

AGENDA CITY COMMISSION

MONDAY, MAY 22, 2023

REGULAR MEETING

CITY HALL

HELEN KLEBERG GROVES COMMUNITY ROOM

400 WEST KING AVENUE

5:00 P.M.

Live Videostream: <https://www.facebook.com/cityofkingsvilletx>

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting May 8, 2023

APPROVED BY:



Mark McLaughlin
City Manager

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

1. Public hearing on request for alcohol variance for Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for 1102 E. Yoakum Ave., Kingsville, Texas, also known as Beto's Community Meat Market. (Interim Director of Planning & Development Services).
2. Public hearing on request for Special Use Permit for New Cell Tower in C-2 (Retail) at Clyde, Block 4, Lot 6-8, (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, Texas. David Petrakovitz for Vertical Bridge, Applicant/Agent. (Interim 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, 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; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. 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 2022-2023 Budget to appropriate funding for utility easement surveying costs. (City Engineer).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for the increase in All-Risk and Windstorm Property Insurance effective May 2023. (Human Resources Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to reclass donation from General Fund 001 to Park Maintenance Fund 093. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for first interest payment on the Water Meter Project Certificates of Obligation. (Finance Director).
5. Motion to approve reappointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya, and Larry Garcia as regular members of the Board of Adjustment for two-year terms. (Interim Director of Planning & Development Services).
6. Motion to approve reappointment of Rose Munoz Morales (Main Street Representative) and Erin McClure (TAMUK Representative) to the Hotel Occupancy Tax Advisory Board for two-year terms. (Downtown Manager).
7. Motion to approve a resolution of the City of Kingsville, Texas approving Title VI/Non-Discrimination Policy for the City of Kingsville and authorizing the City Manager to appoint a Title VI/ADA Coordinator and set the role and responsibilities of the assignment. (for grant compliance). (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider accepting the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2021-2022. (Finance Director).

9. Consider request for alcohol variance for Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for 1102 E. Yoakum Ave., Kingsville, Texas, also known as Beto's Community Meat Market. (Interim Director of Planning & Development Services).
10. Consider introduction of an ordinance amending the zoning ordinance granting a Special Use Permit to Vertical Bridge/T-Mobile for Wireless Telecommunications Pole Tower in C2-Retail at Clyde, Block 4, Lot 6-8, also known as 1027 E. Lott, Kingsville, Texas. (Flanagan's Muffler Shop). (Interim Director of Planning & Development Services).
11. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between Counties and Cities Associated with Operation Lone Star for Law Enforcement Services. (Police Chief).
12. Consider out-of-state travel for Police Department IT Manager to attend Digital Evidence Investigation Course at the National Computer Forensic Institute in Hoover, Alabama May 14th-20th, 2023. (US Secret Service covering cost of travel; course notification received 5/09/22). (Police Chief).
13. Consider out-of-state travel for Police Department IT Manager to attend Cyber Investigative Techniques Course at the National Computer Forensic Institute in Hoover, Alabama June 18th-23rd, 2023. (US Secret Service covering cost of travel). (Police Chief).
14. Consider accepting donation of \$15,000 from Brookshire Foundation for Parks recreational programs and equipment. (Parks Director).
15. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from the Brookshire Foundation for recreational programs and equipment. (Parks Director).
16. Consider accepting donation from Cherry Tree Tea Room for ball league expenses. (Parks Director).
17. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to accept and expend the donation from the Cherry Tree Tea Room for sponsorship of a youth baseball and softball league team. (Parks Director).
18. Consider reallocation of ARP Funds for Parks from trail project to Brookshire Pool improvements. (Parks Director).
19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Sections 70 through 81, providing for Drought Contingency Plan, public education method, triggers and notification. (Public Works Director).
20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Sections 100-103, providing for updated information in the Water Conservation Management Plan. (Public Works Director).
21. Consider a resolution authorizing the City to submit an application to the Department of Defense's Defense Community Infrastructure Pilot Program for the purpose of requesting grant funding for North Waste Water Treatment Plant Rehabilitation Project. (City Engineer).
22. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for Legal Professional Services. (City Attorney).
23. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for the City Manager contract increase. (Finance Director).

24. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for cost overruns of the Facilities Division. (Finance Director).

25. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to set up budget revenues and expenditures for 2021 Stonegarden Grant. (Finance Director).

26. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for General Fund and Utility Fund department cost overruns. (Finance Director).

27. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of equipment awarded by the Lone Star Grant. (Finance Director).

28. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to provide additional funding for increased costs of league expenditures due to additional participants. (Parks Director).

VII. Adjournment.

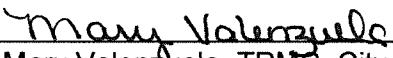
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

May 19, 2023, at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.


Mary Valenzuela, TRMC, 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)

MAY 8, 2023

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 8, 2023, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Edna Lopez, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Bill Donnell, Public Works Director
Susan Ivy, Parks Director
Mike Mora, Capital Improvements Manager
Diana Gonzales, Human Resources Director
Rudy Mora, Engineer
Ricardo Torres, Chief of Police
Joseph Ramirez, Engineers Assistant
Janine Reyes, Tourism Director
Kwabena Agyekum, Interim Director of Planning & Development Services/Senior Planner/HPO
Erica Bruce, Billings Specialist

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 P.M. with four Commission members present. Commissioner Lopez was absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting April 24, 2023

Motion made by Commissioner Torres to approve the minutes of April 24, 2023, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting “FOR”.

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

None.

III. Reports from Commission & Staff.²

“At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning

Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water, And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time.”

Mr. Mark McLaughlin reported that as per the order of the United States President, flags are at half-staff until sunset on Thursday, May 11, 2023, for the Allen, TX tragedy that occurred over the weekend. He further reported that the Audit Committee met this afternoon with the city auditors on the Annual Comprehensive Financial Report (ACFR). The audit report came without any findings on the city. Presentation and acceptance of the ACFR will be on the agenda on May 22, 2023. He further mentioned that the demolition of the old hospital is coming along well, and the Health Department will be holding a Pet Adoption event this upcoming weekend.

Ms. Courtney Alvarez reported that the next City Commission meeting is scheduled for Monday, May 22, 2023. The deadline for staff to submit their agenda items is Friday, May 12, 2023.

Commissioner Hinojosa commented that it has been two years in a row that the ACFR has come out with no findings and congratulated staff for their hard work and keeping spending to a minimum.

Mayor Fugate at this time presented three proclamations: Motorcycle Awareness Safety Month; Public Service Recognition Week; and Peace Officers Memorial Day & National Police Week.

Commissioner Torres recognized Ms. Makenzie Gottschalk, recipient of the Ronald Reagan Presidential Foundation Scholarship.

IV. Public Comment on Agenda Items.³

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

No public comments were made.

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by granting a Special Use Permit for indoor recreational use in C2 (Retail District) at Andrews 1, Lot S '90 A, (Fastenal), also known as 1911 S. Brahma Blvd., Kingsville, Texas; amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2022-2023 budget to accept and expend Youth Pony League donations for uniforms, equipment, and umpire and scorekeeper services. (Parks Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Combination Tax and Subordinate Lien Certificates of Obligation, Series 2023"; entering into a Purchase and Investment Letter and a Paying Agent/Registrar Agreement; and approving other matters relating thereto. (City Attorney).

Mr. Don Gonzales and Mr. Matt Lujan of Estrada Hinojosa Investment Bankers gave a brief presentation to the City Commission on Certificates of Obligation, Series 2023. Mr. Gonzales stated that the municipal bond market was significantly more stable than the previous week. Mr. Gonzales explained the graph on Municipal Market Data Yield Curve and graph regarding AAA MMD History Since 2010.

Mr. Matt Lujan stated that the financing team is Estrada Hinojosa & Company, Inc. as the Financial Advisor and Winstead, PC as the Bond Counsel. The purchaser is Amegy Bank and the paying agent is Zions Bancorporation, N.A. Mr. Lujan explained the graph on Outstanding General Obligation Debt which shows \$20.24 million of outstanding bonds of which \$12.9 million is callable. Mr. Lujan explained the graph which showed the callable dates and amounts for each year as well as showing the outstanding debts service, principal, and interest payments. He further stated that in 2024 the debt service drops giving it some capacity and remaining steady for a couple of years, then in 2026 it drops again and creates more capacity. In estimated project sources and uses, bond proceeds are estimated at \$6.1 million, of that \$6,030,000 will be for the project fund and estimated cost issuance of \$70,000. Mr. Lujan further went over the estimated Certificates of Obligation, Series 2023 Debt Service which is based on the rate that was locked in at 4% through May 2023. Mr. Lujan commented that these bonds can be called at any time. Mr. Lujan went over the schedule for the Tax Rate Impact Analysis which shows the net taxable assessed value which is about a 2.2% growth from the previous year. In General Obligation, capacity is available beginning FY 2024 based on existing debt service. Debt could be issued as early as FY 2023 with payments beginning FY 2024. Estimated capacity is approximately \$10 to \$14 million. Assumes

