing water meters and endpoints have met their end of life and a large percent of the meters are not registering correctly. Performance Services Inc. has agreed to perform an Investment Grade Audit of the City's water meter system upon receipt of an executed Letter of Intent from the City. Once the audit is completed, it will be presented to Commission who can decide at that time whether to move forward with some or all of the projects identified in the audit, or to do none of them and pay a \$28,965 fee. Note, no audit preparation fee is due if an energy savings performance contract is entered into.

Financial Impact:

No Financial Impact

Recommendation:

It is recommended that the City Manager sign a Letter of Intent with Performance Services Inc., from Round Rock, Texas, through TIPS Purchasing Cooperative Contract No. 170103, for an Investment Grade Audit to explore the Replacement of Water Meters and AMI Systems for the City of Kingsville, as per staff recommendation.



TIPS VENDOR AGREEMENT

Between Performance Services, Inc. and
(Insert Company Name)

THE INTERLOCAL PURCHASING SYSTEM (TIPS), a Department of Texas Education Service Center Region 8 for TIPS RFQ 220104 Energy Savings Performance Contract

General Information

The Vendor Agreement ("Agreement") made and entered into by and between The Interlocal Purchasing System (hereinafter "TIPS") a government cooperative purchasing program authorized by the Region 8 Education Service Center, having its principal place of business at 4845 US Hwy 271 North, Pittsburg, Texas 75686 and the TIPS Vendor. This Agreement consists of the provisions set forth below, including provisions of all attachments referenced herein. In the event of a conflict between the provisions set forth below and those contained in any attachment, the provisions set forth shall control unless otherwise agreed by the parties in writing and by signature and date on the attachment.

A Purchase Order ("PO"), Agreement or Contract is the TIPS Member's approval providing the authority to proceed with the negotiated delivery order under the Agreement. Special terms and conditions as agreed between the Vendor and TIPS Member should be added as addendums to the Purchase Order, Agreement or Contract. Items such as certificate of insurance, bonding requirements, small or disadvantaged business goals are some, but not all, of the possible addendums.

Terms and Conditions

Freight

All quotes to Members shall provide a line item for cost for freight or shipping regardless if there is a charge or not. If no charge for freight or shipping, indicate by stating "No Charge", "\$0", "included in price" or other similar indication. Otherwise, all shipping, freight or delivery charges shall be passed through to the TIPS Member at cost with no markup and said charges shall be agreed by the TIPS Member unless alternative shipping terms are agreed by TIPS as a result of the proposal award.

Warranty Conditions

All new supplies equipment and services shall include manufacturer's minimum standard warranty unless otherwise agreed to in writing. Vendor shall be legally permitted to sell all products offered for sale to TIPS Members if the offering is included in the Request for Proposal ("RFP") category. All goods proposed and sold shall be new unless clearly stated in writing.

Customer Support

The Vendor shall provide timely and accurate customer support for orders to TIPS Members as agreed by the Parties. Vendors shall respond to such requests within a commercially reasonable time after receipt of the request. If support and/or training is a line item sold or packaged with a sale, support shall be as agreed with the TIPS Member.

Agreements

Agreements for purchase will normally be put into effect by means of a contract, agreement, or purchase order(s) executed by authorized agents of the TIPS Member participating government entities, but other means of placing an order may be used at the Member's discretion. Vendor accepts and understands that when a purchase order or similar purchase document is sent from a customer through TIPS to the Vendor, TIPS is recording the purchase and verifying whether the purchase is within the parameters of the TIPS Contract only. Vendor agrees that TIPS is not a legal party to the purchase order or similar purchase document and TIPS is not responsible for identifying fraud, mistakes, or misrepresentations for the specific order. Vendor agrees that any purchase order or similar purchase document issued from a customer to Vendor, even when processed through TIPS, constitutes a legal contract between the customer and Vendor only. A Vendor that accepts a purchase order or similar purchase document and fulfills an order, even when processed through TIPS, is representing that the vendor has carefully reviewed the purchase order or similar purchase document for legality, authenticity, and accuracy.

Tax exempt status

Most TIPS Members are tax exempt and the related laws and/or regulations of the controlling jurisdiction(s) of the TIPS Member shall apply.

Assignments of Agreements

No assignment of this Agreement may be made without the prior notification of TIPS. Written approval of TIPS shall not be unreasonably withheld. Payment for delivered goods and services can only be made to the awarded Vendor, Vendor designated reseller or vendor assigned company.

Disclosures

- Vendor and TIPS affirm that he/she, or any authorized employees or agents, has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with this Agreement.
- Vendor shall attach, in writing, a complete description of any and all relationships that might be considered a conflict of interest in doing business with the TIPS program.
- The Vendor affirms that, to the best of his/her knowledge, the offer has been arrived at independently, and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other vendors in the award of this Agreement.

Term of Agreement and Renewals

The Agreement with TIPS is for approximately five (5) years with an option for renewal for an additional one (1) consecutive year. If TIPS offers the renewal extension year, the Vendor will be notified by email to the primary contact of the awarded Vendor and shall be deemed accepted by the Vendor unless the awarded Vendor notifies TIPS of its objection to the additional term. TIPS may or may not exercise the available extension(s) provided in the original solicitation beyond the base five-year term. Whether or not to offer the extension is at the sole discretion of TIPS.

“Start Date” for Term Calculation Purposes Only: Regardless of actual award/effective date of Contract, for Agreement “term” calculation purposes only, the Agreement “start date” is the last day of the month that Award Notifications are anticipated as published in the Solicitation

Example: *If the anticipated award date published in the Solicitation is March 24, 2022 but extended negotiations delay award until June 27, 2022 The end date of the resulting initial “five-year” term Agreement, (which is subject to an extension(s)) will still be March 31, 2027.*

“Termination Date”: The scheduled Agreement “termination date” shall be the last day of the month of the month of the Original Solicitation’s Anticipated Award Date plus five years.

Example: *If the original term is approximately five years, and the solicitation provides an anticipated award date of March 24, 2022, the expiration date of the original five-year term shall be May 31, 2027.*

Extensions: Any extensions of the original term shall begin on the next day after the day the original term expires.

Example Following the Previous Example: *If TIPS offers a one-year extension, the expiration of the extended term shall be March 31, 2028.*

TIPS may offer to extend Vendor Agreements to the fullest extent the original Solicitation permits but is not required to do so.

Automatic Renewal Clauses Incorporated in Awarded Vendor Agreements with TIPS Members Resulting from the Solicitation and with the Vendor Named in this Agreement.

No Agreement for goods or services with a TIPS Member by the awarded vendor named in this Agreement that results from the solicitation award named in this Agreement, may incorporate an automatic renewal clause that exceeds month to month terms with which the TIPS Member must comply. All renewal terms incorporated in an Agreement by the vendor with the TIPS Member shall only be valid and enforceable when the vendor receives written confirmation by purchase order, executed Agreement or other written instruction issued by the TIPS Member for any renewal period. The purpose of this clause is to avoid a TIPS Member inadvertently renewing an Agreement during a period in which the governing body of the TIPS Member has not properly appropriated and budgeted the funds to satisfy the Agreement renewal. This term is not negotiable and any Agreement between a TIPS Member and a TIPS awarded vendor with an automatic renewal clause that conflicts with these terms is rendered void and unenforceable.

Shipments

The Vendor shall ship, deliver or provide ordered products or services within a commercially reasonable time after the receipt of the order from the TIPS Member. If a delay in said delivery is anticipated, the Vendor shall notify TIPS Member as to why delivery is delayed and shall provide an estimated time for completion of the order. TIPS or the requesting entity may cancel the order if estimated delivery time is not acceptable or not as agreed by the parties.

Invoices

Each invoice or pay request shall include the TIPS Member’s purchase order number or other identifying designation as provided in the order by the TIPS Member. If applicable, the shipment tracking number or pertinent information for verification of TIPS Member receipt shall be made available upon request.

Payments

The TIPS Member will make payments directly to the Vendor, the Vendor Assigned Dealer or as agreed by the Vendor and the TIPS Member after receiving invoice and in compliance with applicable payment

statute(s), whichever is the greater time or as otherwise provided by an agreement of the parties.

Pricing

All pricing submitted to TIPS' Members shall include the participation fee, as provided in the solicitation, to be remitted to TIPS by the Vendor. Vendor will not show adding the fee to the invoice presented to TIPS Member customer.

Participation Fees and Reporting of Sales to TIPS by Vendor

The Participation Fee that was published as part of the Solicitation and the fee published is the legally effective fee, along with any fee conditions stated in the Solicitation. Collection of the fees by TIPS is required under Texas Government Code §791.011 Et seq. Fees are due on all TIPS purchases reported by either Vendor or Member. Fees are due to TIPS upon payment by the Member to the Vendor, Reseller or Vendor Assigned Dealer. Vendor, Reseller or Vendor Assigned Dealer agrees that the participation fee is due to TIPS for all Agreement sales immediately upon receipt of payment including partial payment, from the Member Entity and must be paid to TIPS at least on a monthly basis, specifically within 31 calendar days of receipt of payment, if not more frequently, or as otherwise agreed by TIPS in writing and signed by an authorized signatory of TIPS. Thus, when an awarded Vendor, Reseller or Vendor Assigned Dealer receives any amount of payment, even partial payment, for a TIPS sale, the legally effective fee for that amount is immediately due to TIPS from the Vendor and fees due to TIPS should be paid at least on a monthly basis, specifically within 31 calendar days of receipt of payment, if not more frequently. **Fees for this RFQ is 1% of the sale price paid by the TIPS Member entity.**

Reporting of Sales to TIPS by Vendor

Vendor is required to report all sales under the TIPS contract to TIPS. When a public entity initiates a purchase with a TIPS Awarded Vendor, if the Member inquires verbally or in writing whether the Vendor holds a TIPS Contract, it is the duty of the Vendor to verify whether or not the Member is seeking a TIPS purchase. Once verified, the Vendor must include the TIPS Contract number on any communications and related sales documents exchanged with the TIPS Member entity. To report sales, the Vendor must login to the TIPS Vendor Portal online at https://www.tips-usa.com/vendors_form.cfm and click on the PO's and Payments tab. Pages 3-7 of the [Vendor Portal User Guide](#) will walk you through the process of reporting sales to TIPS. Please refer to the TIPS [Accounting FAQ's](#) for more information about reporting sales and if you have further questions, contact the Accounting Team at accounting@tips-usa.com. The Vendor or vendor assigned dealers are responsible for keeping record of all sales that go through the TIPS Agreement and submitting same to TIPS. Failure to render the participation fee to TIPS shall constitute a breach of this agreement with our parent governmental entity, Texas Education Service Center Region 8, as established by the Texas legislature and shall be grounds for termination of this agreement and any other agreement held with TIPS and possible legal action. Any overpayment of participation fees to TIPS by a Vendor will be refunded to the Vendor within ninety (90) days of receipt of notification if TIPS receives written notification of the overpayment not later than the expiration of six (6) months from the date of overpayment and TIPS determines that the amount was not legally due to TIPS pursuant to this agreement and applicable law. It is the Vendor's responsibility to identify which sales are TIPS Agreement sales and pay the correct participation fee due for TIPS Agreement sales. Any notification of overpayment received by TIPS after the expiration of six (6) months from the date of overpayment will be non-refundable. Region 8 ESC and TIPS reserve the right to extend the six (6) month deadline to notify if approved by the Region 8 ESC Board of Directors. TIPS reserves all rights under the law to collect the fees due. Please contact TIPS at tips@tips-usa.com or call (866) 839-8477 if you have questions about paying fees.

Indemnity

The Vendor agrees to indemnify and hold harmless and defend TIPS, TIPS Member(s), officers and employees from and against all claims and suits by third parties for damages, injuries to persons (including death), property damages, losses, and expenses including court costs and reasonable attorney's fees, arising out of, or resulting from, Vendor's performance under this Agreement, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part, upon allegations of negligent or intentional acts on the part of the Vendor, its officers, employees, agents, subcontractors, licensees, or invitees. Parties found liable shall pay their proportionate share of damages as agreed by the parties or as ordered by a court of competent jurisdiction over the case. **NO LIMITATION OF LIABILITY FOR DAMAGES FOR PERSONAL INJURY OR PROPERTY DAMAGE ARE PERMITTED OR AGREED BY TIPS/ESC REGION 8.** Per Texas Education Code §44.032(f), and pursuant to its requirements only, reasonable Attorney's fees are recoverable by the prevailing party in any dispute resulting in litigation.

State of Texas Franchise Tax

By signature hereon, the Vendor hereby certifies that he/she is not currently delinquent in the payment of any franchise taxes owed the State of Texas under Chapter 171, Tax Code.

Miscellaneous

The Vendor acknowledges and agrees that continued participation in TIPS is subject to TIPS sole discretion and that any Vendor may be removed from the participation in the Program at any time with or without cause. Nothing in the Agreement or in any other communication between TIPS and the Vendor may be construed as a guarantee that TIPS or TIPS Members will submit any orders at any time. TIPS reserves the right to request additional proposals for items or services already on Agreement at any time.

Purchase Order Pricing/Product Deviation

If a deviation of pricing/product on a Purchase Order or contract modification occurs between the Vendor and the TIPS Member, TIPS must be notified within five (5) business days of receipt of change order.

Termination for Convenience of TIPS Agreement Only

TIPS reserves the right to terminate this agreement for cause or no cause for convenience with a thirty (30) days prior written notice. Termination for convenience is conditionally required under Federal Regulations 2 CFR part 200 if the customer is using federal funds for the procurement. All purchase orders presented to the Vendor, but not fulfilled by the Vendor, by a TIPS Member prior to the actual termination of this agreement shall be honored at the option of the TIPS Member. The awarded Vendor may terminate the agreement with ninety (90) days prior written notice to TIPS 4845 US Hwy North, Pittsburg, Texas 75686. The vendor will be paid for goods and services delivered prior to the termination provided that the goods and services were delivered in accordance with the terms and conditions of the terminated agreement. This termination clause does not affect the sales agreements executed by the Vendor and the TIPS Member customer pursuant to this agreement. TIPS Members may negotiate a termination for convenience clause that meets the needs of the transaction based on applicable factors, such as funding sources or other needs.

TIPS Member Purchasing Procedures

Usually, purchase orders or their equal are issued by participating TIPS Member to the awarded vendor and should indicate on the order that the purchase is per the applicable TIPS Agreement Number. Orders are typically emailed to TIPS at tipspo@tips-usa.com.

- Awarded Vendor delivers goods/services directly to the participating member.
- Awarded Vendor invoices the participating TIPS Member directly.
- Awarded Vendor receives payment directly from the participating member.

- Fees are due to TIPS upon payment by the Member to the Vendor. Vendor agrees to pay the participation fee to TIPS for all Agreement sales upon receipt of payment including partial payment, from the Member Entity or as otherwise agreed by TIPS in writing and signed by an authorized signatory of TIPS.

Licenses

Awarded Vendor shall maintain, in current status, all federal, state and local licenses, bonds and permits required for the operation of the business conducted by awarded Vendor. Awarded Vendor shall remain reasonably fully informed of and in compliance with all ordinances and regulations pertaining to the lawful provision of goods or services under the Agreement. TIPS and TIPS Members reserves the right to stop work and/or cancel an order or terminate this or any other sales Agreement of any awarded Vendor whose license(s) required for performance under this Agreement have expired, lapsed, are suspended or terminated subject to a 30-day cure period unless prohibited by applicable statute or regulation.

Novation

If awarded Vendor sells or transfers all assets, rights or the entire portion of the assets or rights required to perform this Agreement, a successor in interest must guarantee to perform all obligations under this Agreement. A simple change of name agreement will not change the Agreement obligations of awarded vendor. TIPS will consider Contract Assignments on a case by case basis. TIPS must be notified within five (5) business days of the transfer of assets or rights.

Site Requirements (*only when applicable to service or job*)

Cleanup: When performing work on site at a TIPS Member's property, awarded Vendor shall clean up and remove all debris and rubbish resulting from their work as required or directed by TIPS Member or as agreed by the parties. Upon completion of work, the premises shall be left in good repair and an orderly, neat, clean and unobstructed condition.

Preparation: Awarded Vendor shall not begin a project for which TIPS Member has not prepared the site, unless awarded Vendor does the preparation work at no cost, or until TIPS Member includes the cost of site preparation in a purchase order. Site preparation includes, but is not limited to: moving furniture, installing wiring for networks or power, and similar pre-installation requirements.

Registered sex offender restrictions: For work to be performed at schools, awarded Vendor agrees that no employee of a subcontractor who has been adjudicated to be a registered sex offender will perform work at any time when students are, or reasonably expected to be, present unless otherwise agreed by the TIPS Member. Awarded Vendor agrees that a violation of this condition shall be considered a material breach and may result in the cancellation of the purchase order at the TIPS Member's discretion. Awarded Vendor must identify any additional costs associated with compliance of this term. If no costs are specified, compliance with this term will be provided at no additional charge. **Safety measures:** Awarded Vendor shall take all reasonable precautions for the safety of employees on the worksite, and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Awarded Vendor shall post warning signs against all hazards created by the operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, general public and existing structures from injury or damage.

Safety Measures

Awarded Vendor shall take all reasonable precautions for the safety of employees on the worksite, and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Awarded vendor shall post warning signs against all hazards created by the operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, general public and existing structures from injury or damage.

Smoking

Persons working under Agreement shall adhere to the TIPS Member's or local smoking statutes, codes or policies.

Marketing

Awarded Vendor agrees to allow TIPS to use their name and logo within TIPS website, marketing materials and advertisement subject to any reasonable restrictions provided to TIPS in the Proposal to the Solicitation. The Vendor may submit an acceptable use directive for Vendor's names and logos with which TIPS agrees to comply. Any use of TIPS name and logo or any form of publicity, inclusive of press release, regarding this Agreement by awarded vendor must have prior approval from TIPS which will not be unreasonably withheld. Request may be made by email to TIPS@TIPS-USA.COM.

Supplemental Agreements

The TIPS Member entity participating in the TIPS Agreement and awarded Vendor may enter into a separate Supplemental Agreement or contract to further define the level of service requirements over and above the minimum defined in this Agreement such as but not limited to, invoice requirements, ordering requirements, specialized delivery, etc. Any Supplemental Agreement or contract developed as a result of this Agreement is exclusively between the TIPS Member entity customer and the Vendor. TIPS, its agents, TIPS Members and employees not a party to the Supplemental Agreement with the TIPS Member customer, shall not be made party to any claim for breach of such agreement unless named and agreed by the Party in question in writing in the agreement. If a Vendor submitting a Proposal requires TIPS and/or TIPS Member to sign an additional agreement, those agreements shall comply with the award made by TIPS to the Vendor. Supplemental Vendor's Agreement documents may not become part of TIPS' Agreement with Vendor unless and until an authorized representative of TIPS reviews and approves it. TIPS review and approval may be at any time during the life of this Vendor Agreement. TIPS permits TIPS Members to negotiate additional terms and conditions with the Vendor for the provision of goods or services under the Vendor's TIPS Agreement so long as they do not materially conflict with this Agreement.

Survival Clause

All applicable sales, leases, Supplemental Agreements, contracts, software license agreements, warranties or service agreements that were entered into between Vendor and TIPS or the TIPS Member Customer under the terms and conditions of this Agreement shall survive the expiration or termination of this Agreement. All Orders, Purchase Orders issued or contracts executed by TIPS or a TIPS Member and accepted by the Vendor prior to the expiration or termination of this agreement, shall survive expiration or termination of the Agreement, subject to previously agreed terms and conditions agreed by the parties or as otherwise specified herein relating to termination of this agreement.

Legal obligations

It is the responding Vendor's responsibility to be aware of and comply with all local, state and federal laws governing the sale of products/services identified in the applicable Solicitation that resulted in this Vendor Agreement and any awarded Agreement thereof. Applicable laws and regulations must be followed even if not specifically identified herein.

Audit rights

Due to transparency statutes and public accountability requirements of TIPS and TIPS Members', the awarded Vendor shall, at their sole expense, maintain appropriate due diligence of all purchases made by TIPS Member that utilizes this Agreement. TIPS and Region 8 ESC each reserve the right to audit the

accounting of TIPS related purchases for a period of three (3) years from the time such purchases are made. This audit right shall survive termination of this Agreement for a period of one (1) year from the effective date of termination. In order to ensure and confirm compliance with this agreement, TIPS shall have authority to conduct audits of Awarded Vendor's pricing or TIPS transaction documentation with TIPS Members with 30 days' notice unless the audit is ordered by a Court Order or by a Government Agency with authority to do so without notice. Notwithstanding the foregoing, in the event that TIPS is made aware of any pricing being offered to eligible entities that is materially inconsistent with the pricing under this agreement, TIPS shall have the ability to conduct the audit internally or may engage a third- party auditing firm to investigate any possible non- compliant conduct or may terminate the Agreement according to the terms of this Agreement. In the event of an audit, the requested materials shall be reasonably provided in the time, format and at the location acceptable to Region 8 ESC or TIPS. TIPS agrees not to perform a random audit the TIPS transaction documentation more than once per calendar year, but reserves the right to audit for just cause or as required by any governmental agency or court with regulatory authority over TIPS or the TIPS Member.

Force Majeure

If by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligations under this Agreement then such party shall give notice and full particulars of Force Majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied upon, and the obligation of the party giving such notice, so far as it is affected by such Force Majeure, shall be suspended during the continuance of the inability then claimed, except as hereinafter provided, but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch.

Choice of Law

The Agreement between the Vendor and TIPS/ESC Region 8 and any addenda or other additions resulting from this procurement process, however described, shall be governed by, construed and enforced in accordance with the laws of the State of Texas, regardless of any conflict of laws principles.

Venue, Jurisdiction and Service of Process

Any Proceeding arising out of or relating to this procurement process or any contract issued by TIPS resulting from or any contemplated transaction shall be brought in a court of competent jurisdiction in Camp County, Texas and each of the parties irrevocably submits to the exclusive jurisdiction of said court in any such proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court, and agrees not to bring any proceeding arising out of or relating to this procurement process or any contract resulting from or any contemplated transaction in any other court. The parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the parties irrevocably to waive any objections to venue or to convenience of forum. Process in any Proceeding referred to in the first sentence of this Section may be served on any party anywhere in the world. Venue for any dispute resolution process, other than litigation, between TIPS and the Vendor shall be located in Camp or Titus County, Texas.

Project Delivery Order Procedures

The TIPS Member having approved and signed an interlocal agreement, or other TIPS Membership document, may make a request of the awarded Vendor under this Agreement when the TIPS Member desires goods or services awarded to the Vendor. Notification may occur via phone, the web, courier, email, fax, or in person. Upon notification of a pending request, the awarded Vendor shall acknowledge the TIPS

Member's request as soon as possible, but must make contact with the TIPS Member within two working days.

Status of TIPS Members as Related to This Agreement

TIPS Members stand in the place of TIPS as related to this agreement and have the same access to the proposal information and all related documents. TIPS Members have all the same rights under the awarded Agreement as TIPS.

Vendor's Resellers as Related to This Agreement

Vendor's Named Resellers ("Resellers") under this Agreement shall comply with all terms and conditions of this agreement and all addenda or incorporated documents. All actions related to sales by Authorized Vendor's Resellers under this Agreement are the responsibility of the awarded Vendor. If Resellers fail to report sales to TIPS under your Agreement, the awarded Vendor is responsible for their contractual failures and shall be billed for the fees. The awarded Vendor may then recover the fees from their named reseller.

Support Requirements

If there is a dispute between the awarded Vendor and TIPS Member, TIPS or its representatives may, at TIPS sole discretion, assist in conflict resolution if requested by either party. TIPS, or its representatives, reserves the right to inspect any project and audit the awarded Vendor's TIPS project files, documentation and correspondence related to the requesting TIPS Member's order. If there are confidentiality requirements by either party, TIPS shall comply to the extent permitted by law.

Incorporation of Solicitation

The TIPS Solicitation which resulted in this Vendor Agreement, whether a Request for Proposals, the Request for Competitive Sealed Proposals or Request for Qualifications solicitation, or other, the Vendor's response to same and all associated documents and forms made part of the solicitation process, including any addenda, are hereby incorporated by reference into this Agreement as if copied verbatim.

SECTION HEADERS OR TITLES

THE SECTION HEADERS OR TITLES WITHIN THIS DOCUMENT ARE MERELY GUIDES FOR CONVENIENCE AND ARE NOT FOR CLASSIFICATION OR LIMITING OF THE RESPONSIBILITIES OF THE PARTIES TO THIS DOCUMENT.

STATUTORY REQUIREMENTS

Texas governmental entities are prohibited from doing business with companies that fail to certify to this condition as required by Texas Government Code Sec. 2270.

By executing this agreement, you certify that you are authorized to bind the undersigned Vendor and that your company (1) does not boycott Israel; and (2) will not boycott Israel during the term of the Agreement.

You certify that your company is not listed on and does not and will not do business with companies that are on the Texas Comptroller of Public Accounts list of Designated Foreign Terrorists Organizations per Texas Gov't Code 2270.0153 found at <https://comptroller.texas.gov/purchasing/docs/foreign-terrorist.pdf>

You certify that if the certified statements above become untrue at any time during the life of this Agreement that the Vendor will notify TIPS within three (3) business day of the change by a letter on Vendor's letterhead from and signed by an authorized representative of the Vendor stating the non-compliance decision and the TIPS Agreement number and description at:

Attention: General Counsel
ESC Region 8/The Interlocal Purchasing System (TIPS)
4845 Highway 271 North
Pittsburg, TX, 75686
And by an email sent to bids@tips-usa.com

Insurance Requirements

The undersigned Vendor agrees to maintain the below minimum insurance requirements for TIPS Contract Holders:

General Liability	\$1,000,000 each Occurrence/ Aggregate
Automobile Liability	\$300,000 Includes owned, hired & non-owned
Workers' Compensation	Statutory limits for the jurisdiction in which the Vendor performs under this Agreement.
Umbrella Liability	\$1,000,000

When the Vendor or its subcontractors are liable for any damages or claims, the Vendor's policy, when the Vendor is responsible for the claim, must be primary over any other valid and collectible insurance carried by the Member. Any immunity available to TIPS or TIPS Members shall not be used as a defense by the contractor's insurance policy. The coverages and limits are to be considered minimum requirements and in no way limit the liability of the Vendor(s). Insurance shall be written by a carrier with an A-; VII or better rating in accordance with current A.M. Best Key Rating Guide. Only deductibles applicable to property damage are acceptable, unless proof of retention funds to cover said deductibles is provided. "Claims made" policies will not be accepted. Vendor's required minimum coverage shall not be suspended, voided, cancelled, non-renewed or reduced in coverage or in limits unless replaced by a policy that provides the minimum required coverage except after thirty (30) days prior written notice by certified mail, return receipt requested has been given to TIPS or the TIPS Member if a project or pending delivery of an order is ongoing. Upon request, certified copies of all insurance policies shall be furnished to the TIPS or the TIPS Member.

Special Terms and Conditions

- **Orders:** All Vendor orders received from TIPS Members must be emailed to TIPS at tipspo@tips-usa.com. Should a TIPS Member send an order directly to the Vendor, it is the Vendor's responsibility to forward a copy of the order to TIPS at the email above within 3 business days and confirm its receipt with TIPS.
- **Vendor Encouraging Members to bypass TIPS agreement:** Encouraging TIPS Members to purchase directly from the Vendor or through another agreement, when the Member has requested using the TIPS cooperative Agreement or price, and thereby bypassing the TIPS Agreement is a violation of the terms and conditions of this Agreement and will result in removal of the Vendor from the TIPS Program.
- **Order Confirmation:** All TIPS Member Agreement orders are approved daily by TIPS and sent to the Vendor. The Vendor should confirm receipt of orders to the TIPS Member (customer) within 3 business days.
- **Vendor custom website for TIPS:** If Vendor is hosting a custom TIPS website, updated pricing when effective. TIPS shall be notified when prices change in accordance with the award.

- **Back Ordered Products:** If product is not expected to ship within the time provided to the TIPS Member by the Vendor, the Member is to be notified within 3 business days and appropriate action taken based on customer request.

NOTE: It is always the Vendor's responsibility under the TIPS agreement to report all sales under the TIPS Agreement. When a public entity initiates a purchase with a TIPS Awarded Vendor, if the Member inquires verbally or in writing whether the Vendor holds a TIPS Contract, it is the duty of the Vendor to verify whether or not the Member is seeking a TIPS purchase. Once verified, the Vendor must include the TIPS Contract Number on all related quotes, invoices, and similar sales documents. It is the duty of the Vendor to submit documentation of all final purchases to TIPS for processing. This may only be done through the TIPS Vendor Portal or by emailing the sales documentation to TIPSPO@TIPS-USA.com, unless TIPS agrees to an alternative reporting method in writing. Failure to report a TIPS sale may result in termination of Vendor's TIPS Contract(s) and preclusion to responding to future solicitations.

The TIPS Vendor Agreement Signature Page is inserted here.

TIPS Vendor Agreement Signature Form

RFQ 220104 Energy Savings Performance Contracts

Company Name Performance Services

Address 4670 Haven Point Boulevard

City Indianapolis State IN Zip 46280

Phone 888-390-2700 Fax 317-713-1751

Email of Authorized Representative tthoman@performanceservices.com

Name of Authorized Representative Timothy P. Thoman

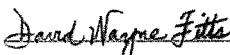
Title President and CEO


Signature of Authorized Representative 

Date 1-27-22

TIPS Authorized Representative Name David Fitts

Title Executive Director

TIPS Authorized Representative Signature 

Approved by ESC Region 8 

Date 3/24/2022

NOTICE TO MEMBERS REGARDING ATTRIBUTE RESPONSES

TIPS VENDORS RESPOND TO ATTRIBUTE QUESTIONS AS PART OF TIPS COMPETITIVE SOLICITATION PROCESS. THE VENDOR'S RESPONSES TO ATTRIBUTE QUESTIONS ARE INCLUDED HEREIN AS "SUPPLIER RESPONSE." PLEASE BE ADVISED THAT DEVIATIONS, IF ANY, IN VENDOR'S RESPONSE TO ATTRIBUTE QUESTIONS MAY NOT REFLECT VENDOR'S FINAL ATTRIBUTE RESPONSE, WHICH IS SUBJECT TO NEGOTIATIONS PRIOR TO AWARD. PLEASE CONTACT THE TIPS OFFICE AT 866-839-8477 WITH QUESTIONS OR CONCERNS REGARDING VENDOR ATTRIBUTE RESPONSE DEVIATIONS. PLEASE KEEP IN MIND THAT TIPS DOES NOT PROVIDE LEGAL COUNSEL TO MEMBERS. TIPS RECOMMENDS THAT YOU CONSULT YOUR LEGAL COUNSEL WHEN EXECUTING CONTRACTS WITH OR MAKING PURCHASES FROM TIPS VENDORS.



220104 Addendum 1

Performance Services Inc

Supplier Response

Event Information

Number: 220104 Addendum 1
Title: Energy Savings Performance Contracts (ESPC)
Type: Request for Qualification
Issue Date: 1/6/2022
Deadline: 2/18/2022 03:00 PM (CT)
Notes: **IF YOU CURRENTLY HOLD TIPS CONTRACTS (170103) Energy Savings Performance Contracts ("170103") OR (200209) Energy Savings Performance Contracts ("200209"), YOU MUST RESPOND TO THIS SOLICITATION TO PREVENT LAPSE OF CONTRACT. THIS AWARDED CONTRACT WILL REPLACE YOUR EXPIRING TIPS CONTRACT.**

Contact Information

Address: Region 8 Education Service Center
4845 US Highway 271 North
Pittsburg, TX 75686
Phone: +1 (866) 839-8477
Email: bids@tips-usa.com

Performance Services Inc Information

Contact: Jim Adams
Address: 4670 Haven Point Blvd.
Suite 200
Indianapolis, IN 46280
Phone: (317) 819-1354
Fax: (317) 713-1751
Toll Free: (888) 390-2700
Email: jadams@performanceservices.com
Web Address: www.performanceservices.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Jim Adams

Signature

Submitted at 2/15/2022 3:55:24 PM

jadams@performanceservices.com

Email

Requested Attachments

Agreement Signature Form

1. 220104 ESPC Agreement Signature Form.pdf

If you have not taken exception or deviation to the agreement language in the solicitation attributes, download the AGREEMENT SIGNATURE FORM from the "ATTACHMENTS" tab. This PDF document is a fillable form. Download the document to your computer, fill in the requested company information, print the file, SIGN the form, SCAN the completed and signed AGREEMENT SIGNATURE FORM, and upload here.

If you have taken exception to any of the agreement language and noted the exception in the deviations section of the attributes for the agreement, complete the AGREEMENT SIGNATURE FORM, but DO NOT SIGN until those deviations have been negotiated and resolved with TIPS management. Upload the unsigned form here, because this is a required document.

Confidentiality Claim Form

2.220104 ESPC CONFIDENTIALITY CLAIM FORM_WITH INFORMATION.pdf

REQUIRED CONFIDENTIALITY FORM. Complete the form according to your company requirements, make any desired attachments and upload to the appropriate section under "Response Attachments" THIS FORM DETERMINES HOW ESC8/TIPS RESPONDS TO LEGAL PUBLIC INFORMATION REQUESTS.

Proposed Goods and Services

3. Proposal-Evaluation Criteria.pdf

Please upload one or more documents or sheets describing your offerings, line cards, catalogs, links to offerings OR list links to your offerings that illustrate the catalog of proposed lines of goods and or services you carry and offer under this proposal. It does not have to be exhaustive but should, at a minimum tell us what you are offering. It could be as simple as a sheet with your link to your online catalog of goods and services.

Reference Form

4. 220104 ESPC Reference_Form - leave as Excel.xls

The vendor must download the References spreadsheet from the attachment tab, fill in the requested information and upload the completed spreadsheet. DO NOT UPLOAD encrypted or password protected files.

Current W-9 Tax Form

5. PSI - W9 - 2022.pdf

You are required by TIPS to upload a current W-9 Internal Revenue Service (IRS) Tax Form for your entity. This form will be utilized by TIPS to properly identify your entity.

Vendor Agreement

6. 220104 ESPC Vendor Agreement.pdf

The vendor must download the Vendor Agreement from the attachment tab, fill in the requested information and upload the completed agreement.

DO NOT UPLOAD encrypted or password protected files.

OPTIONAL Information Requested

No response

IF you agree to do so, Please upload the Optional Information Requested regarding ESaaS.
See attachment.

All Other Certificates

8. Certificate of Accreditation Performance Services - 2020.pdf

All Other Certificates (if applicable) must be scanned and uploaded. If vendor has more than one other certification scan into one document. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Conflict of Interest Form CIQ- ONLY REQUIRED IF A CONFLICT EXISTS PER THE INSTRUCTIONS

No response

ONLY REQUIRED IF A CONFLICT EXISTS PER THE INSTRUCTIONS
Conflict of Interest Form for Vendors that are required to submit the form. The Conflict of Interest Form is included in the Base documents or can be found at <https://www.tips-usa.com/assets/documents/docs/CIQ.pdf>.

D/M/WBE Certification OPTIONAL

No response

D/M/WBE Certification documentation may be scanned and uploaded if you desire to claim your status as one of the identified enterprises. (Disadvantaged Business Enterprise, Minority Business Enterprise and/or Woman Business Enterprise) If vendor has more than one certification scan into one document. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Warranty

11. PSI - Owner Warranty Letter - PC (12-09-20).pdf

Warranty information (if applicable) must be scanned and uploaded. (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Supplementary

No response

Supplementary information may be scanned and uploaded. (Company information, brochures, catalogs, etc.) (PDF Format ONLY)
DO NOT UPLOAD encrypted or password protected files.

Logo and Other Company Marks

13. Performance-Services-Logo-for-TIPS.png

If you desire, please upload your company logo to be added to your individual profile page on the TIPS website. If any particular specifications are required for use of your company logo, please upload that information under the Supplementary section or another non-required section under the "Response Attachment" tab. Preferred Logo Format: 300 x 225 px - .png, .eps, .jpeg preferred

Certification of Corporate Offerer Form- COMPLETE ONLY IF OFFERER IS A CORPORATION

14. CERTIFICATION OF CORPORATE OFFERER FORM.pdf

COMPLETE AND UPLOAD FORM IN ATTACHMENTS SECTION ONLY IF OFFERER IS A CORPORATION

Disclosure of Lobbying Activities Standard Form LLL

No response

ONLY IF you answered "I HAVE Lobbied per above" to attribute #66, please download and complete and upload the Standard Form-LLL, "disclosure Form to Report Lobbying," in the Response attachments section.

Bid Attributes

1	Yes - No Disadvantaged/Minority/Women Business Enterprise - D/M/WBE/Federal HUBZone (Required by some participating governmental entities). Vendor certifies that their firm is a D/M/WBE or HUBZone? Vendor must upload proof of certification to the "Response Attachments" D/M/WBE CERTIFICATES section. <input type="text" value="NO"/>
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2	<p>Yes - No</p> <p>Historically Underutilized Business - HUB (Required by some participating governmental entities) Vendor certifies that their firm is a HUB as defined by the State of Texas at https://comptroller.texas.gov/purchasing/vendor/hub/.</p> <p>Proof may be submitted. Vendor must upload proof of certification to the "Response Attachments" HUB CERTIFICATES section.</p> <p><input style="width: 100px;" type="text" value="No"/></p>
3	<p>Yes - No</p> <p>The Vendor can provide services and/or products to all 50 US States?</p> <p><input style="width: 100px;" type="text" value="No"/></p>
4	<p>States Served:</p> <p>If answer is NO to question #3, please list which states can be served. (Example: AR, OK, TX)</p> <p><input style="width: 850px;" type="text" value="Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Tennessee, Texas, and Wisconsin"/></p>
5	<p>Company and/or Product Description:</p> <p>This information will appear on the TIPS website in the company profile section, if awarded a TIPS contract. (Limit 750 characters.)</p> <div style="border: 1px solid black; padding: 5px; min-height: 60px;"> <p>Performance Services is a NAESCO accredited integrated design and delivery engineering company that specializes in constructing and renovating municipal, healthcare and education facilities. We deliver optimal environments through design-build and guaranteed energy savings contracts. Energy Leadership programs, Solar power and water solutions are important public owner benefits. We are proud to serve as an ENERGY STAR Partner and have helped customers achieve the ENERGY STAR symbol of excellence at 145 buildings to date.</p> </div>
6	<p>Primary Contact Name</p> <p>Primary Contact Name</p> <p><input style="width: 850px;" type="text" value="Jim Adams"/></p>
7	<p>Primary Contact Title</p> <p>Primary Contact Title</p> <p><input style="width: 850px;" type="text" value="General Manager - Texas"/></p>
8	<p>Primary Contact Email</p> <p>Primary Contact Email</p> <p><input style="width: 850px;" type="text" value="jadams@performanceservices.com"/></p>
9	<p>Primary Contact Phone</p> <p>Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477</p> <p><input style="width: 100px;" type="text" value="8124806196"/></p>
10	<p>Primary Contact Fax</p> <p>Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477</p> <p><input style="width: 100px;" type="text" value="3177131751"/></p>

1 1	Primary Contact Mobile Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 100%;" type="text" value="8124806196"/>
1 2	Secondary Contact Name Secondary Contact Name <input style="width: 100%;" type="text" value="Greg Mizell"/>
1 3	Secondary Contact Title Secondary Contact Title <input style="width: 100%;" type="text" value="Operations Manager"/>
1 4	Secondary Contact Email Secondary Contact Email <input style="width: 100%;" type="text" value="gmizell@performanceservices.com"/>
1 5	Secondary Contact Phone Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 100%;" type="text" value="5126500177"/>
1 6	Secondary Contact Fax Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 100%;" type="text" value="3177131751"/>
1 7	Secondary Contact Mobile Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 100%;" type="text" value="5126500177"/>
1 8	Admin Fee Contact Name Admin Fee Contact Name. This person is responsible for paying the admin fee to TIPS. <input style="width: 100%;" type="text" value="Pam Graham"/>
1 9	Admin Fee Contact Email Admin Fee Contact Email <input style="width: 100%;" type="text" value="ap@performanceservices.com"/>
2 0	Admin Fee Contact Phone Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 100%;" type="text" value="3178191378"/>
2 1	Purchase Order Contact Name Purchase Order Contact Name. This person is responsible for receiving Purchase Orders from TIPS. <input style="width: 100%;" type="text" value="Jim Adams"/>

2 2	Purchase Order Contact Email Purchase Order Contact Email <input style="width: 90%;" type="text" value="jadams@performanceservices.com"/>
2 3	Purchase Order Contact Phone Enter 10 digit phone number. (No dashes or extensions) Example: 8668398477 <input style="width: 80%;" type="text" value="8124806196"/>
2 4	Company Website Company Website (Format - www.company.com) <input style="width: 80%;" type="text" value="www.performanceservices.com"/>
2 5	Entity D/B/A's and Assumed Names Please identify all of your entity's assumed names and D/B/A's. Please note that you will be identified publicly by the legal name under which you responded to this solicitation unless you organize otherwise with TIPS after award. <input style="width: 90%;" type="text" value="n/a"/>
2 6	Primary Address Primary Address <input style="width: 90%;" type="text" value="4670 Haven Point Blvd"/>
2 7	Primary Address City Primary Address City <input style="width: 90%;" type="text" value="Indianapolis"/>
2 8	Primary Address State Primary Address State (2 Digit Abbreviation) <input style="width: 90%;" type="text" value="IN"/>
2 9	Primary Address Zip Primary Address Zip <input style="width: 90%;" type="text" value="46280"/>
3 0	Search Words: Please list search words to be posted in the TIPS database about your company that TIPS website users might search. Words may be product names, manufacturers, or other words associated with the category of award. YOU MAY NOT LIST NON-CATEGORY ITEMS. (Limit 500 words) (Format: product, paper, construction, manufacturer name, etc.) <input style="width: 95%; height: 60px;" type="text" value="Energy savings performance contracts, guaranteed energy savings contracts, design-build, construction, energy savings, lighting, solar, HVAC, boilers, chillers, turnkey, conservation, retrofit, renovation, upgrade, replacement, repair, building automation, controls, DDC, LED lighting, LED, power quality, water meters, AMI, water distribution, wastewater treatment plants"/>

3 1	<p>Do you want TIPS Members to be able to spend Federal grant funds with you if awarded? Is it your intent to be able to sell to our members regardless of the fund source, whether it be local, state or federal?</p> <p>Most of our members receive Federal Government grants or other funding and they make up a significant portion of their budgets. The Members need to know if your company is willing to sell to them when they spend federal budget funds on their purchase. There are attributes that follow that include provisions from the federal regulations in 2 CFR part 200, etc. Your answers will determine if your award will be designated as eligible for TIPS Members to utilize federal funds with your company.</p> <p>Do you want TIPS Members to be able to spend Federal funds, at the Member's discretion, with you?</p> <p><input type="text" value="Yes"/></p>
3 2	<p>Yes - No</p> <p>Certification of Residency (Required by the State of Texas) The vendor's ultimate parent company or majority owner:</p> <p>(A) has its principal place of business in Texas;</p> <p>OR</p> <p>(B) employs at least 500 persons in Texas?</p> <p>This question is required as a data gathering function for information to our members making purchases with awarded vendors. It does not affect scoring with TIPS.</p> <p><input type="text" value="No"/></p>
3 3	<p>Company Residence (City)</p> <p>Vendor's principal place of business is in the city of?</p> <p><input type="text" value="Round Rock, TX"/></p>
3 4	<p>Company Residence (State)</p> <p>Vendor's principal place of business is in the state of?</p> <p><input type="text" value="Indiana"/></p>
3 5	<p>TIPS Administration Fee</p> <p>By submitting a proposal, I agree that all pricing submitted to TIPS shall include the Administration Fee, as designated in the solicitation or as otherwise agreed in writing which shall be remitted to TIPS by the Vendor, or the vendor's named resellers, and as agreed to in the Vendor Agreement. I agree that the fee shall not and will not be added by the Vendor as a separate line item on a TIPS member invoice, quote, proposal or any other written communications with the TIPS member.</p>

3 6	<p>Yes - No</p> <p>Vendor agrees to remit to TIPS the required administration fee or, if resellers are named, Vendor agrees to guarantee the fee remittance by or for the reseller named by the vendor?</p> <p>TIPS/ESC Region 8 is required by Texas Government Code § 791 to be compensated for its work and thus, failure to agree shall render your response void and it will not be considered.</p> <p><input type="text" value="Agreed"/></p>
3 7	<p>TIPS Administration Fee Paid by Vendor - Not Charged Separately to Customer</p> <p>Vendor understands and agrees that it owes TIPS a TIPS Administration Fee (published in the RFP/RCSP document) on every TIPS sale made under an awarded TIPS Contract. Vendor further understands and agrees that Vendor shall submit pricing to Member entity which includes and accounts for the TIPS Administration Fee and shall never separately charge the TIPS Member Customer the TIPS fee or add the TIPS Administration Fee line item to an invoice or similar purchase document. Submission of this proposal is Vendor's certification that Vendor agrees to this mandatory term.</p>
3 8	<p>Years in Business as Proposing Company</p> <p>Years in business as proposing company?</p> <p><input type="text" value="24"/></p>
3 9	<p>Resellers:</p> <p>Does the vendor have resellers that it will name under this contract? Resellers are defined as other companies that sell your products under an agreement with you, the awarded vendor of TIPS.</p> <p>EXAMPLE: BIGmart is a reseller of ACME brand televisions. If ACME were a TIPS awarded vendor, then ACME would list BIGmart as a reseller.</p> <p>(If applicable, Vendor should add all Authorized Resellers within the TIPS Vendor Portal upon award).</p> <p><input type="text" value="No"/></p>
4 0	<p>Right of Refusal</p> <p>The proposing vendor has the right not to sell under the awarded agreement with a TIPS member at vendor's discretion unless required by law.</p>

4 1	<p>NON-COLLUSIVE BIDDING CERTIFICATE</p> <p>By submission of this bid or proposal, the Bidder certifies that:</p> <p>1) This bid or proposal has been independently arrived at without collusion with any other Bidder or with any Competitor;</p> <p>2) This bid or proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids, or proposals for this project, to any other Bidder, Competitor or potential competitor:</p> <p>3) No attempt has been or will be made to induce any other person, partnership or corporation to submit or not to submit a bid or proposal;</p> <p>4) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the Bidder as well as to the person signing in its behalf.</p> <p>Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered.</p>
4 2	<p>CONFLICT OF INTEREST QUESTIONNAIRE - FORM CIQ - Do you have any CONFLICT OF INTEREST TO REPORT OR DISCLOSE under this statutory requirement?</p> <p>Do you have any CONFLICT OF INTEREST TO REPORT OR DISCLOSE under this statutory requirement? YES or NO</p> <p>If you have a conflict of interest as described in this form or the Local Government Code Chapter 176, cited therein- you are required to complete and file with TIPS. The Form CIQ is one of the attachments to this solicitation.</p> <p>There is an optional upload for this form provided if you have a conflict and must file the form</p> <p><input type="text" value="No"/></p>
4 3	<p>Filing of Form CIQ</p> <p>If yes (above), have you filed a form CIQ by uploading the form to this RFP as directed above?</p> <p><input type="text" value="No response"/></p>
4 4	<p>Regulatory Standing</p> <p>I certify to TIPS for the proposal attached that my company is in good standing with all governmental agencies Federal or state that regulate any part of our business operations. If not, please explain in the next attribute question.</p> <p><input type="text" value="Yes"/></p>
4 5	<p>Regulatory Standing</p> <p>Regulatory Standing explanation of no answer on previous question.</p> <p><input type="text" value="No response"/></p>

4 Antitrust Certification Statements (Tex. Government Code § 2155.005)

6 By submission of this bid or proposal, the Bidder certifies that:

I affirm under penalty of perjury of the laws of the State of Texas that:

- (1) I am duly authorized to execute this contract on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Company) listed below;
- (2) In connection with this bid, neither I nor any representative of the Company has violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus. & Comm. Code Chapter 15;
- (3) In connection with this bid, neither I nor any representative of the Company has violated any federal antitrust law;
- (4) Neither I nor any representative of the Company has directly or indirectly communicated any of the contents of this bid to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

4 **Suspension or Debarment Instructions**

7

Instructions for Certification:

1. By answering yes to the next Attribute question below, the vendor and prospective lower tier participant is providing the certification set out herein in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participants," "person," "primary covered transaction," "principal," "proposal" and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.

4 **Suspension or Debarment Certification**

8

By answering yes, you certify that no federal suspension or debarment is in place, which would preclude receiving a federally funded contract as described above.

Yes

4 **Non-Discrimination Statement and Certification**

9

In accordance with Federal civil rights law, all U.S. Departments, including the U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

(Title VI of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title 7 CFR Parts 15, 15a, and 15b; the Americans with Disabilities Act; and FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities)

All U.S. Departments, including the USDA are equal opportunity provider, employer, and lender.

Not a negotiable term. Failure to agree by answering YES will render your proposal non-responsive and it will not be considered. I certify that in the performance of a contract with TIPS or its members, that our company will conform to the foregoing anti-discrimination statement and comply with the cited and all other applicable laws and regulations.

☒ Yes, I certify (Yes)

5 **2 CFR PART 200 Contract Provisions Explanation**

0

Required Federal contract provisions of Federal Regulations for Contracts for contracts with ESC Region 8 and TIPS Members:

The following provisions are required to be in place and agreed if the procurement is funded in any part with federal funds.

The ESC Region 8 and TIPS Members are the subgrantee or Subrecipient by definition. Most of the provisions are located in 2 CFR PART 200 - Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards at 2 CFR PART 200. Others are included within 2 CFR part 200 et al.

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

5 1 2 CFR PART 200 Contracts

Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Notice: Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserves all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Does vendor agree?

Yes ☐

5 2 2 CFR PART 200 Termination

Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserves the right to terminate any agreement in excess of \$10,000 resulting from this procurement process for cause after giving the vendor an appropriate opportunity and up to 30 days, to cure the causal breach of terms and conditions. ESC Region 8 and TIPS Members reserves the right to terminate any agreement in excess of \$10,000 resulting from this procurement process for convenience with 30 days notice in writing to the awarded vendor. The vendor would be compensated for work performed and goods procured as of the termination date if for convenience of the ESC Region 8 and TIPS Members. Any award under this procurement process is not exclusive and the ESC Region 8 and TIPS reserves the right to purchase goods and services from other vendors when it is in the best interest of the ESC Region 8 and TIPS.

Does vendor agree?

Yes ☐

5 3 2 CFR PART 200 Clean Air Act

Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Pursuant to the Clean Air Act, et al above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires that the proposer certify that during the term of an award by the ESC Region 8 and TIPS Members resulting from this procurement process the vendor agrees to comply with all of the above regulations, including all of the terms listed and referenced therein.

Does vendor agree?

Yes ☐

5 2 CFR PART 200 Byrd Anti-Lobbying Amendment

4

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires the proposer certify that during the term and during the life of any contract with ESC Region 8 and TIPS Members resulting from this procurement process the vendor certifies to the terms included or referenced herein.

Does vendor agree?

Yes ☐

5 2 CFR PART 200 Federal Rule

5

Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$250,000)

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires the proposer certify that in performance of the contracts, subcontracts, and subgrants of amounts in excess of \$250,000, the vendor will be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

Does vendor certify that it is in compliance with the Clean Air Act?

Yes ☐

5 2 CFR PART 200 Procurement of Recovered Materials

6

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Does vendor certify that it is in compliance with the Solid Waste Disposal Act as described above?

Yes ☐

5 2 CFR PART 200 Rights to Inventions

7

If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Pursuant to the above, when the foregoing applies to ESC Region 8 and TIPS Members, Vendor certifies that during the term of an award resulting from this procurement process, Vendor agrees to comply with all applicable requirements as referenced in the Federal rule above.

Does vendor agree?

Yes ☐

5 2 CFR PART 200 Domestic Preferences for Procurements

8

As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. For purposes of 2 CFR Part 200.322, "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. Moreover, for purposes of 2 CFR Part 200.322, "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum, plastics and polymer-based products such as polyvinyl chloride pipe, aggregates such as concrete, glass, including optical fiber, and lumber.

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, Vendor certifies that to the greatest extent practicable Vendor will provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

Does vendor agree?

Yes ☐

5 2 CFR PART 200 Ban on Foreign Telecommunications

9

Federal grant funds may not be used to purchase equipment, services, or systems that use "covered telecommunications" equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. "Covered telecommunications" means purchases from Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), and video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, Vendor certifies that Vendor will not purchase equipment, services, or systems that use "covered telecommunications", as defined by 2 CFR §200.216 equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

Does vendor agree?

Yes ☐

6 0 2 CFR PART 200 Contract Cost & Price

For contracts more than the simplified acquisition threshold currently set at \$250,000, a TIPS Member may, in very rare circumstances, be required to negotiate profit as a separate element of the price pursuant to 2 C.F.R. 200.324(b). Under those circumstances, Vendor agrees to provide information and negotiate with the TIPS Member regarding profit as a separate element of the price. However, Vendor certifies that the total price charged by the Vendor shall not exceed the Vendor's TIPS pricing and pricing terms proposed.

Does Vendor Agree?

Yes

6 1 FEMA Fund Certifications

Submission of this proposal is Vendor's certification that Vendor agrees to this term. Vendor certifies that **IF and when** Vendor accepts a TIPS purchase paid for in full or part with FEMA funds, Vendor certifies that:

(1) Vendor agrees to provide the TIPS Member, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to and rights to reproduce any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions. The Vendor agrees to provide the FEMA Administrator or an authorized representatives access to construction or other work sites pertaining to the work being completed under the contract. Vendor acknowledges and agrees that no language in this contract or the contract with the TIPS Member is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

(2) The Vendor shall not use the Department of Homeland Security's seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

(3) The Vendor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

(4) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

(5) The Vendor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the Vendor's actions pertaining to this contract.

6 2 Certification of Compliance with the Energy Policy and Conservation Act

When appropriate and to the extent consistent with the law, Vendor certifies that it will comply with the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq; 49 C.F.R. Part 18) and any mandatory standards and policies relating to energy efficiency which are contained in applicable state energy conservation plans issued in compliance with the Act.

Does Vendor agree?

Yes

6 **Certification Regarding Lobbying**

3

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal Funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

6 **If you answered "I HAVE lobbied" to the above Attribute Question**

4

If you answered "I HAVE lobbied" to the above Attribute question, you must download the Lobbying Report "Standard From LLL, disclosure Form to Report Lobbying" which includes instruction on completing the form, complete and submit it in the Response Attachments section as a report of the lobbying activities you performed or paid others to perform.

6 **Subcontracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.**

5

Do you ever anticipate the possibility of subcontracting any of your work under this award if you are successful?

IF NO, DO NOT ANSWER THE NEXT ATTRIBUTE QUESTION. . IF YES, and ONLY IF YES, you must answer the next question YES if you want a TIPS Member to be authorized to spend Federal Grant Funds for Procurement.

6 6 ONLY IF YES TO THE PREVIOUS QUESTION OR if you ever do subcontract any part of your performance under the TIPS Agreement, do you agree to comply with the following federal requirements?

ONLY IF YES TO THE PREVIOUS QUESTION OR if you ever do subcontract any part of your performance under the TIPS Agreement,
do you agree to comply with the following federal requirements?
Federal Regulation 2 CFR §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (a)The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce ; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs(1) through (5) of this section.

☐ YES

6 7 Indemnification

The ESC Region 8 and TIPS is a Texas Political Subdivision and a local governmental entity; therefore, is prohibited from indemnifying third parties pursuant to the Texas Constitution (Article 3, Section 52) except as specifically provided by law or as ordered by a court of competent jurisdiction. A provision in a contract to indemnify or hold a party harmless is a promise to pay for any expenses the indemnified party incurs, if a specified event occurs, such as breaching the terms of the contract or negligently performing duties under the contract. Article III, Section 49 of the Texas Constitution states that "no debt shall be created by or on behalf of the State ... " The Attorney General has counseled that a contractually imposed obligation of indemnity creates a "debt" in the constitutional sense. Tex. Att'y Gen. Op. No. MW-475 (1982). Contract clauses which require the System or institutions to indemnify must be deleted or qualified with "to the extent permitted by the Constitution and Laws of the State of Texas." Liquidated damages, attorney's fees, waiver of vendor's liability, and waiver of statutes of limitations clauses should also be deleted or qualified with "to the extent permitted by the Constitution and laws of State of Texas."

Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered. Do you agree to these terms?

☒ Yes, I Agree (Yes)

6 Remedies**8**

The parties shall be entitled to exercise any right or remedy available to it either at law or in equity, subject to the choice of law, venue and service of process clauses limitations agreed herein. Nothing in this agreement shall commit the TIPS to an arbitration resolution of any disagreement under any circumstances. Any Claim arising out of or related to the Contract, except for those specifically waived under the terms of the Contract, may, after denial of the Board of Directors, be subject to mediation at the request of either party. Any issues not resolved hereunder MAY be referred to non-binding mediation to be conducted by a mutually agreed upon mediator as a prerequisite to the filing of any lawsuit over such issue(s). The parties shall share the mediator's fee and any associated filing fee equally. Mediation shall be held in Camp or Titus County, Texas. Agreements reached in mediation shall be reduced to writing, and will be subject to the approval by the District's Board of Directors, signed by the Parties if approved by the Board of Directors, and, if signed, shall thereafter be enforceable as provided by the laws of the State of Texas.

Do you agree to these terms?

6 Remedies Explanation of No Answer**9****7 Choice of Law****0**

The agreement between the Vendor and TIPS/ESC Region 8 and any addenda or other additions resulting from this procurement process, however described, shall be governed by, construed and enforced in accordance with the laws of the State of Texas, regardless of any conflict of laws principles. THIS DOES NOT APPLY to a vendor's agreement entered into with a TIPS Member, as the Member may be located outside Texas.

Do you agree to these terms?

7 Venue, Jurisdiction and Service of Process**1**

Any proceeding, involving Region 8 ESC or TIPS, arising out of or relating to this procurement process or any contract issued by TIPS resulting from or any contemplated transaction shall be brought in a court of competent jurisdiction in Camp County, Texas and each of the parties irrevocably submits to the exclusive jurisdiction of said court in any such proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the Proceeding shall be heard and determined only in any such court, and agrees not to bring any proceeding arising out of or relating to this procurement process or any contract resulting from or any contemplated transaction in any other court. The parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the parties irrevocably to waive any objections to venue or to convenience of forum. Process in any Proceeding referred to in the first sentence of this Section may be served on any party anywhere in the world. Any dispute resolution process other than litigation shall have venue in Camp County or Titus County Texas.

Do you agree to these terms?

7 2	Infringement(s) The successful vendor will be expected to indemnify and hold harmless the TIPS and its employees, officers, agents, representatives, contractors, assignees and designees from any and all third party claims and judgments involving infringement of patent, copyright, trade secrets, trade or service marks, and any other intellectual or intangible property rights attributed to or claims based on the Vendor's proposal or Vendor's performance of contracts awarded and approved. Do you agree to these terms? <input type="text" value="Yes, I Agree"/>
7 3	Infringement(s) Explanation of No Answer <input type="text" value="No response"/>
7 4	Contract Governance Any contract made or entered into by the TIPS is subject to and is to be governed by Section 271.151 et seq, Tex Loc Gov't Code. Otherwise, TIPS does not waive its governmental immunities from suit or liability except to the extent expressly waived by other applicable laws in clear and unambiguous language. <input checked="" type="checkbox"/> Yes, I Agree (Yes)
7 5	Payment Terms and Funding Out Clause Payment Terms: TIPS or TIPS Members shall not be liable for interest or late payment fees on past-due balances at a rate higher than permitted by the laws or regulations of the jurisdiction of the TIPS Member. Funding Out Clause: Vendor agrees to abide by the laws and regulations, including Texas Local Government Code § 271.903, or any statutory or regulatory limitations of the jurisdiction of any TIPS Member which governs contracts entered into by the Vendor and TIPS or a TIPS Member that requires all contracts approved by TIPS or a TIPS Member are subject to the budgeting and appropriation of currently available funds by the entity or its governing body. See statute(s) for specifics or consult your legal counsel. Not a negotiable term. Failure to agree will render your proposal non-responsive and it will not be considered. Do you agree to these terms? <input checked="" type="checkbox"/> Yes, I Agree (Yes)

7 Insurance and Fingerprint Requirements Information

6 Insurance

If applicable and your staff will be on TIPS member premises for delivery, training or installation etc. and/or with an automobile, you must carry automobile insurance as required by law. You may be asked to provide proof of insurance.

Fingerprint

It is possible that a vendor may be subject to Chapter 22 of the Texas Education Code. The Texas Education Code, Chapter 22, Section 22.0834 & 22.08341. Statutory language may be found at: <http://www.statutes.legis.state.tx.us/>

If the vendor has staff that meet both of these criterion:

- (1) will have continuing duties related to the contracted services; and
- (2) has or will have direct contact with students

Then you have "covered" employees for purposes of completing the attached form.

TIPS recommends all vendors consult their legal counsel for guidance in compliance with this law. If you have questions on how to comply, see below. If you have questions on compliance with this code section, contact the Texas Department of Public Safety Non-Criminal Justice Unit, Access and Dissemination Bureau, FAST-FACT at NCJU@txdps.state.tx.us and you should send an email identifying you as a contractor to a Texas Independent School District or ESC Region 8 and TIPS. Texas DPS phone number is (512) 424-2474.

See form in the next attribute to complete entitled:
Texas Education Code Chapter 22 Contractor Certification for Contractor Employees

7 Texas Education Code Chapter 22 Contractor Certification for Contractor Employees

Introduction: Texas Education Code Chapter 22 requires entities that contract with school districts to provide services to obtain criminal history record information regarding covered employees. Contractors must certify to the district that they have complied. Covered employees with disqualifying criminal histories are prohibited from serving at a school district.

Definitions: Covered employees: Employees of a contractor or subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students. Disqualifying criminal history: Any conviction or other criminal history information designated by the District, or one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school:

(a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.

I certify that:

NONE (Section A) of the employees of Contractor and any subcontractors are covered employees, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that the employees of Contractor and any subcontractor will not become covered employees. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided.

OR

SOME (Section B) or all of the employees of Contractor and any subcontractor are covered employees. If this box is checked, I further certify that:

(1) Contractor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history.

(2) If Contractor receives information that a covered employee subsequently has a reported criminal history, Contractor will immediately remove the covered employee from contract duties and notify the District in writing within 3 business days.

(3) Upon request, Contractor will provide the District with the name and any other requested information of covered employees so that the District may obtain criminal history record information on the covered employees.

(4) If the District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Contractor agrees to discontinue using that covered employee to provide services at the District.

Noncompliance or misrepresentation regarding this certification may be grounds for contract termination.

☐ None

7 **Texas Business and Commerce Code § 272 Requirements as of 9-1-2017**

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SB 807 prohibits construction contracts to have provisions requiring the contract to be subject to the laws of another state, to be required to litigate the contract in another state, or to require arbitration in another state. A contract with such provisions is voidable. Under this new statute, a "construction contract" includes contracts, subcontracts, or agreements with (among others) architects, engineers, contractors, construction managers, equipment lessors, or materials suppliers. "Construction contracts" are for the design, construction, alteration, renovation, remodeling, or repair of any building or improvement to real property, or for furnishing materials or equipment for the project. The term also includes moving, demolition, or excavation. BY RESPONDING TO THIS SOLICITATION, AND WHEN APPLICABLE, THE PROPOSER AGREES TO COMPLY WITH THE TEXAS BUSINESS AND COMMERCE CODE § 272 WHEN EXECUTING CONTRACTS WITH TIPS MEMBERS THAT ARE TEXAS GOVERNMENT ENTITIES.

7 **Texas Government Code 2270 & 2271 Verification Form**

9

Texas Government Code 2270 & 2271 Verification Form

If (a) Vendor is not a sole proprietorship; (b) Vendor has ten (10) or more full-time employees; and (c) this Agreement has a value of \$100,000 or more, the following certification shall apply; otherwise, this certification is not required. Pursuant to Chapter 2271 of the Texas Government Code, the Vendor hereby certifies and verifies that neither the Vendor, nor any affiliate, subsidiary, or parent company of the Vendor, if any (the "Vendor Companies"), boycotts Israel, and the Vendor agrees that the Vendor and Vendor Companies will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Our entity further certifies that it is is not listed on and we do not do business with companies prohibited by Texas Government Code 2270 or that are on the Texas Comptroller of Public Accounts list of Designated Foreign Terrorists Organizations per Texas Gov't Code 2270.0153 found at <https://comptroller.texas.gov/purchasing/docs/foreign-terrorist.pdf>

I swear and affirm that the above is true and correct.

YES ☐

8 **Logos and other company marks**

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Please upload your company logo to be added to your individual profile page on the TIPS website. If any particular specifications are required for use of your company logo, please upload that information under the "Logo and Other Company Marks" section under the "Response Attachment" tab. Preferred Logo Format: 300 x 225 px - .png, .eps, .jpeg preferred

Potential uses of company logo:

* Your Vendor Profile Page of TIPS website

* Potentially on TIPS website scroll bar for Top Performing Vendors

* TIPS Quarterly eNewsletter sent to TIPS Members

* Co-branding Flyers and or email blasts to our TIPS Members (Permission and approval will be obtained before publishing)

8 1	Solicitation Deviation/Compliance Does the vendor agree with the General Conditions Standard Terms and Conditions or Item Specifications listed in this proposal invitation? <div style="border: 1px solid black; padding: 2px; width: 100px;">Yes</div>
8 2	Solicitation Exceptions/Deviations Explanation If the bidder intends to deviate from the General Conditions Standard Terms and Conditions or Item Specifications listed in this proposal invitation, all such deviations must be listed on this attribute, with complete and detailed conditions and information included or attached. TIPS will consider any deviations in its proposal award decisions, and TIPS reserves the right to accept or reject any bid based upon any deviations indicated below or in any attachments or inclusions. In the absence of any deviation entry on this attribute, the proposer assures TIPS of their full compliance with the Standard Terms and Conditions, Item Specifications, and all other information contained in this Solicitation. <div style="border: 1px solid black; padding: 2px; min-height: 20px;">No response</div>
8 3	Agreement Deviation/Compliance Does the vendor agree with the language in the Vendor Agreement? <div style="border: 1px solid black; padding: 2px; width: 100px;">Yes</div>
8 4	Agreement Exceptions/Deviations Explanation If the proposing Vendor desires to deviate from the Vendor Agreement language, all such deviations must be listed on this attribute, with complete and detailed conditions and information included. TIPS will consider any deviations in its proposal award decisions, and TIPS reserves the right to accept or reject any proposal based upon any deviations indicated below. In the absence of any deviation entry on this attribute, the proposer assures TIPS of their full compliance with the Vendor Agreement. <div style="border: 1px solid black; padding: 2px; min-height: 20px;">No response</div>
8 5	Felony Conviction Notice Texas Education Code, Section 44.034, Notification of Criminal History, Subsection (a), states "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony." Subsection (b) states "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract." (c) This section does not apply to a publicly held corporation. The person completing this proposal certifies that they are authorized to provide the answer to this question. Select A., B. or C. A. My firm is a publicly held corporation; therefore, this reporting requirement is not applicable. OR B. My firm is not owned nor operated by anyone who has been convicted of a felony, OR C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony. (if you answer C below, you are required to provide information in the next attribute. <div style="border: 1px solid black; padding: 2px; min-height: 20px;">B. Firm not owned nor operated by felon; per above</div>

86 If you answered C. My Firm is owned or operated by a felon to the previous question, you are REQUIRED TO ANSWER THE FOLLOWING QUESTIONS.

If you answered C. My Firm is owned or operated by a felon to the previous question, you must provide the following information.

1. Name of Felon(s)
2. The named person's role in the firm, and
3. Details of Conviction(s).

No response

87 Required Confidentiality Claim Form

Required Confidentiality Claim Form

This completed form is required by TIPS. By submitting a response to this solicitation you agree to download from the "Attachments" section, complete according to the instructions on the form, then upload the completed form, with any confidential attachments, if applicable, to the "Response Attachments" section titled "Confidentiality Form" in order to provide to TIPS the completed form titled, "CONFIDENTIALITY CLAIM FORM". THIS REQUIRED PROCESS IS THE ONLY WAY TO DEEM PROPOSAL DOCUMENTATION CONFIDENTIAL ANY OTHER CONFIDENTIAL DESIGNATION WILL BE DISREGARDED UNLESS THE DOCUMENT IS IDENTIFIED BY AND ATTACHED TO THE REQUIRED FORM. By completing this process, you provide us with the information we require to comply with the open record laws of the State of Texas as they may apply to your proposal submission. If you do not provide the form with your proposal, an award will not be made if your proposal is qualified for an award, until TIPS has an accurate, completed form from you.

Read the form carefully before completing and if you have any questions, email bids@tips-usa.com.

88 Member Access to Vendor Proposal

Notwithstanding any other information provided in this solicitation or Vendor designation of certain documentation as confidential or proprietary, Vendor's acceptance of this TIPS Contract constitutes Vendor's consent to the disclosure of Vendor's comprehensive proposal, including any information deemed confidential or proprietary, to **TIPS Members**. The proposing Vendor agrees that TIPS shall not be responsible or liable for any use or distribution of information or documentation by TIPS Members or any other party. By submitting this proposal, Vendor certifies the foregoing.

89 Choice of Law clauses with TIPS Members

If the vendor is awarded a contract with TIPS under this solicitation, the vendor agrees to make any Choice of Law clauses in any contract or agreement entered into between the awarded vendor and with a TIPS member entity to read as follows: "Choice of law shall be the laws of the state where the customer resides" or words to that effect.

Agreed

90 Venue of dispute resolution with a TIPS Member

In the event of litigation or use of any dispute resolution model when resolving disputes with a TIPS member entity as a result of a transaction between the vendor and TIPS or the TIPS member entity, the Venue for any litigation or other agreed upon model shall be in the state and county where the customer resides unless otherwise agreed by the parties at the time the dispute resolution model is decided by the parties.

Agreed

9 1	<p>Indemnity Limitation with TIPS Members</p> <p>Texas and other states restrict by law or state Constitution the ability of a governmental entity to indemnify others. TIPS requires that any contract entered into between a vendor and TIPS or a TIPS Member as a result of an award under this Solicitation limit the requirement that the Customer indemnify the Vendor by either eliminating any such indemnity requirement clauses in any agreements, contracts or other binding documents OR by prefacing all indemnity clauses required of TIPS or the TIPS Member entity with the following: "To the extent permitted by the laws or the Constitution of the state where the customer resides, ".</p> <p>Agreement is a required condition to award of a contract resulting from this Solicitation.</p> <p><input type="text" value="Agreed"/></p>
9 2	<p>Arbitration Clauses</p> <p>Except for certain circumstances, TIPS forbids a mandatory arbitration clause in any contract or agreement entered into between the awarded vendor with TIPS or a TIPS member entity. Does the vendor agree to exclude any arbitration requirement in any contracts or agreement entered into between TIPS or a TIPS member entity through an awarded contract with TIPS?</p> <p><input type="text" value="Agreed"/></p>
9 3	<p>Required Vendor Sales Reporting</p> <p>By responding to this Solicitation, you agree to report to TIPS all sales made under any awarded Agreement with TIPS. Vendor is required to report all sales under the TIPS contract to TIPS. If the TIPS Member entity requesting a price from the awarded Vendor requests the TIPS contract, Vendor must include the TIPS Contract number on any communications with the TIPS Member entity. If awarded, you will be provided access to the Vendor Portal. To report sales, login to the TIPS Vendor Portal and click on the PO's and Payments tab. Pages 3-7 of the <u>Vendor Portal User Guide</u> will walk you through the process of reporting sales to TIPS. Please refer to the TIPS <u>Accounting FAQ's</u> for more information about reporting sales and if you have further questions, contact the Accounting Team at accounting@tips-usa.com. The Vendor or vendor assigned dealers are responsible for keeping record of all sales that go through the TIPS Agreement and submitting same to TIPS.</p>
9 4	<p>Upload of Current W-9 Required</p> <p>Please note that you are required by TIPS to upload a current W-9 Internal Revenue Service (IRS) Tax Form for your entity. This form will be utilized by TIPS to properly identify your entity.</p>
9 5	<p>CERTIFICATION REGARDING BOYCOTTING CERTAIN ENERGY COMPANIES (Texas law as of September 1, 2021)</p> <p>By submitting a proposal to this Solicitation, you certify that you agree, when it is applicable, to the following required by Texas law as of September 1, 2021:</p> <p>If (a) company is not a sole proprietorship; (b) company has ten (10) or more full-time employees; and (c) this contract has a value of \$100,000 or more that is to be paid wholly or partly from public funds, the following certification shall apply; otherwise, this certification is not required. Pursuant to Tex. Gov't Code Ch. 2274 of SB 13 (87th session), the company hereby certifies and verifies that the company, or any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of these entities or business associations, if any, does not boycott energy companies and will not boycott energy companies during the term of the contract. For purposes of this contract, the term "company" shall mean an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, that exists to make a profit. The term "boycott energy company" shall mean "without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law, or (b) does business with a company described by paragraph (a)." See Tex. Gov't Code § 809.001(1).</p>

9 6	<p>CERTIFICATION PROHIBITING DISCRIMINATION AGAINST FIREARM AND AMMUNITION INDUSTRIES (Texas law as of September 1, 2021)</p> <p>By submitting a proposal to this Solicitation, you certify that you agree, when it is applicable, to the following required by Texas law as of September 1, 2021:</p> <p>If (a) company is not a sole proprietorship; (b) company has at least ten (10) full-time employees; (c) this contract has a value of at least \$100,000 that is paid wholly or partly from public funds; (d) the contract is not excepted under Tex. Gov't Code § 2274.003 of SB 19 (87th leg.); and (e) governmental entity has determined that company is not a sole-source provider or governmental entity has not received any bids from a company that is able to provide this written verification, the following certification shall apply; otherwise, this certification is not required.</p> <p>Pursuant to Tex. Gov't Code Ch. 2274 of SB 19 (87th session), the company hereby certifies and verifies that the company, or association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary parent company, or affiliate of these entities or associations, that exists to make a profit, does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this contract against a firearm entity or firearm trade association. For purposes of this contract, "discriminate against a firearm entity or firearm trade association" shall mean, with respect to the entity or association, to: "(1) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (2) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (3) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association. See Tex. Gov't Code § 2274.001(3) of SB 19. "Discrimination against a firearm entity or firearm trade association" does not include: "(1) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (2) a company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association." See Tex. Gov't Code § 2274.001(3) of SB 19.</p>
9 7	<p>CERTIFICATION REGARDING CERTAIN FOREIGN-OWNED COMPANIES IN CONNECTION WITH CRITICAL INFRASTRUCTURE (Texas law as of September 1, 2021)</p> <p>By submitting a proposal to this Solicitation, you certify that you agree to the following required by Texas law as of September 1, 2021:</p> <p>Proposing Company is prohibited from entering into a contract or other agreement relating to critical infrastructure that would grant to the company direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the Proposing Company for product warranty and support purposes. Company, certifies that neither it nor its parent company nor any affiliate of company or its parent company, is (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; (2) a company or other entity, including governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or (3) headquartered in China, Iran, North Korea, Russia, or a designated country. For purposes of this contract, "critical infrastructure" means "a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility." See Tex. Gov't Code § 2274.0101(2) of SB 1226 (87th leg.). The company verifies and certifies that company will not grant direct or remote access to or control of critical infrastructure, except for product warranty and support purposes, to prohibited individuals, companies, or entities, including governmental entities, owned, controlled, or headquartered in China, Iran, North Korea, Russia, or a designated country, as determined by the Governor.</p>
9 8	<p>Acknowledgement</p> <p>By submitting this proposal, Vendor certifies that it has read, examined, and understands all portions of this solicitation including but not limited to all attribute questions, attachments, solicitation documents, bid notes, and the Vendor Agreement(s). Vendor certifies that, if found to be necessary by the proposing vendor, vendor has sought the advice of counsel in understanding all portions of the solicitation.</p>

AMENDED

OPTIONAL INFORMATION REQUESTED

It has come to my attention that the correct name for the below process is Energy Efficiency as a Service (EEaaS)

I have modified the below document to use this commonly accepted term.

Additional Information Requested Regarding Energy Efficiency ~~Savings~~ as a Service (~~ESaaS~~) (EEaaS)

Vendors are not required to respond to the additional request for information related to Energy Efficiency ~~Savings~~ as a Service (~~ESaaS~~) (EEaaS) and qualifications to provide same.

Failure to respond to this additional information request for Energy Efficiency ~~Savings~~ as a Service (~~ESaaS~~) (EEaaS) will have NO BEARING on the evaluation of your qualifications to provide offer Energy Savings Performance Contracting (ESPC).

If it is later determined that governmental procurement of Energy Efficiency ~~Savings~~ as a Service (~~ESaaS~~) (EEaaS) is permitted, TIPS will timely issue a legally sufficient solicitation to address that need. All information gathered here will be used to aid TIPS in the solicitation process for contracts with companies that provide ESaaS.

Texas statutes do not specifically address **Energy Efficiency ~~Savings~~ as a Service (~~ESaaS~~) (EEaaS)** however TIPS recognizes that it is an option offered by many vendors that also offer Energy Savings Performance Contracting (ESPC).

Please provide in a separate sheet(s) or document if your company offers ~~ESaaS~~ EEaaS and how that service is offered to governmental entities. Please provide your detailed information related to your company's qualifications and your process as it relates to ~~ESaaS~~ EEaaS and governmental customers. Please list existing governmental customers currently contracted with you for ~~ESaaS~~ EEaaS. Please provide details on how this model is structured, how it differs from ESPC and how a governmental entity would benefit from ~~ESaaS~~ EEaaS as it compares with ESPC.

You may utilize the Confidentiality Form included in the RFQ to declare this information confidential if you choose to. Final determination of confidentiality of any information provided to TIPS as a department of the Texas governmental entity Texas Education Service Center Region 8 is at the discretion of the Texas Attorney General and subject to Texas Government Code §552. See <https://comptroller.texas.gov/about/policies/open-records/public-information-act.php>

CERTIFICATION BY CORPORATE OFFERER

**COMPLETE ONLY IF OFFERER IS A CORPORATION,
THE FOLLOWING CERTIFICATE SHOULD BE EXECUTED AND INCLUDED AS PART OF
PROPOSAL FORM/PROPOSAL FORM.**

OFFERER: Performance Services, Inc.
(Name of Corporation)

Russell M. Webb III certify that I am the Secretary of the Corporation
I, (Name of Corporate Secretary)

named as OFFERER herein above; that

Timothy P. Thoman
(Name of person who completed proposal document)

who signed the foregoing proposal on behalf of the corporation offerer is the authorized person that is
acting as

President and CEO
(Title/Position of person signing proposal/offer document within the corporation)

of the said Corporation; that said proposal/offer was duly signed for and in behalf of said corporation by
authority of its governing body, and is within the scope of its corporate powers.



CORPORATE SEAL if available


SIGNATURE

1/26/22
DATE

TIPS RFQ #220104

Required Confidential Information Status Form

Performance Services, Inc.

Name of company

Timothy P. Thoman, President & CEO

Printed Name and Title of Authorized Company Officer declaring below the confidential status of material

4670 Haven Point Boulevard Indianapolis IN 46280 888-390-2700

Address City State ZIP Phone

ALL VENDORS MUST COMPLETE THE ABOVE SECTION

CONFIDENTIAL INFORMATION SUBMITTED IN RESPONSE TO COMPETITIVE PROCUREMENT REQUESTS OF EDUCATION SERVICE CENTER REGION 8 AND TIPS (ESC8) IS GOVERNED BY TEXAS GOVERNMENT CODE, CHAPTER 552

If you consider any portion of your proposal to be confidential and not subject to public disclosure pursuant to Chapter 552 Texas Gov't Code or other law(s), you must attach a copy of all claimed confidential materials to this COMPLETED form, name the combined PDF documents "CONFIDENTIAL", and upload the combined, confidential documents with your proposal submission. If a document is not attached, it will not be considered confidential. The copy uploaded will be the sole indicator of which material in your proposal, if any, you deem confidential in the event TIPS/ESC 8 receives a Public Information Request. If ESC 8 receives a request, any responsive documentation not deemed confidential by you in this manner will be automatically released. For documents deemed confidential by you in this manner, ESC8 and TIPS will follow procedures of controlling statute(s) regarding any claim of confidentiality and shall not be liable for any release of information required by law, including Attorney General determination. Notwithstanding any other information provided in this solicitation or Vendor designation of certain documentation as confidential or proprietary, Vendor's acceptance of this TIPS Vendor Agreement constitutes Vendor's consent to the disclosure of Vendor's comprehensive proposal, including any information deemed confidential or proprietary, to TIPS Members. The proposing Vendor agrees that TIPS shall not be responsible or liable for any use or distribution of information or documentation by TIPS Members or any other party.

ALL VENDORS MUST COMPLETE ONE OF THE TWO OPTIONS BELOW

OPTION 1:

I **DO CLAIM** parts of my proposal to be confidential and **DO NOT** desire to expressly waive a claim of confidentiality of all information contained within our response to the solicitation. The attached contains material from our proposal that I classify and deem confidential under Texas Gov't Code Sec. 552 or other law(s) and I invoke my statutory rights to confidential treatment of the enclosed materials.

IF CLAIMING PARTS OF YOUR PROPOSAL CONFIDENTIAL, YOU MUST ATTACH THE SHEETS TO THIS FORM AND LIST THE NUMBER OF TOTAL PAGES THAT ARE CONFIDENTIAL.

ATTACHED ARE COPIES OF 18 PAGES OF CLAIMED CONFIDENTIAL MATERIAL FROM OUR PROPOSAL THAT WE DEEM TO BE NOT PUBLIC INFORMATION AND WILL DEFEND THAT CLAIM TO THE TEXAS ATTORNEY GENERAL IF REQUESTED WHEN A PUBLIC INFORMATION REQUEST IS MADE FOR OUR PROPOSAL.

Signature [Signature] Date 1-27-22

----- OR -----

OPTION 2:

I **DO NOT CLAIM** any of my proposal to be confidential, complete the section below.

Express Waiver: I desire to expressly waive any claim of confidentiality as to any and all information contained within our response to the competitive procurement process (e.g. RFP, CSP, Bid, RFQ, etc.) by completing the following and submitting this sheet with our response to Education Service Center Region 8 and TIPS.

Signature _____ Date _____

April 12, 2022

Karen Ellis & Chip Woods
Performance Services Inc.
801 E. Old Settlers Blvd., Suite 100
Round Rock, Texas 78664

Subject: Letter of Intent/Investment Grade Audit

Dear Karen and Chip,

We are encouraged by the preliminary indications regarding opportunities for improving our water metering system and city infrastructure. The City of Kingsville recognizes this Advanced Metering Infrastructure (AMI) program will result in increased water revenue and lower operational costs, which will provide our City with a more effective use of our resources. The City of Kingsville also understands these increased revenues and savings will finance the AMI project costs over a period of no more than 20 years when compared to current revenues and expenses, and that this performance must be guaranteed per Texas Local Government Code §302.

Based on our understanding of the time investment required to completely evaluate this opportunity, we are providing this letter to indicate our intent to award Performance Services Inc. a contract for the upgrade of the water metering system and other agreed upon renovations within 90 days of the completion of their Investment Grade Audit (IGA).

The IGA will assess, but is not limited to:

- Existing meter accuracy
- Guaranteed cost and savings from new meters and AMI system with utility billing integration
- Best value manufacturer and technology comparison

The objective of the IGA is to:

- Identify areas to reduce energy consumption and increase revenue by retrofitting or replacing water metering equipment
- Improve operational procedures and capabilities within the City
- Eliminate and/or reduce future capital expenditures
- Provide a financial guarantee for the City of Kingsville in compliance with Texas Local Government Code §302

During the Investment Grade Audit, Performance Services may identify additional efficiency or capital improvement opportunities that may or may not be included in the final scope of work, upon being agreed upon by both parties. Following completion of the IGA and submission of a Project Proposal from PSI which meets the Project Objectives, City of Kingsville agrees to enter into an installation Contract for PSI to provide the City of Kingsville with design, equipment procurement & installation, construction

management, a savings guarantee, and measurement & verification services. Utilizing the PSI TIPS contract # 170103 is the preferred procurement method.

If the City of Kingsville decides not to proceed with this program even though guaranteed annual water revenue increases and operational savings will exceed the AMI project costs, we agree to pay \$28,965 to Performance Services Inc., which is their anticipated 3rd party meter bench testing, design and other costs associated with developing the Investment Grade Audit.

Sincerely,

_____, City Manager
City of Kingsville

AGENDA ITEM #11

**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: April 25, 2022

SUBJECT: Consider approving Change Order No.1 for Phase I of 2021 City-Wide Miscellaneous Concrete and Drainage Improvements Project (Bid# 21-11).

Purpose:

The purpose of awarding this change order is to remove the scope of work for 19th Street (as it will be covered by other funded projects) and add the installation of additional curb & gutter and drainage improvements on W. Kenedy Avenue which will be funded from Fund 068 CO Series 2013, thus assisting to expend those funds.

Summary:

Phase I

Original Contract Amount	\$386,717.00
Deduct 19 th Street Amount (CO#1)	-\$ 76,347.00
Add Kenedy Avenue Amount (CO#1)	+\$155,575.00
Total Contract + Change Order No. 1	\$465,645.00
Original Contract Amount	-\$386,717.00
Change Order No. 1 Amount	\$ 78,928.00

Original Contract Time (calendar days)	120 days
Change Order No. 1 (calendar days)	+90 days
Original Contract + CO No. 1	210 days

Per the General Conditions of the Contract, City may order the Contractor to proceed with desired unit prices specified in the Contract, provided that in case of a unit price contract the net value of all changes does not increase the original total amount of the agreement by more than twenty-five percent (25%). Here not more than \$96,679.25.



**City of Kingsville
Engineering Dept.**

The City has a couple of projects along 19th Street between E. Henrietta and E. King Ave which include drainage improvements that can be funded by the General Land Office (GLO) and by the 2019 Safe Route to Schools Project funded by the Federal Highway Administration. A current city project awarded to Etech Construction has proposed curb and gutter to be installed this year at 19th Street but that area will be removed from the Etech project since funding from the GLO can be used to install curb and gutter on the above-mentioned street as part of drainage improvements. West Kenedy Ave between May Street and west dead-end currently has no curb and gutter, so it is proposed to add this area to the Etech project list and to use CO2013 funding to pay for the additional expense.

Background:

On August 3, 2021, the city received two (2) bids for Bid #21-11: City-Wide Miscellaneous Concrete and Drainage Improvements Project, which were publicly opened and read. Bidder 1 was A. Ortiz Construction and Paving, Inc. from Corpus Christi, 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. This project was awarded on August 23, 2021, to the low bidder Etech Construction, Inc. The total project exceeded the Contractor's bonding capacity, so it was proposed to create two phases. Phase I includes the base bid in the amount of \$386,717.00. Phase II includes Alternates 1 and 2 in the amount of \$211,091.70. The sum of Phase I and II equals \$597,808.70 as previously awarded. Phase II will be awarded once the contractor has successfully completed the work in Phase I.

The original project included 1.40 miles of new curb & gutter for Ragland Avenue (4 blocks), Warren Avenue (1 block), Huisache Avenue (2 blocks), Hoffman Avenue (1 block), and 19th Street (3 blocks). 19th Street is now to be replaced by W. Kenedy Ave.

Financial Impact:

Change Order No.1 will be funded by Fund 068 CO Series 2013 in the amount of \$78,928.00.

Recommendation:

Staff recommends approving Phase 1 Change Order No.1 which removes curb and gutter work along 19th Street and adds drainage improvements to W. Kenedy Ave. in the amount of \$78,928.00 and 90 days above original contract price and time for Phase I.



**City of Kingsville
Engineering Dept.**

Attachments:

Change Order No.1

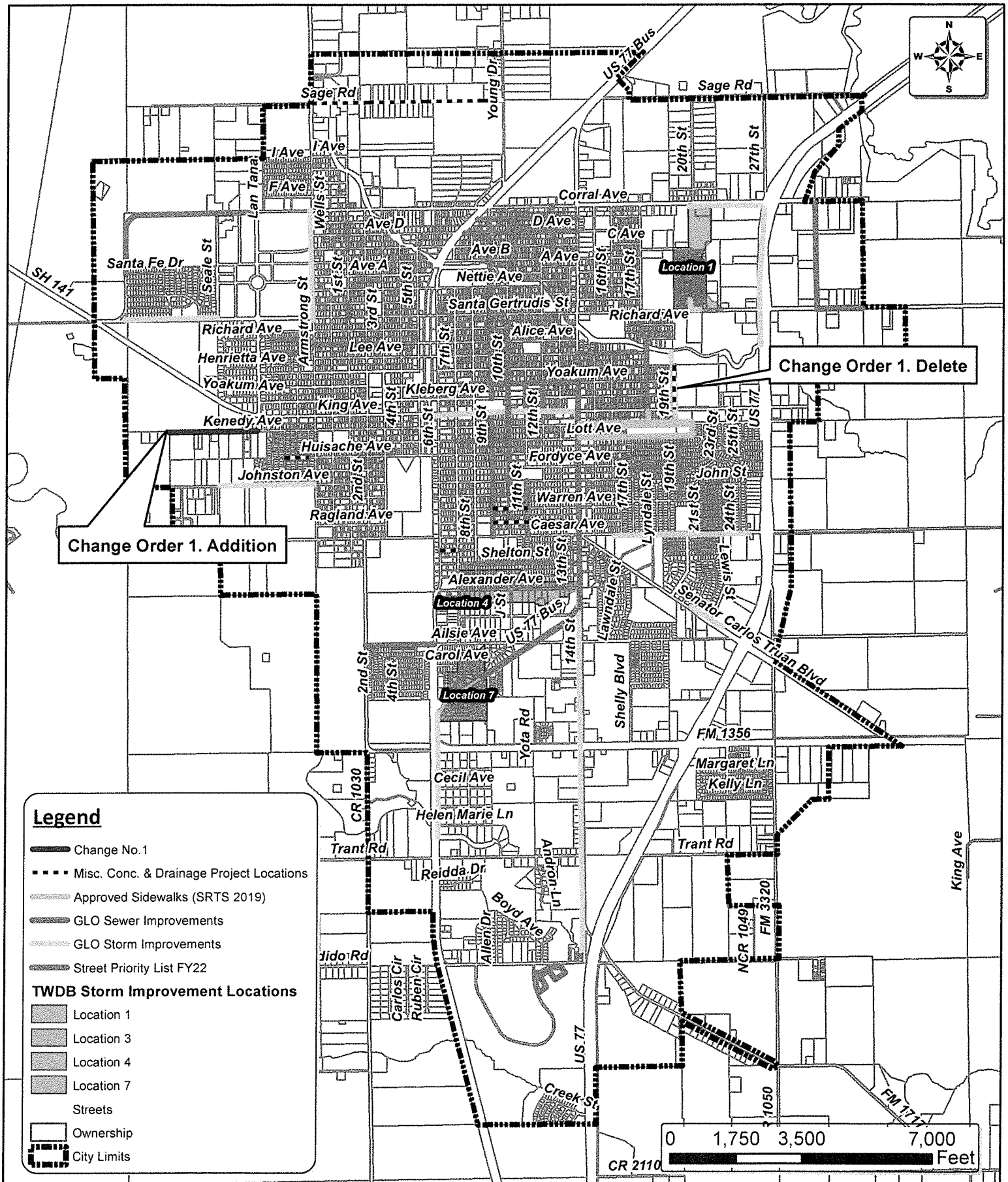
Change Order Exhibit

Current and future city projects

W. Kenedy Ave drainage plan - Draft



Current and Future City Projects



Drawn By: G. AMAYA

Last Update: 4/19/2022

Note: Please see attached documents.

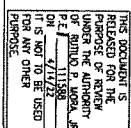
DISCLAIMER:
THIS MAP IS FOR VISUAL PURPOSES ONLY.
THE INFORMATION ON THIS SHEET MAY
CONTAIN INACCURACIES OR ERRORS.
THE CITY OF KINGSVILLE IS NOT
RESPONSIBLE IF THE INFORMATION
CONTAINED HEREIN IS USED FOR ANY
DESIGN, CONSTRUCTION, PLANNING, BUILDING,
OR ANY OTHER PURPOSE.



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 W King Ave, Kingsville, TX 78363
Office: (361) 595-8007
Fax: (361) 595-8064

**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**
400 West King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

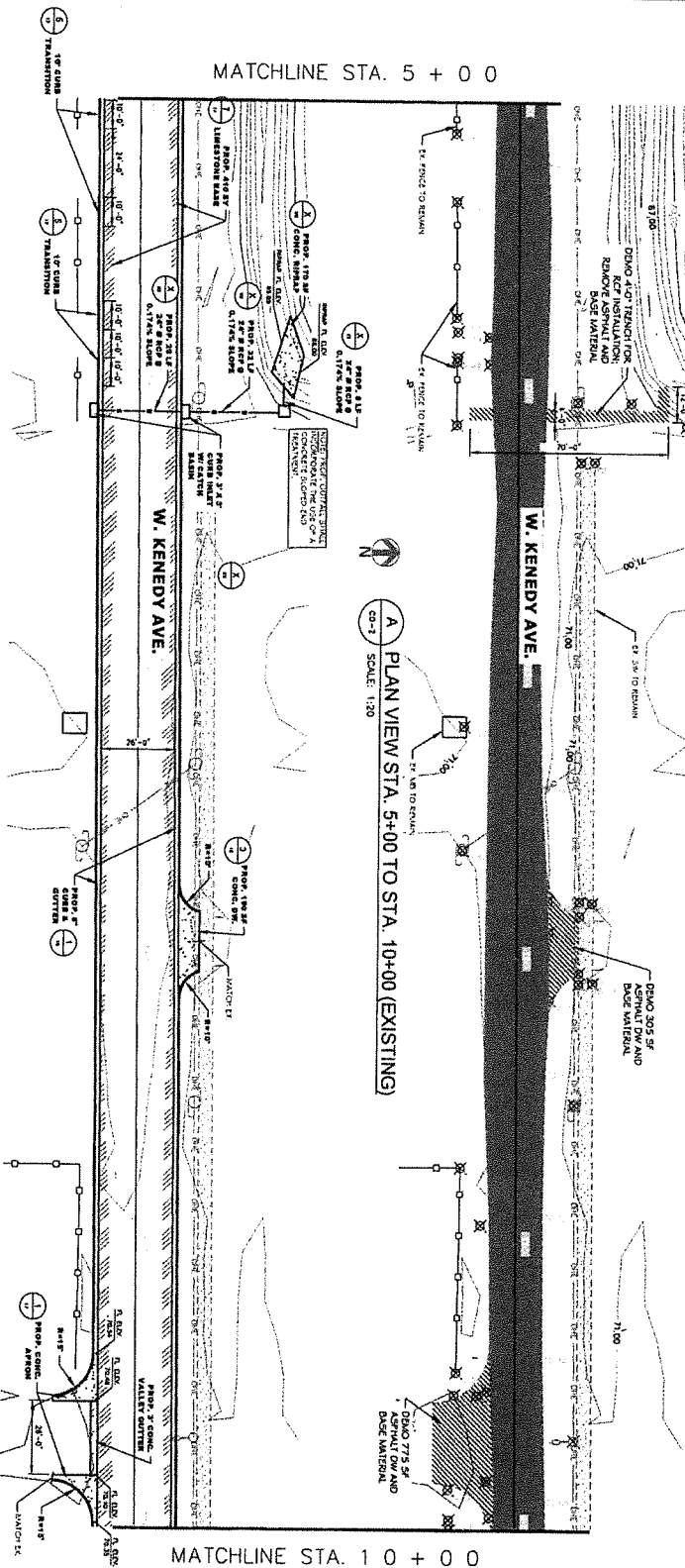


SHEET
CO-1

Drawn by: M. MEDRANO
Date: 01/25/2021
Checked by: R. MORA
Job:
Scale: AS NOTED



DRAFT



B. PLAN VIEW STA. 5+00 TO STA. 10+00 (PROPOSED)
SCALE: 1/20

A. PLAN VIEW STA. 5+00 TO STA. 10+00 (EXISTING)
SCALE: 1/20

THIS DOCUMENT IS
ISSUED FOR THE
PURPOSE OF REVIEW
UNDER THE AUTHORITY
OF THE CITY OF KINGSVILLE
IT IS NOT TO BE USED
FOR ANY OTHER
PURPOSE.

2021 CITY-WIDE MISCELLANEOUS CONCRETE AND DRAINAGE IMPROVEMENTS

**W. KENEDY AVE. - MAY ST. TO DEAD END
PLAN AND PROFILE STA. 5+00 TO STA. 10+00**

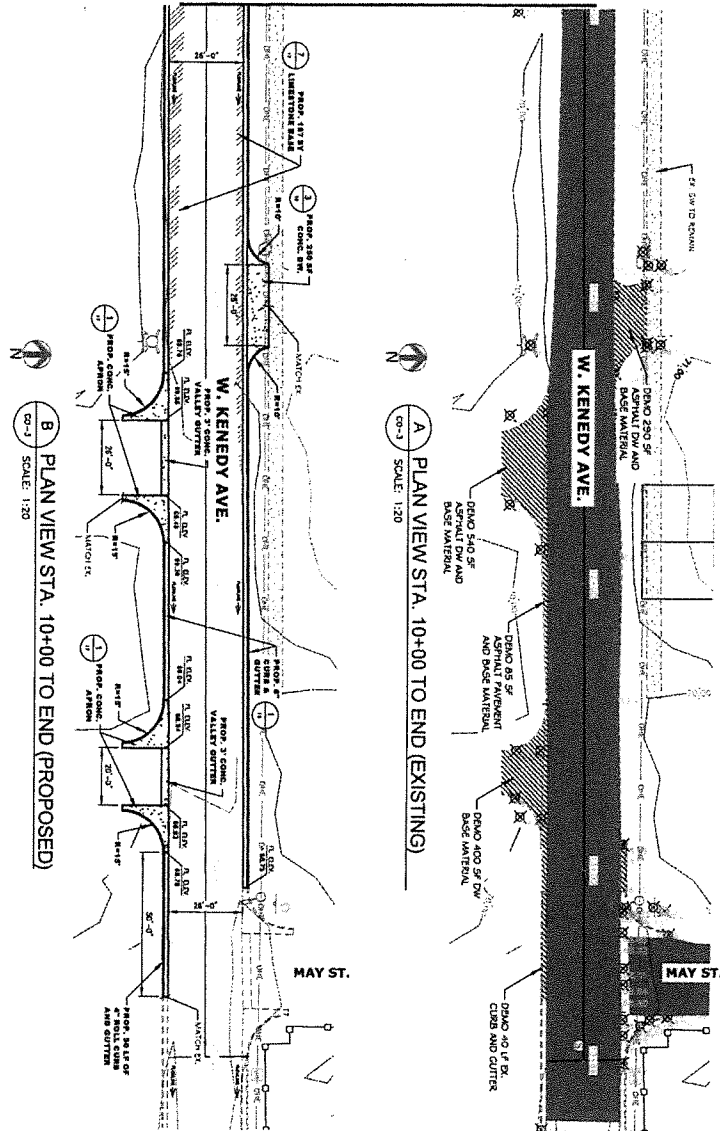
Drawn by: M. MEDRANO
Date: 01/25/2021
Checked by: R. MORA
Job:
Scale: AS NOTED



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 West King
Kingsville, Texas 78631
Office 361.595.8007
Fax 361.595.8035

SHEET
CO-2

MATCHLINE STA. 10 + 0 0



DRAFT

THIS DOCUMENT IS
FOR INFORMATION
ONLY. IT IS NOT
TO BE USED
FOR ANY OTHER
PURPOSE.

**2021 CITY-WIDE MISCELLANEOUS CONCRETE
AND DRAINAGE IMPROVEMENTS**
W. KENEDY AVE. - MAY ST. TO DEAD END
PLAN AND PROFILE STA. 10+00 TO END

Drawn by: M. MEDRANO
Date: 01/25/2021
Checked by: R. MORA
Job:
Scale: AS NOTED



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT

400 West King
Kingsville, Texas 78363
Office 361.595.8007
Fax 361.595.8035

SHEET
CO-3

RESOLUTION #2022-_____

A RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR PHASE I OF THE CITY-WIDE MISC. CONCRETE AND DRAINAGE SYSTEM IMPROVEMENTS AGREEMENT BETWEEN THE CITY AND ETECH CONSTRUCTION INC.; 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 and after reviewing the bid submittals staff recommended 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 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, with the contracts being approved by City Commission via Resolution #2021-70 on October 12, 2021;

WHEREAS, an area of street for 19th Street was originally part of the Phase I project but can now be done under another project and funding source, so it is being proposed to remove that section from the scope of work and add a section on W. Kenedy Ave to the scope of work for Phase I, which can be done for less than the 25% change order limit ;

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

I.

THAT the City Commission approves and the Mayor is authorized and directed as an act of the City of Kingsville, Texas to execute Change Order No.1 for Phase I of the Standard Form Agreement between the City of Kingsville, Texas and Etech Construction Inc. for 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
25th day of April, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CHANGE ORDER NO. 1
2021 CITY-WIDE MISCELLANEOUS CONCRETE
AND DRAINAGE IMPROVEMENTS - PHASE 1



BASE BID CONTRACT AMOUNT

WORK ACTIVITIES	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
Remove/Dispose of Asphalt Pavement	281	SY	\$ 8.00	\$ 2,248.00
Remove/Dispose of Concrete	4417	SF	\$ 4.00	\$ 17,668.00
Limestone base (6" average depth)	1679	SY	\$ 20.00	\$ 33,580.00
6" "L" Curb and Gutter	7254	LF	\$ 35.00	\$ 253,890.00
4" Roll Curb and Gutter	146	LF	\$ 20.00	\$ 2,920.00
2' Concrete Valley Gutter	921	LF	\$ 25.00	\$ 23,025.00
3' Concrete Valley Gutter	50	LF	\$ 32.00	\$ 1,600.00
4" Thick Concrete Sidewalk	723	SF	\$ 10.00	\$ 7,230.00
6" Thick Concrete Driveway	2547	SF	\$ 12.00	\$ 30,564.00
6" Thick Concrete Apron	135	EA	\$ 100.00	\$ 13,500.00
2" Hot Mix Asphalt Repair	82	SF	\$ 6.00	\$ 492.00
BASE BID TOTAL				\$ 386,717.00

CHANGE ORDER NO. 1

REMOVE - 19TH ST. FROM E. KING AVE. TO E. HENRIETTA AVE.

WORK ACTIVITIES	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
Remove/Dispose of Asphalt Pavement	102	SY	\$ 8.00	\$ 816.00
Remove/Dispose of Concrete	400	SF	\$ 4.00	\$ 1,600.00
Limestone Base (6" Avg. Depth)	369	SY	\$ 20.00	\$ 7,380.00
6" Type "L" Curb and Gutter	1517	LF	\$ 35.00	\$ 53,095.00
2' Concrete Valley Gutter	96	LF	\$ 25.00	\$ 2,400.00
3' Concrete Valley Gutter	44	LF	\$ 32.00	\$ 1,408.00
6" Thick Concrete Driveway	350	SF	\$ 12.00	\$ 4,200.00
4" Roll Curb and Gutter	51	LF	\$ 20.00	\$ 1,020.00
2" Hot Mix Asphalt Repair	82	SF	\$ 54.00	\$ 4,428.00
N. 19TH ST. CHANGE ORDER NO. 1				\$ (76,347.00)

CHANGE ORDER NO. 1

ADD - W. KENEDY AVE. FROM MAY ST. TO END

WORK ACTIVITIES	QUANTITIES	UNIT	UNIT PRICE	AMOUNT
CURB & GUTTER INSTALLATION				
Remove/Dispose of Asphalt Pavement	265	SY	\$ 8.00	\$ 2,120.00
Limestone Base (6" Avg. Depth)	1113	SY	\$ 20.00	\$ 22,260.00
6" Type "L" Curb and Gutter	2423	LF	\$ 35.00	\$ 84,805.00
4" Roll Curb and Gutter	50	LF	\$ 20.00	\$ 1,000.00
2' Concrete Valley Gutter	90	LF	\$ 25.00	\$ 2,250.00
3' Concrete Valley Gutter	72	LF	\$ 32.00	\$ 2,304.00
6" Thick Concrete Driveway	440	SF	\$ 12.00	\$ 5,280.00
6" Thick Concrete Apron	6	EA	\$ 100.00	\$ 600.00

24" RCP INSTALLATION

Remove/Dispose of Asphalt Pavement	27	SY	\$ 8.00	\$ 216.00
24" Diameter Class III RCP Pipe	122	LF	\$ 100.00	\$ 12,200.00
Limestone Base (6" Avg. Depth)	27	SY	\$ 20.00	\$ 540.00
2" Hot Mix Asphalt Repair	600	SF	\$ 6.00	\$ 3,600.00
Curb Inlets	4	EA	\$ 2,500.00	\$ 10,000.00
Concrete Junction Box	1	EA	\$ 2,500.00	\$ 2,500.00
Concrete Riprap	200	SF	\$ 28.00	\$ 5,600.00
W. KENEDY AVE. CHANGE ORDER NO. 1 TOTAL				\$ 155,275.00

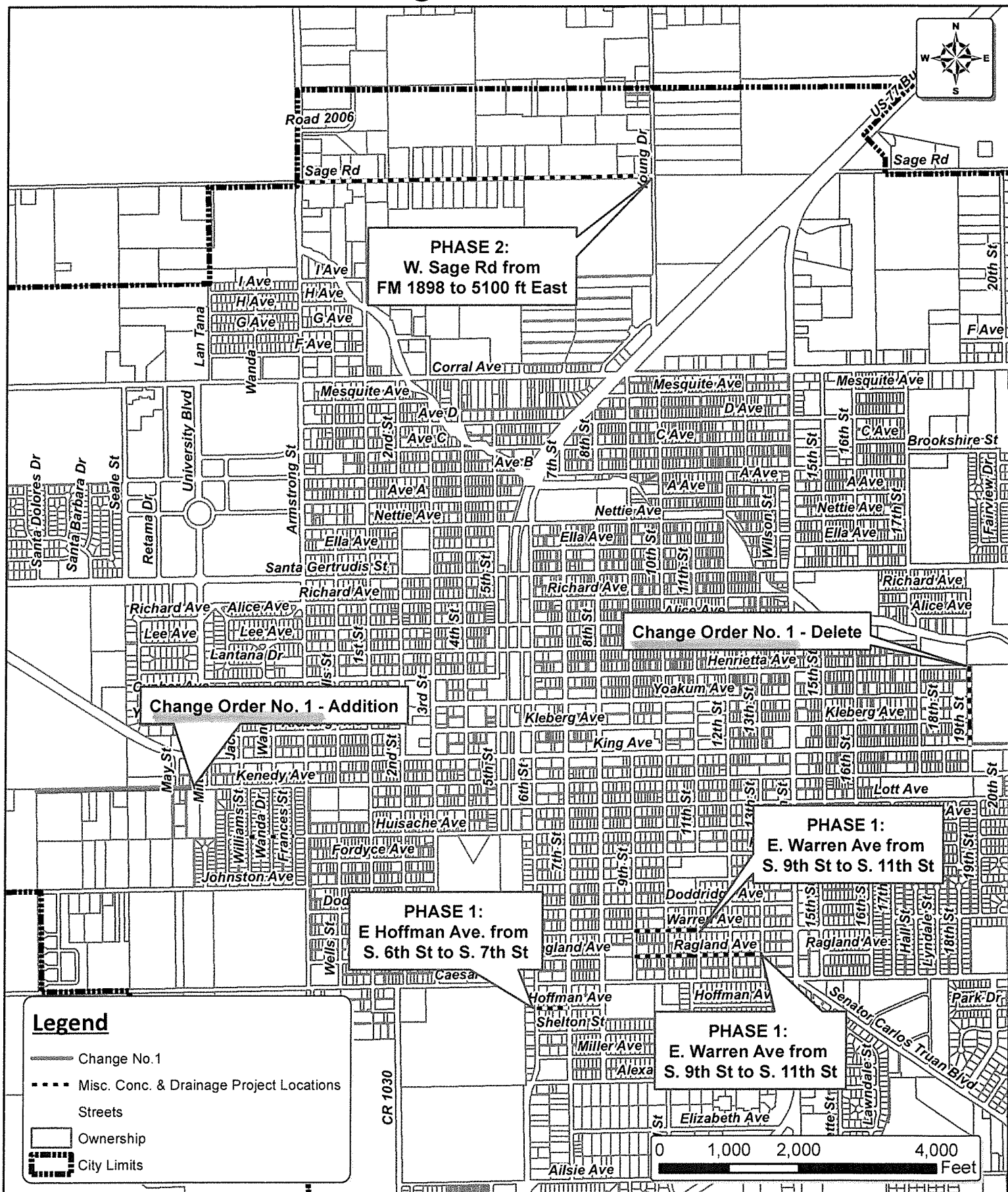
BASE BID TOTAL	\$ 386,717.00
REMOVE - 19TH ST. (CHANGE ORDER) TOTAL	\$ (76,347.00)
ADD - W. KENEDY AVE. (CHANGE ORDER) TOTAL	\$ 155,275.00
ORIGINAL CONTRACT + CHANGE ORDER NO. 1 TOTAL	\$ 465,645.00
ORIGINAL CONTRACT AMOUNT	\$ (386,717.00)
CHANGE ORDER NO. 1 AMOUNT	\$ 78,928.00

Original Contract Time (Calendar Days)	120
Change Order No. 1 (Additional Calendar Days)	90
Original Contract Time + Change Order No. 1 (Calendar Days)	210

Contractor's Authorization


Contractor's Signature_____
Date**Engineer's Recommendation**_____
Engineer's Signature_____
Date**City Commission Approval**_____
Mayor's Signature_____
Date

Change Order Exhibit



AGENDA ITEM #12

CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



Date: April 13, 2022

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Alicia Tijerina, Downtown Manager

Summary: Summary: The Main Street Advisory Board was created in 2017 by City of Kingsville City Commissioners. The board meets monthly to develop and make recommendations to the City Manager regarding the Main Street District.

Due to the lack of quorum at monthly meetings, the board voted 5 to 1 in favor to change the meetings from monthly to once quarterly at meeting held on March 22, 2022. Department, staff recommends the following changes to Ordinance 2017-23:

- Section 3-3-127 Meetings – from at least once monthly to at least once quarterly



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PART 2 - CODE OF ORDINANCES
Chapter III - ADMINISTRATION
ARTICLE 3. - DEPARTMENTS, BOARDS AND COMMISSIONS
MAIN STREET ADVISORY BOARD

MAIN STREET ADVISORY BOARD

Sec. 3-3-120. Board created.

There is hereby created for the city a Main Street Advisory Board.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-121. Board membership.

- (A) The Main Street Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Main Street Advisory Board members shall serve without compensation. The members of the Board shall include:
 - a. Four members to represent the historical downtown district/merchants.
 - b. One member to represent Texas A&M University-Kingsville.
 - c. Two members must be residents of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kingsville Greater Area EDC Director shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-122. Terms of members.

The board members shall hold office and serve from and after the date of their respective appointments, subject to the conditions provided in this article, for the following terms.

- (A) All of the board members shall serve for two (2) year terms without term limits.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-123. Quorum and voting.

- (A) A minimum of four (4) board members is needed to form a quorum.
- (B) An official recommendation requires a majority vote of the quorum of board members present (e.g., 4 of 7 members present, 3 of 4 members present).

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-124. Conflicts of interest.

The board members shall comply with V.T.C.A. Local Government Code Chapters 171 & 176, as the same may hereafter be amended, concerning matters involving conflicts of interest. Conviction of an offense by V.T.C.A. Local Government Code Ch. 171 or Ch. 176 shall constitute a forfeiture of the position on the board held by the person convicted.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-125. Compensation.

All board members of the Main Street Advisory Board shall receive no salary or compensation for serving on the board with the exception of the Director of Tourism, who shall receive no extra compensation other than as employed by the City of Kingsville.

(Ord. No. 2017-23, § I, 6-26-17; Ord. 2021-48, § I, passed 8-16-21)

Sec. 3-3-126. Duties generally.

The Main Street Advisory Board shall have the following duties and responsibilities:

- (A) Make recommendations on implementation of the Downtown Vision Plan adopted by the City Commission in 2017, and any amendments thereto;
- (B) With the City's Main Street Manager, develop an annual plan of goals, objectives, and activities for the Main Street Program;
- (C) Serve as advocates for the Main Street Program, understanding and interpreting the Main Street Program work to the community;
- (D) Develop and make recommendations to the City Manager regarding the Main Street District.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-127. Meetings.

- (A) Any member of the board may request an item be added to the agenda.
- (B) The board shall have the authority and duty to promulgate rules and regulations governing its official meetings.
- (C) The board shall have regular meetings at least once monthly, the date to be set out in the board's minutes. All meetings shall be open to the public and shall be governed by the Open Meetings Act.
- (D) Special meetings may be set at the will and discretion of the board whenever it deems necessary. The chairman of the board shall call the special meeting.
- (E) The Tourism Department staff will act as the Board Secretary and be responsible for preparing and posting the board agendas and keeping minutes of all meetings. The Board Secretary shall not have voting rights.

(Ord. No. 2017-23, § I, 6-26-17; Ord. 2021-48, § I, passed 8-16-21)

Sec. 3-3-128. Report of meetings.

It shall be the duty of the board to approve minutes and the Board Secretary will file with the City Secretary the minutes of each meeting of said board, together with a list of the members of the Board who were present at the meeting.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-129. Removal from office.

Any board member may be removed at any time by a majority vote of the City Commission for inefficiency, neglect of duty, malfeasance in office, or failure to maintain eligibility.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-130. Vacancy.

- (A) A vacancy arises if any board member is absent from three (3) consecutive regular meetings; is removed under § 3-3-130; is convicted as stated in § 3-3-124; or resigns.
- (B) If for any reason the position of any board member shall have been vacated by removal or otherwise, the appointment and confirmation to fill such vacancy shall be made by the City Commission for the unexpired term of the vacated office.

(Ord. No. 2017-23, § I, 6-26-17)

Secs. 3-3-131—3-3-139. Reserved.

ORDINANCE NO. 2022-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES SECTION 3-3-127, PROVIDING FOR THE MAIN STREET ADVISORY BOARD TO MEET QUARTERLY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission of the City of Kingsville believes that a thriving downtown is vital to the quality of life of its citizens and the enhancement and promotion of tourism; and

WHEREAS, after hiring consultants in 2016, the City Commission adopted the Kingsville Downtown Vision Plan in 2017, which included among other things the creation of a Main Street Advisory Board;

WHEREAS, the City Commission of the City of Kingsville approved an ordinance (ORD #2017-23) on June 26, 2017 to create a Main Street Advisory Board to help make recommendations on implementation of the Downtown Vision Plan;

WHEREAS, there is a need to update the section regarding the number of times the board meets from at least once monthly to at least once quarterly; and

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

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

I.

THAT Chapter III-Administration, Article 3- Departments, Boards & Commissions of the Code of Ordinances of the City of Kingsville, Texas, shall amend Section 3-3-127 to read as follows:

MAIN STREET ADVISORY BOARD

...

§ 3-3-127 MEETINGS.

- (A) Any member of the board may request an item be added to the agenda.
- (B) The board shall have the authority and duty to promulgate rules and regulations governing its official meetings.
- (C) The board shall have regular meetings at least once ~~monthly~~ quarterly, the date to be set out in the board's minutes. All meetings

shall be open to the public and shall be governed by the Open Meetings Act.

(D) Special meetings may be set at the will and discretion of the board whenever it deems necessary. The chairman of the board shall call the special meeting.

(E) The Tourism Department staff will act as the Board Secretary and be responsible for preparing and posting the board agendas and keeping minutes of all meetings. The Board Secretary shall not have voting rights.

...

II.

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

III.

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

IV.

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

INTRODUCED on this the 25th day of April, 2022.

PASSED AND APPROVED on this the 9th day of May, 2022.

EFFECTIVE DATE: _____, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #13

**City of Kingsville
Department Name**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Juan J. Adame, Fire Chief
DATE: April 18, 2022
SUBJECT: Fire Department Budget Amendment

Summary:

The Kingsville Fire Department has experienced numerous equipment problems. These problems included mechanical breakdowns, brake repairs, electrical problems, preventative maintenance, tire replacement, and wear and tear associated with emergency response equipment.

Background:

The fire department budgeted \$25,000 vehicle maintenance. These funds have been expended. Additional funding is requested to complete all outstanding repairs.

Financial Impact:

The fire department is requesting a budget amendment in the amount of \$67,000 to complete the necessary repairs and maintenance to fire department equipment. Funds will come from ARP funding.

Recommendation:

The fire department recommends a budget transfer in the amount of \$67,000.00.



ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021-2022 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR VEHICLE MAINTENANCE FOR THE FIRE 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 2021-2022 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT #27

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 121- GL ARP Funding					
<u>Expenditures – 5</u>					
2200	Fire	Vehicle Maintenance	41100	\$67,000	

[To amend the City of Kingsville FY 21-22 Budget to appropriate additional funding for vehicle maintenance for the Fire Department. Funding will come from the ARP funding.]

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 25th day of April 2022.

PASSED AND APPROVED on this the 9th day of May 2022.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #14

City of Kingsville Police Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin/City Manager

FROM: Ricardo Torres, Chief of Police

DATE: April 19, 2022

SUBJECT: Request for resolution to apply to the Ed Rachal Foundation for equipment.

Summary:

The Kingsville Police Department is requesting a resolution to apply to the Ed Rachal Foundation for equipment and software.

Background:

The Kingsville Police Department had a bicycle patrol program. The bicycles have aged and need to be replaced. We are applying for this grant for the purchase of eight bicycles and equipment to be used by the officers of the department as part of the patrol function.

As part of our less lethal response equipment we are needing to replace our PepperBall® launchers. We are including the purchase of two new PepperBall® launchers and associated equipment.

As part of our field training program we are requesting funds to purchase software to better track the progress of our police cadets. It will also help us to maintain critical training records to defend our city and the officers from litigation.

Financial Impact:

The budget for the equipment is listed below:

BIKE QUOTE

.8- Scott Aspect 950 Mountain Bike:	\$800.00ea : \$6400.00
.16-Heavy Duty Tubes:	\$15.00ea: \$240.00
.8- Kickstands:	\$22.00ea: \$176.00.
.8- Bike Racks Rear Mount:	\$33.00ea: \$264.00
.8- Police Bags for Rear Rack:	\$90.00ea :\$720.00
.8- Specialized Align Helmets White:	\$55.00ea : \$440.00
.8- Specialized BG Gel Gloves:	\$35.00ea: \$280.00



**City of Kingsville
Police Department**

.8- Specialized Water Bottle Zee Cage:	\$25.00ea : \$200.00
.8- Camelbak Thermal Water Bottles:	\$18.00ea: \$144.00
.8- Nite Rider Digital Patrol LED Lights:	\$400.00ea: \$3200.00
.8- Nite Rider Police Taillight:	\$70.00ea : \$560.00
.8- Odyssey Grandstand Aluminum Pedals:	\$40.00ea : \$ 320.00
.8- Specialized Switch Tool Emergency Air Pumps:	\$30.00ea : \$240.00
.1- Specialized Air Tool Floor Pump:	\$60.00
8- Specialized RBX Cycling Shorts:	\$70.00ea: \$560.00
.8- Park Tool WTK-2 Essential Tool Kit:	\$30.00ea = \$240.00
.8- Serfas E-Gel Hybrid Saddles:	\$25.00ea: \$200.00
.1- Park Tool PCS-9.3 Home Repair Stand:	\$220.00
.1- Park Tool SK-4 Home Starter Tool Kit:	\$185.00

TOTAL \$14,649.00

.2 VKS™ Launchers with EL2™ Hopper
.2 Free Seats in the PepperBall® Training Course of Your Choice
150 Count of VXR™ Inert Powder Projectiles
90 Count of Live-X™ Projectiles
One SCUBA Fill Tank
One Air Fill Adapter

TOTAL \$1,999.00

FTO Cloud-Based Training Program

- | | |
|-----------------------|------------|
| • One-Time Set Up Fee | \$1,000.00 |
| • Annual Subscription | \$3,000.00 |

TOTAL \$4,000.00

GRAND TOTAL REQUEST \$20,648.00

This grant does not have a cash match but that the grant may only be partially funded.

Recommendation:

We request a resolution to apply to the Ed Rachal Foundation for equipment as well as approval of an associated budget amendment for inclusion in this year's budget to expend the fund and then put in for reimbursement of said funds.

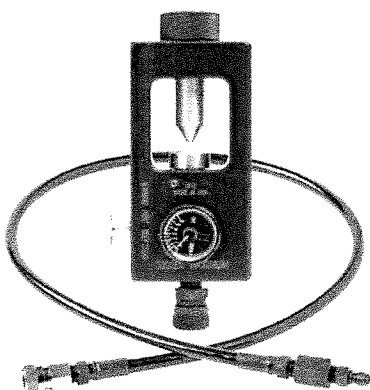




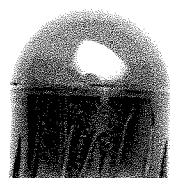
PepperBall®
SAFER OPTIONS



PepperBall®



One Air Fill Adapter



150 Ct. VXR Inert



90 Ct. LIVE-X™

One SCUBA

Featuring the NEW
VKS™
VARIABLE KINETIC SYSTEM

New Customer Package

\$1,999

Package Includes the Following:

- Two NEW VKS™ Launchers with EL-2™ Hopper
- Two FREE Seats in The PepperBall® Training Course of Your Choice
- 150 Count of VXR™ Inert Powder Projectiles
- 90 Count of Live-X™ Projectiles
- One SCUBA Fill Tank
- One Air Fill Adapter



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Toll Free 877.887.3773 | Email info@pepperball.com | PEPPERBALL.COM

3/10/22

BICYCLE WORLD RGV
5439 EVERHART RD
CORPUS CHRISTI, TX 78411
(361)-852-3343

Ricardo Torres

Chief of Police

Kingsville Police Department

1700 E. King Ave.

Kingsville, Texas 78363

PH# (361) 592-4311 Option #5

BIKE QUOTE

- .8- Scott Aspect 950 Mountain Bike: \$800.00ea = \$6400.00**
- .16-Heavy Duty Tubes: \$15.00ea = \$240.00**
- .8- Kickstands: \$22.00ea= \$176.00**
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- .1- Specialized Air Tool Floor Pump: \$60.00**

3/10/22

BICYCLE WORLD RGV
5439 EVERHART RD
CORPUS CHRISTI, TX 78411
(361)-852-3343

.8- Specialized RBX Cycling Shorts: \$70.00ea = \$560.00

.8- Park Tool WTK-2 Essential Tool Kit: \$30.00ea = \$240.00

.8- Serfas E-Gel Hybrid Saddles: \$25.00ea = \$200.00

.1- Park Tool PCS-9.3 Home Repair Stand: \$220.00

.1- Park Tool SK-4 Home Starter Tool Kit: \$185.00

Subtotal: \$14649.00

Nontaxable: \$0

Total: \$14649.00

FTO Cloud-Based Training Program Quote

Departmentware Inc

Better Software for Public Safety

www.departmentware.com

Date: March 2, 2022

Quote #: 30222

Expiration Date:

To: Captain Javier Aleman
Kingsville Police Department
1700 East King Avenue
Kingsville, TX 78363

Initial Detail	Services Included		Pricing
One-Time Set Up Fee	Customization Details -1st year only- <ul style="list-style-type: none">* Customization of Forms and Documents* Load Observations and Tasks* Set Approval/Review Signoff Hierarchy* Set Phases and Week per Phase* Load Initial Users		\$ 1,000.00
Annual Subscription	<ul style="list-style-type: none">* 30 Day-Net Payment from Activation* Auto Renewal Annually* Unlimited Training and Customer Service* All Upgrades and Enhancements Provided		\$ 3,000.00

Set up Fee only applies to Year 1
Pricing from 2nd year forward equals Annual
Subscription

Subtotal \$ 4,000.00
Sales Tax
Total \$ 4,000.00

Quotation prepared by: _____Joe Bisker_____

This is a quotation on the goods named, subject to applicable terms of agreement.

To accept this quotation, sign here and return _____

Thank you !

PO Box 270685, Flower Mound, TX 75027 214-288-9378 joe@departmentware.com

10 Advantages of Bicycle Patrol

By ADMIN 6 Comments

Improved community relations, cost savings, faster officer response times and environmental benefits are just some of the reasons campuses are putting their public safety officers on bikes.

by Christopher Bennett and Maureen Becker, Campus Safety Journal, Jan/Feb 2010

Bikes are less threatening than patrol vehicles

The novelty of a police officer on a bike is often enough to start overcoming the negative perceptions that some members of a culturally diverse campus population have about law enforcement.

Unlike patrol vehicles, which often reinforce these perceptions, bicycle patrols give an opportunity for a new impression (Menton, 2007). Most of the negative attributes associated with vehicle patrol officers - flashing lights, double parking and a noticeable wait time between arriving on scene and attending to the issue - are not associated with bicycle officers. As a result, those who come in contact with bike officers may be more cooperative and willing to listen.

Other bicyclists are more accepting of bike patrol officers

Cyclists can connect with bicycle officers on different levels than vehicle patrol officers. They may be more receptive to education and/or enforcement efforts related to cycling behavior and more apt to follow advice on how to prevent bike theft. These individuals might develop a camaraderie with bike patrol officers that would not occur with law enforcement personnel riding in their cars. This camaraderie is important to community-oriented policing.

Bicycle patrols result in more than twice as many contacts with the public than vehicle patrols (Menton, 2007)

Students, faculty and staff are more likely to talk about legal matters, directions, parking information, or ask for information from a campus bicycle patrol officer. These positive contacts

Brad Miller, a Lewisburg bicycle officer, describes his apprehension of a suspect, saying, "As I began to ride past a building, a [Bucknell University Public Safety] car pulled alongside. Right then, I heard something in the bushes. That's right. I HEARD something that the officer in the car would never have heard," (Miller, 2006).

Cycles have other uses

While essential for community policing initiatives, bike patrols can be integrated into other operations and initiatives. Targeted enforcement, surveillance, traffic enforcement, and public order are just a few ways in which bike officers can be deployed.

Even in unruly crowd situations, bike officers have a unique ability to develop a rapport with the members, defusing situations before they get out of control. When they do, bike patrol officers can not only maintain swift response times, but their bicycles can become a useful barrier. Bicycle officers are trained to hold up their bicycles at chest level while standing next to another bicycle officer. When the command is given, the bicycle officers march as one unit with the very sturdy, very light bicycle frame used as a shield (Goetz, 2002).

Bicycles cost much less to purchase and maintain than traditional patrol cars

The average fully equipped police bike costs around \$1,000 and, properly maintained, will last for years. They don't need gas for operation, nor the full-sized parking spaces required by other vehicles.

Bikes provide environmental and health benefits

Because bike patrols run on human power rather than gas, their carbon footprint is much smaller than patrol cars. With zero emissions and less need for pavement, bicycle patrols may be an attractive option for campuses with green initiatives.

Additionally, bike patrol officers tend to be healthier and more physically fit than their car-bound brethren. This has the side benefit of improving the department's image and cutting down on donut jokes.

Christopher Bennett is a public safety bicycle patrol officer at DePauw University and Maureen Becker is executive director of the International Police Mountain Bike Association (IPMBA).



IACP NATIONAL LAW ENFORCEMENT POLICY CENTER

Bicycle Patrol

Concepts and Issues Paper

Originally Published: August 2004

Revised: April 2014

I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the *Model Policy on Bicycle Patrol* established by the IACP National Law Enforcement Policy Center. It provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will assist law enforcement executives in their efforts to tailor the model policy to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

One of the continuing trends in law enforcement is the use of bicycles by patrol officers. In 2007, 32 percent of the nation's approximately 12,575 local police departments reported using bicycle patrol on a routine basis, including a majority of departments serving 25,000 or more residents and 100 percent of those serving at least 500,000 residents.¹ Departments with bicycle units range in size from fewer than 10 to over 35,000 sworn personnel.² A wide variety of agencies use bicycle patrol officers, also referred to as police cyclists, including city, county, and state police; campus public safety departments;

numerous federal agencies; military bases; hospitals; parks; and private security firms.³ Bicycle patrol officers can be used seasonally or year-round depending on the location and climate of the department. Approximately 45 percent of bicycle units operate year-round, while the rest operate only during the summer months.⁴ The differences in policing tactics between officers on foot, in patrol cars, and on bicycles have produced a need to develop specific policies, protocols, and tactics for these specialized units.

C. Advantages of Bicycle Patrol

Bicycle patrols have several advantages over other modes of patrol that make them appealing to departments in protecting communities and preventing crime.

Awareness. Police cyclists are better able to use all of their senses to detect crime, public disorder, or calls for help. Officers on bicycles are more aware of their surroundings and can employ their senses of smell and hearing to full advantage. They can use these senses to detect situations that would be overlooked by personnel in motor vehicles.

Accessibility and Maneuverability. In congested areas, the police cyclist can respond quickly to priority calls for service because the officer can maneuver easily between vehicles, take shortcuts through alleys and parks, and travel on sidewalks (where legal). The ability to navigate through areas inaccessible to motor vehicles can be critical in reducing response time and meeting operational objectives.

In addition, bicycles have easy access to parks, nature trails, multi-use pathways, sporting/event complexes,

¹ International Police Mountain Bicycle Association (IPMBA), *US-DOJ-BJS Bicycle Patrol Statistics Summary* (Baltimore: IPMBA, 2012) <http://ipmba.org/images/uploads/USDOJ-BJS-BicycleStatSummary2012.pdf> (accessed October 30, 2013).

² International Police Mountain Bicycle Association (IPMBA). Fact Sheet ©2006. IPMBA, #583 Frederick Road, Suite 5B, Baltimore, MD 21228.

³ Ibid.

⁴ Ibid.

and numerous similar venues. Bicycle patrol officers in parking lots and structures are able to ride virtually unnoticed among parked motor vehicles, gaining easy visual access to vehicle interiors and serving as an effective deterrent to vehicle break-ins.

Approachability. Police officers who patrol residential areas, mobile home communities, apartment complexes, business districts, schools, and campuses on bicycles are far more approachable to the public than those in cars. This often leads to improved communication between officers and civilians, which may include information pertaining to recent criminal activity. A civilian who is approached by a bicycle patrol officer in a common enforcement capacity is less likely to feel apprehensive and is often more communicative and cooperative. Business owners often develop personal connections with the police cyclists who patrol their districts, creating an atmosphere of safety that helps attract and retain patrons.

Cost Efficiency. A cost-benefit analysis comparing bicycles to motor vehicles would show that the benefits provided by bicycles come at a lower cost when considering purchase price of the bicycle and accessories, maintenance costs, fuel cost, and life expectancy. Seven to ten bicycle patrol personnel can be equipped with bicycles and full uniforms for the price of one patrol car. Bicycles do not require costly fuel to operate, which can offer substantial savings.

Environmental Benefits. Bicycles do not create air or noise pollution, do not add to traffic congestion, and take up few, if any, parking spaces. They can be carried on bicycle racks and used to supplement motorized vehicles, reducing the amount of shift time the car engine is running and emitting pollutants.

Stealth. Bicycles are quiet and have a low profile, providing officers with stealth not afforded by other transportation devices. This stealth enhances the officer's ability to conduct surveillance by providing easy access to unconventional viewpoints. By using a silent and often unexpected approach to crimes in progress, officer safety is enhanced and the element of surprise is increased.

D. Bicycle Patrol Applications

Community Service/Bicycle-Pedestrian Safety

Education. Bicycle patrol officers are particularly well suited to fostering closer police-citizen interaction and engagement. This can be accomplished during daily patrol operations as well as through community service functions such as bicycle rodeos, helmet giveaways, school bicycle demonstrations, bicycle safety presentations, and bicycle registration programs. Police cyclists can promote helmet use and bicycle/pedestrian safety to the community and

its children.⁵ Police cyclists can also serve as positive role models to at-risk youths through involvement with cycling and other outdoor-oriented clubs.

School resource officers (SROs) who ride bicycles on duty and officers involved with Police Explorer cycle teams are uniquely positioned to mentor youths and model safe cycling behaviors. Programs such as the Minneapolis Police Department's Bike Cops for Kids demonstrate the positive impact of a partnership between the police and the private sector that uses bicycle helmets to break down the barriers between at-risk youths and their community officers.

A knowledgeable police cyclist may be able to work with transportation officials and traffic engineers to incorporate bicycle facilities into transportation plans. Police cyclists, particularly SROs, can assist communities in meeting goals set for the federal Safe Routes to School program. If a bicycle patrol officer obtains instructor certification, he or she can offer educational classes to the public on safe and effective cycling. Police cyclists, especially police cyclist instructors, can foster healthy relationships with local cycling associations by providing educational sessions on bicycle and pedestrian traffic laws to both civilians and other law enforcement officers, using National Highway Traffic Safety Administration (NHTSA) resources such as *Enhancing Bicycle Safety: Law Enforcement's Role and Enforcing Laws for Bicycle/Pedestrian Safety*.⁶

Disaster Response. During natural and manmade disasters, bicycle-mounted personnel are often the first responders because accessibility is limited and maneuverability is essential. During the tragic events of 9/11, in New York city, bicycle messengers provided supplies, emergency equipment, first aid, and food and water to victims as well as rescue workers. Bicycle patrol officers and paramedics were the first to respond to the 2005 London subway bombings, and bicycle officers are frequently deployed in the wake of hurricanes and other weather emergencies.⁷

Public Order. During peaceful civil demonstrations, police cyclists can monitor the crowd from a slightly elevated position and move quickly around and through the

⁵ *The Complete Guide to Public Safety Cycling* (Baltimore: IPMBA, 2008), 164-171.

⁶ *Enhancing Bicycle Safety: Law Enforcement's Role*, NHTSA, interactive video, 2 hours; and *Enforcing Laws for Bicycle/Pedestrian Safety*, NHTSA, see <http://www.nhtsa.gov/Driving+Safety/Bicycles/Enhancing+Bicycle+Safety:+Law+Enforcement%27s+Role> (accessed October 30, 2013).

⁷ Gary Raulerson, "Hurricane Season Is Busy One for Bicycle Cops," *IPMBA News* 14 no. 3 (Summer 2005), 33-34, http://ipmba.org/images/uploads/IPMBA_News_Summer_2005_WebR.pdf (accessed October 30, 2013); Brooks, Karen, Bicycles to the Rescue. *Bicycle Times*, Issue 21, 2013.

crowd as necessary. During times of civil disobedience, properly trained officers can utilize their bicycles to effectively contain, control, and move a crowd. Bicycle Response Teams (BRTs) have been deployed with great success during events such as the Democratic and Republican National Conventions and numerous summits (including NATO and G-20), supplementing traditional mobile field forces.

Bicycles can be extremely effective during special events, including small- and large-scale amateur and professional athletic events, festivals, street fairs, carnivals, parades, concerts, or any potential crowd management/control situation. Crimes at these special events—such as disorderly conduct, theft, and security breaches—as well as medical emergencies, often occur in areas that are not accessible by patrol car and can be too far away to quickly reach on foot.

Search and Rescue. Bicycles can be integrated into search and rescue operations, using properly trained personnel equipped with global positioning systems (GPS) and enhanced radio systems. Mountain bicycles are well suited for hasty searches, in which the objectives are to swiftly survey and inspect areas of high probability for clues or information of the subject's whereabouts, as well as to gain familiarity with the area.

In residential areas, the frequent disappearance of children or the elderly suffering from Alzheimer's disease and related dementias calls for an effective and innovative approach to searches. In rural areas, the bicycle can be effective on trails and in wilderness settings. Bicycles permit first responders to quickly access emergency routes, locate and assist victims, and either guide more advanced life support to the scene or assist the victim in moving to a more easily accessible area.

Surveillance and Undercover Operations. Bicycle patrol officers can be employed for surveillance, either in the midst of criminal activity using plainclothes officers or by positioning observation officers away from the activity. Specific targets can be followed and observed undetected by a police cyclist, even if he or she is wearing a police bicycle uniform.

Traffic Enforcement. Police cyclists can actively engage in traffic enforcement, including stop sign violations and speeding, especially in residential areas, business districts, and campus environments. During post-event traffic jams, police cyclists can easily travel between lines of cars and visually note the presence of alcohol, drugs, and weapons inside vehicles, as well as observe other types of illegal behavior. Violations of open container, seatbelt, child restraint, and other occupant protection regulations are easily detected.

Private Security and Enforcement Officers. Patrolling properties with defined boundaries, parking lots, alleyways, and parking ramps is often quicker, easier, and more economical on a bicycle than any other type of patrol vehicle. Bicycles are frequently used by security personnel in shopping malls, amusement parks, casinos, hospitals, sports and entertainment complexes, campgrounds, gated communities, corporate campuses, and many other venues. Bicycles can also be used effectively by parking, code enforcement, and animal control officers.

Emergency Medical Services (EMS). In departments with police officers who also serve as emergency medical personnel, bicycles can enhance the delivery of EMS in congested areas and during special events. An EMS cyclist equipped for basic life support can help sustain life and provide time to get advanced life support to the victim. Additional training and certification in EMS are necessary, as are specific EMS cycling training and equipment.

II. POLICY RECOMMENDATIONS

A. Limitations and Restrictions

Police bicycles offer an effective means of service delivery in many situations; however, certain factors must be taken into consideration during operational planning.

Geography. Although police cyclists have a distinct advantage in congested and relatively small geographical areas, they are limited when responding to emergency calls for service more than a mile away. Therefore, a police cyclist working a larger geographical beat is usually not dispatched to emergency calls, but may elect to respond if in close proximity, or if motorized units are unavailable. Employing the "park-and-ride" concept (mounting the bicycle onto a patrol car and riding portions of a shift) can effectively expand the scope of the bicycle patrol.

Patrol Area. Bicycle patrol officers should be intimately familiar with their patrol areas, especially the various obstacles, stairways, paths, parking blocks, and all other objects that could result in injury or even death if unexpectedly encountered during a pursuit or while taking a shortcut to an emergency call. It is beneficial to assign police cyclists to a specific beat both for this reason and in keeping with principles of community-oriented policing.

Weather/Environmental Conditions. Weather-related deployment restrictions may be warranted. Bicycles are best deployed when the temperature range is between 40 and 90 degrees Fahrenheit. However, elevation and humidity as well as rider factors, such as endurance, may increase or decrease this zone of operation. Agencies may also restrict bicycle deployment during times of heavy or prolonged rain, lightning, snow, sleet, high winds, or when

road or weather conditions are perceived as dangerous by the officer or the supervisor.

Communications. Communication is essential. Police cyclists do not have vehicle locators, and if officers become engaged in an incident, other units may be unable to find them unless their position has been verbally communicated. Backup motorized units are often accustomed to looking for other police vehicles and may not notice a bicycle patrol officer, especially in recessed areas of buildings, alleys, and parking lots—and particularly after dark. Therefore, prior to any enforcement action or related contact, bicycle patrol officers should relay their precise position, preferably using both cross streets and fixed objects, such as an alley, building entrance, garage, or other landmark for reference.

Police cyclists may lack access to the more powerful and reliable vehicle-mounted radios, so they should be equipped with alternate means of communications, such as a mobile communication device, in addition to their portable radios. Police cyclists should utilize an ear microphone compatible with their portable radio. Police radio sounds travel easily, particularly after dark and in quiet areas, and suspects can be tipped off to an officer's location and approach if the sound is not contained.

Communication between bicycle officers working together as a team is also important. Officers riding in pairs need to remain aware of one another's location whenever separated, particularly when riding after dark.

Traffic Stops. Traffic stops require both creativity and tactical awareness. A bicycle patrol officer must gain the attention of the driver without the use of standard emergency equipment, and without personal endangerment. Riding next to or in front of a motor vehicle is potentially dangerous, and physical contact with a moving vehicle must be avoided. Some type of audible signal, such as a bicycle-mounted bell or siren or a police whistle secured to the officer's uniform, should be used to get the driver's attention.

Once the vehicle is stopped, the police cyclist must consider visibility of the vehicle to approaching traffic, as well as personal and equipment safety. Thus, a bicycle should not be placed behind a stopped vehicle, since the bicycle affords no visibility to approaching traffic or protection for the officer. Nor should the bicycle be placed in front of the vehicle in case the driver should attempt to flee. Instead, the bicycle should be placed on the rear side of the vehicle away from traffic, or next to the vehicle, and the officer should approach from the passenger side. This approach offers distinct tactical advantages as well as some protection from approaching traffic.

The bicycle patrol officer should conduct computer checks citations, etc., from a safe location that provides cover from occupants as well as from traffic.⁸

Felony Vehicle Stops. Because police cyclists lack cover, public address equipment, shoulder-mounted weapons, and emergency lights, they should not initiate felony vehicle stops. However, bicycle officers should be permitted to assist with felony stops in progress, provided that cover is available either from an on-scene patrol vehicle or in the immediate environment.

Vehicle Crashes. Bicycle patrol officers may respond to and investigate vehicle crashes. However, where emergency lighting is required for safety purposes and to divert traffic, backup motorized units are required. When investigating a bicycle-motor vehicle crash, trained bicycle patrol officers can offer a comprehensive perspective as to the laws that pertain to cyclists, as well as bicycle-related factors and conditions involved.

Tactical Considerations. There are certain tactical issues that are unique to police cyclists. The lack of cover typically afforded by a patrol car requires that bicycle patrol officers constantly scan for available cover and be able to recall, under stress, the location of the nearest cover. The lack of shoulder-mounted weapons may require a different approach to certain incidents and crimes. They also usually do not have mobile data terminals (MDTs), secondary flashlights, high-intensity emergency warning equipment, or independent capability to perform arrest transport.

Defensive Measures. The police bicycle can, under certain circumstances, function as a defensive tool by serving as a barrier when positioned between the officer and a suspect. A bicycle may also be used in an offensive mode when other options are not reasonably appropriate or adequate. However, offensive use of the bicycle should be the subject of departmental training by a qualified instructor in the context of other weapons available to the officer and consistent with the department's use of force policy.⁹

Prisoner Transport. Since police cyclists cannot transport arrestees, they must request a patrol car to do so. It is essential to have an established protocol for prisoner transport of arrestees.

⁸ Neil Gallivan, "Traffic Stops: An Essential Bicycle Patrol Function," *IPMBA News* 18, no. 4 (Fall 2009) 5-7, http://ipmba.org/images/uploads/Fall_IPMBA_News_2009_WebR.pdf (accessed October 30, 2013).

⁹ Michael Wear, "Use of Force: The Impact of Your Bicycle," *IPMBA News* 21, no. 1 (Winter 2012), 1, 6, http://ipmba.org/images/uploads/IPMBA_News_Winter_2012-WEB.pdf (accessed October 30, 2013).

Equipment Security. Due to the bicycle patrol officer's riding position—leaning forward with arms outstretched—weapons and equipment worn on the duty belt are exposed and therefore vulnerable, particularly when riding through crowds. Officers must be constantly aware of this possibility and be particularly guarded with their sidearms. As such, weapons retention training specific to bicycle officers is highly recommended.

Pedestrian Facilities. Police cyclists can often be more effective while patrolling on sidewalks and other pedestrian facilities (e.g., auto-free zones) rather than in the street. Officers riding in the street must maintain sufficient speed so as not to impede traffic; as a result, it can be more difficult for them to engage in proactive patrol techniques.

Bicycle patrol officers must keep in mind that pedestrians have the right of way and should give an audible warning when approaching from the rear. Unless circumstances dictate otherwise, bicycle patrol officers should ride to the outside of a sidewalk to avoid persons entering and exiting buildings and should patrol at slow speeds that do not endanger persons or property.

Bicycle patrol officers should not patrol on sidewalks in areas where prohibited, or in designated pedestrian-only zones, unless otherwise authorized by tactical or strategic circumstances, or exempted from the prohibition due to their status as emergency vehicles.

Sidewalk riding presents some tactical opportunities, especially during darkness. Police cyclists can utilize shadows, building entrance recesses, light poles, mailboxes, and other structures located on the sidewalk as concealment and sometimes cover, allowing for more effective surveillance.

Night Patrol. Since over 90 percent of police cyclists spend some time patrolling at night, precautions should be taken to avoid accident and injury under these conditions.¹⁰

Because of their stealthy nature, which contributes to the element of surprise, and their ability to go places inaccessible to back-up vehicles, it is recommended that police cyclists patrol in pairs when practical.

During late night hours, police cyclists are encouraged to stay out of the street because of poor visibility and the danger of impaired drivers. However, because it is hard to avoid riding in the street, bicycle patrol officers must be visible to motorists approaching from the rear. By using a combination of active and passive lighting on their bodies and their bicycles, police cyclists can help ensure they are both seen and recognized.

Retro-reflective seams and lettering across the back of a police cyclist uniform and high-visibility clothing enhance visibility, as do bicycle-mounted reflectors and flashing LED taillights. The retro-reflective material on

police bicycle uniforms does not give away a bicycle patrol officer's position under ambient lighting—a common concern to officers working at night. In contrast, metal badges will flash wildly under a streetlight. Therefore, police cyclists are encouraged to use a badge patch affixed to the cycling uniform shirt.

All police bicycles should be equipped with a headlight system that produces 42 lumens at 10 feet and 9 lumens at 20 feet.¹¹ The light should be bright enough that it is visible to traffic approaching on a perpendicular angle at intersections, to warn motorists that a cyclist is present. For stealth purposes, night-time bicycle patrols can be conducted without the headlight activated, but never in situations in which the lack of lighting will unduly increase the risk of a crash or being struck by a vehicle. Even while patrolling in stealth mode, it is usually advisable to maintain the flashing taillight.

Bicycle lighting systems not only light the officer's path, they also enhance officer safety when used for suspect identification and control. A good headlight can provide as much illumination as a standard rechargeable flashlight. Bicycle patrol officers should be aware, however, that headlights can cause similar problems with backlighting as those caused by patrol car spotlights and flashlights.

Accidents and Injury. Police cyclists are at risk of injury from collisions with vehicles and other objects. Police cyclists are also more vulnerable to sniper fire and ambush due to the absence of a motor vehicle for cover or quick exit. Additionally, since bicycle patrol officer can easily access areas that are not accessible to motorized units, the probability of encountering criminal activity is greater. While utilizing a bicycle provides some advantages for the police and greater opportunities for enforcement action, it simultaneously can increase the risk of injury in some situations. For these and related reasons, officers should work in pairs whenever possible.

Preventive measures should be taken to avoid the common cycling discomforts and injuries that can result from improper technique; inferior, absent, or inappropriate equipment; and incorrect equipment adjustment, especially improper bicycle fit.

Proper training that includes obstacle-avoidance techniques and bicycle handling skill development will reduce the risk of crashes and related injuries. Bicycle-specific patrol procedures and tactics will teach the officer how to enhance his or her safety during contacts of varying threat levels.

¹⁰ International Police Mountain Bicycle Association (IPMBA). Fact Sheet 2006

¹¹ "Watt's" It All About?" *IPMBA News* 14, no. 3 (Summer 2005), 1, 27, http://ipmba.org/images/uploads/IPMBA_News_Summer_2005_WebR.pdf (accessed October 30, 2013)

B. Physical Qualifications

Physical fitness is important to police cyclists, as they are subject to greater levels of exertion than officers operating motor vehicles, both during general patrol and in special situations, such as pursuits. In order to reduce the risk of exercise-induced medical problems, pre-screening is recommended.¹² Any physical fitness testing should be conducted by a qualified fitness and/or medical professional.

A basic pre-screening tool is the Physical Activity Readiness Questionnaire (PAR-Q), developed by the Canadian Society for Exercise Physiology.¹³ A “yes” to any of the questions on the self-administered questionnaire triggers a medical screening to detect underlying risk factors. Common screening methods related to heart rate recovery are the three-minute step test¹⁴ and the cycle ergometer sub-maximal test.¹⁵ A basic cycling skills assessment (e.g., three-mile or one kilometer time trial and a simple cone course) may also be incorporated to assess cycling aptitude.¹⁶

¹² An example of a comprehensive pre-screening developed by the London (UK) Ambulance Service Cycle Response Unit and the Crystal Palace Sports Medicine Centre and other pre-qualification programs can be found at <http://www.ipmba.org>; Thomas Lynch, “London Ambulance Service CRU Health and Fitness Screening,” *IPMBA News* 14, no. 2 (Spring 2004), <http://ipmba.org/blog/comments/london-ambulance-service-cru-health-fitness-screening> (accessed October 30, 2013); Scott Picquet, “Chandler Police Department Bicycle Team Testing Process,” *IPMBA News* 22, no. 1 (Winter 2013), 1, 26, http://ipmba.org/images/uploads/IPMBA_News_-_Winter_2013-Web-Reduced.pdf (accessed October 30, 2013); Neil Blackington, “Spring Tryouts: Boston EMS,” *IPMBA News* 14, no. 2 (Spring 2004), 7, http://ipmba.org/images/uploads/IPMBA_News_Spring_2004_WebR.pdf (accessed October 2013); Robert Ricciardi, “Three-Mile Time Trial,” *IPMBA News* 10, no. 4 (Fall 2001) 15, 18, http://ipmba.org/images/uploads/IPMBA_News_Fall_2001_Web.pdf (accessed October 30, 2013); Dan Ganzel, “Physical Fitness Standards for Police Cyclists,” *IPMBA News* 11, no. 3 (Summer 2002), 7-8, http://ipmba.org/images/uploads/IPMBA_News_Summer_2002_WebR.pdf (accessed October 30, 2013)

¹³ The PAR-Q can be obtained by visiting <http://www.csep.ca/english/view.asp?x=698>.

¹⁴ “YMCA Fitness Assessment,” <http://www.exrx.net/Testing/YMCATesting.html#anchor81473> (accessed October 30, 2013).

¹⁵ “The YMCA Cycle Ergometer Submaximal Test,” citing *The Y’s Way to Physical Fitness: The Complete Guide to Fitness Testing and Instruction* (Lawrence A. Golding et al., 1989) and *ACSM’s Metabolic Calculations Handbook* (American College of Sports Medicine, 2007), http://www.csep.ca/cmfiles/certifications/cpaflainert/09_YMCA_Cycle_Ergometer_Submaximal_Test.pdf (accessed October 30, 2013).

¹⁶ A time trial (e.g., three miles or one kilometer) consists of a designated course, preferably flat and with minimal turns, free from traffic interference or other safety issues.

C. Training

Initial and In-Service Training. A certified instructor using a certified training course should conduct initial police cyclist training, preferably on a course sanctioned by a nationally recognized organization such as the International Police Mountain Bike Association (IPMBA).¹⁷ The minimum standard for the initial course of instruction recommended by IPMBA is 32 hours.

In-service training should consist of at least eight hours of bicycle-specific training annually; however, quarterly training is highly recommended. Seasonal police cyclists will benefit from refresher training at the beginning of the bicycle patrol season. Any bicycle patrol officer who is absent from bicycle patrol for an extended period should be evaluated by a qualified instructor. Based upon the instructor’s assessment, refresher training ranging from 8 hours to the 32-hour course should be provided.

Training should incorporate physical cycling skills, a review of departmental bicycle policy, and advanced and/or mission-specific training. Advanced training programs should be developed by nationally certified police cyclist instructors who also hold instructor certification in that particular discipline (e.g., firearms, scenarios, defensive tactics). If such a resource is not available, training development should follow a team approach, involving a nationally certified police cyclist instructor and an instructor with the appropriate specialized qualifications.

Advanced and Specialty Training. The following types of training, provided by IPMBA, are encouraged for both officer preparedness and long-term cost savings.

- Bicycle Maintenance Officer Certification
- Cyclist Instructor Certification
- Public Safety Cyclist II
- Bicycle Response Team Training
- EMS Cyclist and EMS Cyclist II Training
- Search and Rescue
- Core Skills and Scenarios Training
- Annual IPMBA Conference Seminars and Workshops

Firearms Training. Firearms training designed specifically for police cyclists should be required annually, at a minimum, preferably in addition to regular firearms training. Departmental firearms qualification performed in full bicycle patrol uniform (helmet, gloves, cycling eyewear, shorts, etc.) is also strongly recommended. Bicycle-specific firearms training will prepare officers to overcome environmental and equipment factors unique to bicycle patrol. Experiencing these issues in training will develop the officers’ ability to operate their bicycles and handle their firearms with competence.

¹⁷ Advanced and specialized training is available through IPMBA, www.ipmba.org, and other sources.

U.S. Supreme Court and federal court decisions¹⁸ have guided the development of police deadly force training by finding agencies liable for failure to train officers for firearms-related use of force incidents. These cases have dictated that all training be recent and ongoing, relevant to the environment in which the officers work, and realistic regarding the situations officers encounter. In light of this mandate, it is essential to provide bicycle patrol officers with training that reflects the conditions in which they operate.

Weapon retention and unconventional shooting positions are among the most important aspects of bicycle-specific firearms training. While in the cycling position, an officer's duty belt is exposed, necessitating heightened awareness. To guard against weapon grabs, bicycle patrol officers must practice retention techniques while riding through crowds (an exercise known as the "gauntlet drill") and while disengaging from the bicycle.

A bicycle patrol officer may inadvertently or intentionally dismount the bicycle, landing on the ground in a potentially awkward position. Because of this likelihood, firearms training must incorporate shooting from unconventional positions, such as lying on the ground with feet in the pedal retention, followed by disengagement from the bicycle and moving to cover. Shooting drills should involve rapid dismounts and moving around the bicycle to the firing position.

Police cyclists must also be constantly aware of opportunities for cover and concealment. Because they lack the mobile cover afforded by a motor vehicle, they must practice using alternative cover and firing from unconventional positions while at the range.

The positional aspect of a threat coming from different angles is another factor to be considered. How officers engage the threat and disengage from the bicycle to confront the threat should be addressed and practiced.

Firing from a moving bicycle should be neither encouraged nor practiced. There are no tactical benefits to firing from a moving bicycle and the risks to the officer and others are heightened.

Police cyclists should be encouraged to determine the level of exertion they can sustain during emergency responses so that when they arrive on a call, they are physically capable of accurately firing their weapons and taking other necessary enforcement actions.

Research shows that a percentage of deadly force encounters in police cycling occur during low-light conditions.¹⁹ Therefore, training should incorporate low- and no-light drills. The various modes of bicycle lighting (flashing white or colored lights, steady beam) and the positioning of the bicycle patrol officer relative to the light after dismounting may affect shooting and should be experienced in training. The selection of flashlights and how to carry and access them needs to be explored as do similar issues, such as the use of a weapon-mounted light or a light carried on the duty belt or the bicycle. An officer carrying a large flashlight attached to the rear pack bag, for instance, must know how quickly it can be accessed. Firing techniques utilizing flashlights are a difficult prospect at best; that difficulty can be exacerbated by lack of practice. How can lights be utilized to enhance the officers abilities and safety rather than compromising them? This question should be answered in a training environment rather than on the street.

In addition to environmental factors, firearms training for police cyclists must also address equipment issues. Police cyclists utilize some equipment that officers in cars do not. Conversely, officers in motor vehicles have access to equipment that bicycle patrol officers lack.

Padded cycling gloves and the helmet are the two cycling-specific articles of equipment most likely to affect shooting accuracy and weapon handling; therefore, it is essential to wear them during training. The padding on a glove can alter the grip of a firearm, shift the point of impact, and cause difficulty during reloading. Indexing of different pieces of equipment may be impacted by the presence of cloth between the skin and the equipment. Therefore, live-fire exercises should include not only drawing and firing, but also stoppage clearing, magazine exchange, and weapon transitioning.

A bicycle helmet, while an absolute necessity for bicycle safety, could prove to be an impediment in certain situations. The ability to fire from a prone position could be negatively affected by the helmet's visor. An officer trying to peek around corners should know how much extra width the helmet adds and adjust his or her techniques accordingly.

Police cyclists may have to be more creative with regard to where they will carry a secondary weapon, as uniform design limits some of the more common locations for hiding a back-up weapon. Practice with these secondary weapons and range certification should be required.

When riding a bicycle, officers do not have ready access to shoulder-mounted weapons for long-range threats. Therefore, police cyclists should be given

¹⁸ See *Canton v. Harris*, 489 US 378 (1989); *Popow v. City of Margate*, 476 F. Supp. 1237 (D NJ 1979), *Zuchel v. City and County of Denver*, 997 F.2d 730 (1993), and *Young v. City of Killeen*, 775 F.2d 1349 (5th Cir. 1985).

¹⁹ *The Complete Guide to Public Safety Cycling*, IPMBA ©2008, page 199.

opportunities to shoot at longer distances than may usually be considered for handguns.²⁰

Fitness and Wellness Training. Certain types of ongoing physical training, such as interval and anaerobic threshold training, can improve an officer's physical capacity. As such, bicycle patrol officers should take advantage of training and physical wellness opportunities that will permit them to achieve and maintain optimal physical performance. Officers should also develop an understanding of their physiological limitations and stay within those limits.

In training, the officers should do cycle sprints of varying distances, some up to a mile in length, to learn how to adjust their effort level and technique. The muscles used for cycling are different than the ones used for running or walking; therefore, they should be trained in moving dismounts to become familiar with the speed of travel at which they can dismount without injuring themselves.

Along with being physically fit and appropriately trained, officers must be knowledgeable of relevant health and nutrition issues. Police cyclists generally exert a tremendous amount of energy during a shift. Replenishing this spent energy is essential to muscle and system recovery, and for avoiding chronic fatigue and injury.

Police cyclists lose substantial amounts of water through physical exertion; therefore, hydration is essential. Bicycle patrol officers should be educated as to proper hydration habits and how to recognize the signs of both dehydration and hyponatremia (low sodium levels). On-bicycle water storage (e.g., bicycle-mounted water bottle cages) should be a mandatory part of every bicycle patrol officer's equipment.

In certain climates, officers risk heat exhaustion and heat stroke. In such areas, in-service training should include the prevention, recognition, and treatment of heat exhaustion and related problems. The use of moisture-wicking material for uniforms, while appropriate in all situations, is essential in warm climates. Similarly, officers who ride in cold weather should be properly educated as to clothing material selection; the proper technique for layering clothing; adequate skin coverage; and the prevention, recognition, and treatment of frostbite and related ailments.

Riders in all climates must be made aware of the dangers of skin damage from the sun's rays. Application of sunscreen year-round should be required; agencies should consider making sunscreen available as a protective measure against skin cancer. Wearing long-sleeved uniform shirts and long pants year-round is also an option.

D. Equipment

Bicycles. Police cycling equipment must be able to withstand the rigors of constant use in order to be cost-effective and minimize the chances of officer injury. Inferior equipment wears and breaks more easily and quickly, so police departments that support bicycle units should be prepared to purchase the best possible equipment. Only bicycles authorized by the police department and a certified mechanic should be used for police service. A list of suitable police bicycle equipment is included in Appendix A of this document. If possible, each rider should be assigned his or her own bicycle, and be held responsible for its general maintenance and operational integrity.

Bicycle patrol officers should be required to inspect their equipment prior to the start of their shifts or when left unattended for a significant period of time, to ensure that it is in good, safe, working condition. The ABC Quick Check should be conducted prior to any ride.²¹ This is a brief overview of the major components of the bicycle, including air, brakes, cranks, and quick releases.

A program of preventive maintenance should be established and followed. All related repair paperwork must be updated every time maintenance is performed on the bicycle.²² To avoid misuse and theft, all tools should be secured in a locked maintenance section of the bicycle storage area or mechanics shop.²³

Duty Gear. Most bicycle patrol officers use either a traditional duty belt or a vest carrier system to carry their weapons and other equipment. Bicycle patrol officers who use a duty belt have a choice between standard leather gear and gear constructed of nylon or similar synthetic material. Synthetic duty gear is typically the more practical option. Many bicycle patrol officers transition from leather duty gear to synthetic material for bicycle season, or depending on which uniform they are wearing. Consistency of equipment placement on the two duty belts is of the utmost importance, giving priority to the setup that does not interfere with the pedal stroke. If it is not possible to achieve an identical set-up, the most important factor in consistency is the holster. The holster, its placement, and the retention system should be identical on both gun belts because it is unrealistic to expect an officer to remember a different position and/or draw technique in a high-stress situation.

²¹ *The Complete Guide to Public Safety Cycling*, 113-115.

²² The International Police Mountain Bicycle Association has written repair and replacement guidelines that can be used to determine maintenance and replacement schedules.

²³ T.J. Richardson, "Designing Two-Wheeled Fleets," *NAFA Fleet Executive* (August 2002): 14-15, <http://ipmba.org/images/uploads/DesigningTwo-WheeledFleets.pdf> (accessed October 30, 2013).

²⁰ <http://www.ipmba.org/newsletter-0010-airman.htm>.

Vest carriers have become popular among bicycle patrol officers because they can be designed and cut to be comfortable while cycling. The pouches and pockets can be customized to hold an electronic control weapon, radio, OC spray, batons, magazines, handcuffs, and other equipment. Armed officers will still need to wear a gun belt and security holster with one of these carrier systems. Nevertheless, carrying equipment on the vest spreads the weight of the equipment across the shoulders, reducing the lower back discomfort that can result from cycling with a fully equipped belt. In addition, the ballistic panels between the officer and his or her equipment affords protection from the equipment should the officer fall.

Equipment Security. Police cyclists should secure their police bicycles and equipment when left unattended whenever reasonably possible and in a manner that does not obstruct pedestrian or vehicular traffic. The bicycle should be secured by the frame, not the wheel or seat. If the bicycle is to be left for a longer period of time, such as a meal break, the officer should secure it in an easily monitored location. When an officer is not on duty, the bicycle should be stored inside a secure location.

Safety Equipment. Police cyclists should be required to utilize the following pieces of safety equipment: a high-quality mountain bicycle that is serviced regularly and fits the rider, a properly fitted bicycle helmet that meets the current safety rating, shatter-resistant protective eyewear for day and nighttime use, and pedal retention devices. Gloves, either padded or unpadded, are strongly recommended. These requirements should remain the same while performing plainclothes duties on a bicycle.

E. Uniforms and Personal Protective Equipment

Uniforms and Footwear. The level of physical activity coupled with exposure to varied weather conditions, makes uniform material selection essential to the health and comfort of the bicycle patrol officer. Appropriate clothing can contribute to optimal performance without undue risk to health. Uniforms designed specifically for use by police cyclists are strongly recommended. They are available in a range of styles, from casual to Class A. Uniforms should be consistent in color and features of standard uniforms to enhance recognition. A sample uniform package is included in Appendix B.

Officers must wear suitable footwear on patrol to prevent injury caused by the pressure exerted on the bottom of the foot during the pedaling motion. The force that is applied in pedaling is concentrated into an area the size of the pedal, unless a hard-soled shoe is worn to disperse it. If a soft-soled shoe is worn, the foot will “bend” over the pedal, causing pain and eventually damaging the ligaments in the bottom of the foot. Plantar fasciitis is a common overuse injury resulting from improper footwear.

Body Armor. Body armor should be mandatory while engaged in field activities both on duty and during off-duty employment. Body armor protects the officer not only from projectiles and slashing movements of edged weapons, but also from blunt force trauma. Body armor that is lighter in weight, but equal to or greater in threat level than standard-issue body armor, is available. However, all body armor must be approved by the department and must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.²⁴

Acknowledgment

This document was developed by the IACP National Law Enforcement Policy Center in cooperation with the International Police Mountain Bike Association (IPMBA) and the American College of Sports Medicine (ACSM).

²⁴ See the IACP *Model Policy on Body Armor*

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by a grant awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the IACP.

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Appendix A

Police Bicycle Equipment

Bicycle & Components

- High-quality “police package” mountain bicycle from a reputable manufacturer, properly sized to the rider, well-constructed of one of the following materials and marked according to department policy:
 - High quality aluminum
 - High quality double-buttressed chromoly steel
- Front suspension forks: Reputable brand, minimum 80 mm travel, mid-level model or better
- Drivetrain: Shimano LX, SLX, or SRAM 7.0, X7 or better
- Brakes: Shimano LX, SLX, or SRAM 7.0, X7 or better
- Wheels: reputable brand, 26-29", comprised of mid-level components or better; silent rear hub, 22 mm width (min.) x 36-hole rim, stainless-steel 14-gauge spokes, brass nipples
- Handlebar stem adjusted to rider's comfort
- Reputable brand threadless headset
- Shifters: SRAM “Grip Shift” “trigger” 7.0, X7 or better, or Shimano LX, SLX “Rapid Fire” shifters or better
- Quick releases: front and rear wheels, seat post (optional)
- Saddle: traditional or alternative as per rider preference and comfort (see the National Institute for Occupational Safety and Health recommendations)
- Pedal retention
 - Clips and straps or similar
 - Clipless (at officer expense; if properly trained and approved for use)
- Bar ends (for leverage, additional hand positioning)
- Tires: street/composition tires (size 26-29" x 1.5" - 26-29" x 2.1"; no knobs)

Bicycle Accessories

- Two lightweight, durable, and functional water bottle cages affixed to frame of bicycle
- High-quality rear rack
- Rack bag
- Basic on-bicycle tool kit, including hex wrenches 2 mm – 8 mm, Phillips and flathead screwdriver, chain tool, blade (e.g., multi-tool), tire levers
- Two spare tubes (Presta or Schrader valves as required by wheel rim type)
- CO² dispenser and CO² cartridges, mini-pump, or other air source (tube compatible)
- Locking cable or other bicycle-locking device
- Headlight: Reputable brand, high-light output of 42 lumens (measured at 10 ft) or more, and rechargeable
- Taillight: Reputable brand, integrated or independent flashing LED taillight
- Legally mandated reflectors
- Rear-mount or two-legged kickstand
- Cycle computer

Maintenance Supplies

The following supplies and equipment are usually made available to all police cyclists in agencies where officers perform their own basic maintenance:

- Bicycle repair stand
- Chain cleaner
- Degreaser
- Dish soap
- Assorted, stiff-bristled brushes
- Rags and bucket
- Chain lubricant
- Waterproof grease
- Spray bottle for degreaser solution

- Frame polish
- Tubes
- Patch kit
- Floor pump with psi gauge
- Headset wrenches
- Spoke wrenches or one multi-size wrench
- Tire levers
- Pedal wrench
- Allen wrenches (4 mm, 5 mm, 6 mm, 8 mm)
- Gear brushes
- Chains
- Chain checker or ruler
- Cables, housing, ferrules, caps

The following supplies and equipment are reserved for use by certified mechanics in those departments with one or more personnel trained as maintenance officers:

- Bottom bracket tool
- Free wheel lockring tool
- Professional grade ball end hex wrenches
- Cable/housing cutter
- Torque wrench
- Ratchet
- Large crescent wrench
- Cone wrenches
- Crank puller
- Complete set of screwdrivers, Phillips and flathead
- Chain whip
- Full-sized chain rivet tool
- Pliers

Appendix B

Clothing and Equipment

Uniform

- Three long-sleeved, cold weather cycling shirts, appropriately sized, technical fabric (wickable, breathable, designed for comfort during exertion), with hidden zipper with exposed fake buttons so as not to limit secondary weapon options, custom department badge patch, microphone tab on shoulders, standard shirt pockets similar to those on a Class A uniform (or golf-style shirt for a more relaxed appearance)
- Three short-sleeved, warm weather cycling shirts, appropriately sized, technical fabric, with hidden zipper and exposed fake buttons so as not to limit secondary weapon options, customized department badge patch, microphone tab on shoulders, standard shirt pockets similar to those on a Class A uniform (or golf-style shirt for a more relaxed appearance)
- Three pair uniform cycling shorts, appropriately sized, technical fabric
- Cold weather/rain cycling jacket, appropriately sized, with “POLICE” in retro-reflective four-inch letters across the back, retro-reflective seams, badge patch on left chest area, exterior pen slots
- Cold weather/rain cycling pants, appropriately sized, technical fabric
- Cold/wet weather accessories, such as headbands, ear warmers, neck warmers, full-fingered winter gloves
- Undershirts, short- and long-sleeved, technical fabric
- Padded cycling shorts
- Cycling socks, technical fabric, of approved color and style
- Cycling shoes, appropriately sized, designed for public safety cycling or otherwise meeting uniform requirements

Personal Protective Equipment

- Helmet that meets current safety rating, appropriately sized and marked in accordance with departmental policy
- Wraparound, shatter resistant eye protection, clear and tinted lenses.
- Padded cycling gloves, half- and full-fingered (Some brands employ smaller gel pads over the fatty portion of the hand only, and do not encompass the entire palm. This lessens the effect of the padded glove on weapons manipulation and shooting accuracy.)
- Body armor lighter in design, but equal to or greater in threat level, than standard-issue body armor

Other Equipment

- Ear microphone
- Rechargeable flashlight worn on the belt
- Nylon duty gear, set up in an identical fashion and with the same model retention holster as road patrol duty gear (The placement of equipment and the draw of the pistol should remain consistent so that muscle memory will not be hindered if the officer must draw the weapon under stress.)
- Equipment vest carrier



ED RACHAL FOUNDATION

Print

ELIGIBILITY

GRANTS shall only be awarded to exempt organizations qualified under IRS Code 501(c)(3) or governmental entities and must be used for charitable, scientific, literary or educational purposes in accordance with IRS 501(c)(3) guidelines.

All grant funds must be expended for exempt purposes within the State of Texas.

Grants shall not be given to individuals.

APPLICANTS may only submit one application per fiscal year. The Foundation's fiscal year is from September 1st to August 31st.

APPLICATION PROCESS

The Ed Rachal Foundation accepts applications at any time. If a grant is awarded, the applicant will be notified of the award by mail.

- Applications should be submitted via email to info@edrachal.org and should be contained in ONE PDF file only.
- Only grant applications using our **Grant Application Form** will be accepted.
- Please include a cover page for each exhibit.

APPROVAL PROCESS

Applicants whose proposals have been approved will receive a Grant Agreement to be signed by an authorized official and returned to the Foundation's office.

APPLICATION FORM INSTRUCTIONS

Legal Name of Organization: This is the legal name as it **EXACTLY** appears on your Articles of Incorporation.

Assumed Name / Doing Business As: You may apply under your Assumed Name or Doing Business As Name; however, we must have appropriate documentation that the name is being used legally. In order to use the Assumed Name you must include either your d/b/a Certificate or Assumed Name Certificate for evidence. If you fail to include the certificate, we cannot use your assumed name. **Note: This is for legal name changes only. Do not refer to names you call yourselves or acronyms.**

Mailing Address: Is the address to which all correspondence is to be sent. It is not necessary to give both a mailing and physical address.

Federal Tax ID Number: This is your 9 digit number used to file your income tax return.

Telephone and Fax Numbers: Please include the area code with telephone and fax numbers.

Contact Information: Name and telephone number (with extension) of the person to be contacted at the organization. The contact person should have an official position with the organization and not be an independent contractor or grant writer.

Contact Person Address: This is the address where correspondence is sent directly to the preparer of the grant application. For example: The University Foundation may be the organization to which the grant funds are made payable, but the contact person will have an address at the university campus for which the funds are being requested. The address must be consistent with the organization – **do not list a personal residence.**

Organizational Mission: Fill in the text box with a brief mission statement of the organization.

Brief Description of Organization: Describe your organization.

Geographic Area Served: Describe the geographic area in Texas that is served.

Previous Grants Received: List the most recent grant amounts and their dates that you have received from us.

Proposal Request: If the project has a specific name you may reference it here. Or, you may simply indicate the funds will be used for "General Operating Funds" "Capital Campaign" or "Scholarship Assistance".

Amount of Funds: This is the amount of funds you are requesting for the project. Do not leave this field blank. Grants may be awarded for amounts different from what is requested.

Description of Project: In the space provided, please give a description of the project for which funds are being requested, how funds will be utilized and the anticipated impact.

Sign and Date: The appropriate authorized person must execute the Grant Application Form.

EXHIBIT A – IRS Determination Letter: A copy of the latest determination letter issued by the Internal Revenue Service regarding the organization's current tax-exempt status under Section 501(c)(3) or Section 170(c). If you fall under a group ruling, you will need to send the (i) IRS letter granting group status, and (ii) documentation proving that your organization qualifies under the group. For example: Catholic Entities will send in the group letter issued to the United States Conference of Catholic Bishops, and then photocopy the cover page of "The Official Catholic Directory for the current year as well as photocopy the page where the organization is listed. (Please highlight or mark place on the page).

EXHIBIT B – Tax Return and Financial Statements: Submit your most recent Tax Return **AND** Financial Statements, audited if available. Please send **unbound** copies. If you are unable to send any financial information, you will need to provide a list showing the \$ amount of any gifts or grants received in the last 5 years as well as provide a list showing the \$ amount of any revenue in the last 5 years (describe the type of revenue). This will require additional analysis to be performed and will extend the grant review process.

EXHIBIT C – Corporate Documents: Please include the most recent following documents:

- C-1 Certificate of Incorporation **OR** Certificate of Formation for Non-Profit Corp
- C-2 Articles of Incorporation **OR** Articles of Formation
- C-3 Bylaws
- C-4 List of Board of Directors to include addresses and phone numbers

EXHIBIT D – Donor Requests: Attach a separate sheet of paper listing all other funding sources. List the name of the organization, the amount of funds requested, and the status of each request. Indicate whether the funding request is pending (P), declined (D), or approved (A).

EXHIBIT E – Relationships: Attach a separate sheet of paper listing each Board Member or Management Staff that has ANY relationship/acquaintance with any of the Ed Rachal Foundation's Board Members. Please provide a detail explanation of the relationship whether it is social, business or familial.

NOT ALL PROJECTS CAN BE FUNDED

The Board of Directors is responsible for the final approval of each grant. Since the Foundation receives funding requests far in excess of its ability to fund, only

a small portion of requests can be approved. A decision not to fund a proposal does not reflect on the merits of the applicant or the value of the proposal.

NO COMMEMORATIVE ITEMS

The Foundation desires that all resources of any Grantee be dedicated to accomplishing its philanthropic purposes. Accordingly, Grantees agree not to recognize the Foundation, its board members or staff with any commemorative items. Any form of public announcement should be pre-approved by the Ed Rachal Foundation. When writing to the Ed Rachal Foundation regarding a grant received, please reference the grant number.

GO TO GRANT APPLICATION

Address:

555 N. Carancahua St., Suite 700
Corpus Christi, Texas 78401

© 2018 Ed Rachal Foundation

Phone:

(361) 881-9040

Email:

info@edrachal.org

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GRANT APPLICATION

Ed Rachal Foundation
555 N. Carancahua St., Suite 700
Corpus Christi, TX 78401

SECTION A: ORGANIZATION

Legal Name of Organization: City of Kingsville Police Department

Assumed Name / Doing Business As: City of Kingsville Police Department

Mailing Address: P.O. Box 1458

City: Kingsville

State Texas

Zip Code 78363

Organization Website: www.kingsvillepd.us

Federal Tax ID# 746001513

Year Established: 1904

501(c) (3)

Yes

☐

No

☒

Type of Entity: Agency of Governmental Entity

☐

SECTION B: ORGANIZATION PRESIDENT / EXECUTIVE OFFICER

Name of Executive Director: Mark McLaughlin

Title of Executive: City Manager

Phone Number (361) 595-8002

Fax Number (361) 595-8024

Email Address citymanager@cityofkingsville.com

SECTION C: CONTACT PERSON

Name of Contact: Ricardo Torres

Title of Contact: Police Chief

Mailing Address: P.O. Box 1458

City: Kingsville

State Texas

Zip Code 78363

Phone Number (361) 592-4311 Opt. #5

Fax Number (361) 593-1715

Email Address chief@kingsvillepd.us

SECTION D: ORGANIZATION BUDGET AND STAFF

Total Organization Budget \$6,389,032.00	Number of Board Members 5
Number of Paid Staff 72	Number of Volunteers 7

SECTION E: ORGANIZATION MISSION STATEMENT

We will perform our duty as armed public servants with honor and valor as we protect citizens, liberties and property in pursuit of happiness.

SECTION F: BRIEF DESCRIPTION OF ORGANIZATION

Police protection is provided by the Kingsville Police Department comprised of 50 sworn peace officers and staff totaling 72 members performing varied and multiple tasks, serving a population of 26,071. We are located on Interstate 69/US Highway 77 South, a major thoroughfare utilized in major trade and industry due to the United States Mexico Canada Agreement that connects Canada, Mexico, and the United States.

The Uniform Patrol Division makes up the largest portion of the department. Their duties include vehicle and bicycle patrol, criminal enforcement, traffic enforcement, and accident investigation.

The Criminal Investigations Division follow up investigations and participate in proactive criminal investigations. The Street Level Operations Team responsibilities include targeting criminal offenses in our city and drug trafficking organizations on US 77 to include bulk narcotic and bulk currency offenses.

Communications provide dispatch services for Kingsville PD and Kingsville FD.

The pride of our department is KPD's SWAT unit which received the Texas Tactical Police Officers Association, First Annual Unit Citation Award for Meritorious Service in 2007 and provides mutual aid to the Coastal Bend Area. SWAT responds to approximately 30 callouts to include low and high-risk warrant service as well as barricaded/armed subjects as well as natural disasters that occur in the Coastal Bend

SECTION G: GEOGRAPHIC AREA SERVED IN TEXAS

City of Kingsville, Kleberg County Coastal Bend to include Kenedy County, Brooks County, Jim Wells County, Duval County, Nueces County, San Patricio, Bee County, Live Oak County Aransas County, and Refugio Count.

SECTION H: PREVIOUS GRANTS RECEIVED FROM US

Amount (1) \$25,000.00	Date (1) June 30, 2021
Amount (2)	Date (2)
Amount (3)	Date (3)

SECTION: PROJECT REQUEST	
Project Name Bike Patrol, Pepperball Launcher and Field Training Software Revitalization Project	
Requested Amount \$ 20,648.00	Type of Request General Operating

SECTION: DESCRIPTION OF REQUEST
<p>Bicycle patrols have several advantages over other modes of patrol that make them appealing to departments in protecting communities and preventing crime.</p> <p>Awareness. Police cyclists are better able to use all of their senses to detect crime, public disorder, or calls for help. Officers on bicycles are more aware of their surroundings and can employ their senses of smell and hearing to full advantage. They can use these senses to detect situations that would be overlooked by personnel in motor vehicles.</p> <p>Accessibility and Maneuverability. In congested areas, the police cyclist can respond quickly to priority calls for service because the officer can maneuver easily between vehicles, take shortcuts through alleys and parks, and travel on sidewalks (where legal). The ability to navigate through areas inaccessible to motor vehicles can be critical in reducing response time and meeting operational objectives.</p> <p>By using a silent and often unexpected approach to crimes in progress, officer safety is enhanced and the element of surprise is increased.</p> <p>Bicycles and equipment to be purchased:</p> <p>8- Scott Aspect 950 Mountain Bikes, 16-Heavy Duty Tubes, 8 Kickstands, 8- Bike Racks Rear Mount, 8- Police Bags for Rear Rack, 8- Specialized Align Helmets White, 8- Specialized BG Gel Gloves, 8- Specialized Water Bottle Zee Cage, 8- Camelbak Thermal Water Bottles, 8- Nite Rider Digital Patrol LED Lights, 8- Nite Rider Police Tail Light, 8- Odyssey Grandstand Aluminum Pedals, 8- Specialized Switch Tool Emergency Air Pumps, 1- Specialized Air Tool Floor Pump, 8- Specialized RBX Cycling Shorts, 8- Park Tool WTK-2 Essential Tool Kit, 8- Serfas E-Gel Hybrid Saddles, 1- Park Tool PCS-9.3 Home Repair Stand, and 1- Park Tool SK-4 Home Starter Tool Kit.</p> <p>Total Cost \$14,649.00</p> <p>The PepperBall system gives officers the ability to deliver a non-lethal option that reduces risk while enhancing the capability of police and corrections officers to limit or control escalation, to repel or temporarily incapacitate threats, and to keep themselves and the public safe while performing their duties.</p> <p>Purchase of 2 VKS Launchers with complete setup for \$1,999.00.</p> <p>Software for use in tracking the progress of officer cadets to insure they are properly trained in specific areas like de-escalation, dealing with the mentally ill. Cost for software is \$4,000.00.</p>

I have reviewed this application and all information provided herewith and believe it to be true, correct and complete. I further represent that the governing body of the organization authorizes the preparation of this form and the request for funds. I certify that the organization will keep and maintain adequate records to verify the actual use of any funds received pursuant to this request and will fully cooperate with the Foundation's independent auditors in the completion of the Foundation's annual audit and tax return. I further certify that all funds will be utilized within the State of Texas and for the benefit of the residents of Texas.

Ricardo Torres

Signature

4/19/2022

Date

NOTE: Please submit with all required documents as stated in the Grant Guidelines

RESOLUTION # 2022-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE ED RACHAL FOUNDATION FOR GRANT FUNDS FOR EQUIPMENT FOR THE KINGSVILLE POLICE DEPARTMENT.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the Kingsville Police Department participate in an application for grant monies for equipment to be used by the department members; and

WHEREAS, the officers have the need for various equipment to improve public safety such as PepperBall launchers and associated equipment, field training software to track cadet progress, and bicycles and related equipment for the Patrol Division to ensure they are able to meet the needs presented from various service calls and community events; and

WHEREAS, the Kingsville Police Department has been called on to participate in various community events and to provide assistance to neighboring communities who also participate in the Coastal Bend Council of Governments Master Mutual Aid Agreement; and

WHEREAS, the requested equipment would assist with the diverse types of scenarios that can be encountered when the police officers respond to an event and provide public safety services within the community; and

WHEREAS, the Ed Rachal Foundation does not require a cash match and may award part, none, or all of the funds requested, though any monetary award would require a budget amendment; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Police Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to 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 a grant application to the Ed Rachal Foundation for equipment for the Kingsville Police Department, with no anticipated cash match and authorizes the Police Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City.

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 25th day of April, 2022.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #15

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: April 13, 2022

SUBJECT: Resolution regarding AEP Texas Inc. DCRF Rate Increase

Summary: On April 6, 2022, AEP Texas Inc. ("AEP" or "Company") filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately \$27.56 million (an approximately \$1.28 increase to the average residential customer's bill from the rates just approved in the Company's most recent DCRF case), which is about half of the requested increase from 2021.

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Background:

The purpose of the Resolution is to deny the DCRF application proposed by AEP. AEP made a similar filing about this time last year seeking an increase in distribution revenues of approximately \$54.56 million (an approximate increase of \$2.60 to the average residential customer's bill). The City joined other cities in approving resolutions to deny and examine the filing which resulted in a lower final distribution rate than initially proposed.

Purpose of this Resolution:



City of Kingsville Legal Department

Explanation of "Be It Resolved" Paragraphs:

1. This section authorizes the City to participate with Cities as a party in the Company's DCRF filing, PUC Docket No. 53451.

2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. This paragraph finds that the Company's application is unreasonable and should be denied.

4. This section states that the Company's current rates shall not be changed.

5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

7. This section provides that AEP and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

Financial Impact: None. Due to the type of filing, cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to the City as a participant in the rate case.

Recommendation: Approve the resolution.



RESOLUTION NO. 2022-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Kingsville, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 6, 2022 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 53451, seeking to increase electric distribution rates by approximately \$27.56 million (an approximately \$1.28 increase to the average residential customer's bill from the rates approved in the Company's most recent DCRF case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 53451.

Section 2. That subject to the right to terminate employment at any time, the City hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this the 25th day of April, 2022.

Sam R. Fugate, Mayor, City of Kingsville

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #16

AGENDA ITEM #17