a 20-year term and the current debt tax rate of \$0.16590 with a 95% collections rate. Assumes current net taxable assessed valuation of \$1.013 billion with no growth and market interest rates plus 50 bps of cushion. In the Utility Fund, capacity is available beginning FY 2026 based on existing utility system self-supporting debt. Debt could be issued as early as FY 2025. Estimated capacity is approximately \$8 to \$12 million, assumes a 20-year term. Assumes net revenues projected from the city's utility system proforma with 1.25x coverage based on the city's water rate study to be conducted this summer 2023 based on the following tasks being completed by July 2023. Market interest rates plus 50 bps cushion.

Mayor Fugate asked about the notation under one of the slides which reads legislation may limit or impair a city's ability to issue Certificates of Obligation may cause debt to be issued prior to August 2023.

Mr. Lujan stated that there is legislation that is pending that could limit the cities to issue certificates of obligation and limit the scope of projects.

Mr. Gonzales commented that at one point they were looking at narrowing the scope in terms of what a city could issue certificates of obligations for. If a city was to do something for water and sewer improvements, it would need to demonstrate that a city was building for actual capacity needs and not for excess capacity, which this part was taken out.

Mr. Dan Martinez Winstead commented that during the last session, legislators were trying to get rid of COs in their entirety. What they did in the last session is that it would restrict the definition of debt under the Tax Code. In the current session, they are targeting non-essential needs such as arenas and convention centers.

Mr. McLaughlin commented that the alternative would be that if these COs were to pass and it restricted municipalities, the option would be taking it to an election.

Mr. Martinez responded that this was correct.

Mr. Lujan further commented that if the city commission approves this tonight, it would be set to close on May 31st.

Motion made by Commissioner Hinojosa to approve the ordinance authorizing the issuance of "City of Kingsville, Texas Combination Tax and Subordinate Lien Certificates of Obligation, Series 2023"; entering into a Purchase and Investment Letter and a Paying Agent/Registrar Agreement; and approving other matters relating thereto, seconded by Commissioner Alvarez.

Commissioner Torres asked if legislation changes if the city is safe. Mr. Lujan responded that for this, it would be safe as it is scheduled to close at the end of this month.

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

4. Consider a resolution authorizing Phase II Change Order #2 for the City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and ETech Construction Inc. (Bid#21-11). (City Engineer).

Mr. Mora stated that during the construction phase, it was discovered that several residents had an existing secondary entrance. These drainage improvements involve excavating drainage ditches with the right of way and additional culverts will be required. Change Order No. 2 will minimize the impact on residents along W. Sage Road. Additional time is requested by the contractor for the additional scope of work. The increase to the contract amount is within the 25% allowed. The total for the change order is less than \$48,000 with calendar days added of 21 days to the contract.

Commissioner Hinojosa asked that if the bid was approved in August, can the cost increase due to inflation. He also asked how long a bid is good for once it has been approved.

Mr. Mora responded that the timeframe is typically 30 days but since the project needed to be split due to the bonding capacity of the contractor's side.

Ms. Alvarez commented that the project was bid out in 2021 with the city starting phase 1 of the project then it carried over in 2022, and by the time the city authorized phase 2 in 2022, there has been some price changes since then.

Mayor Fugate asked for the dollar amount is there in the city's drainage fund. Mr. McLaughlin responded that there is a little over \$200,000 in that fund.

Commissioner Torres asked if there would be an increase in price before this project is completed. Mr. Mora responded no.

Motion made by Commissioner Alvarez to approve this resolution authorizing Phase II Change Order #2 for the City-Wide Misc. Concrete and Drainage System Improvements Agreement between the City and ETech Construction Inc. (Bid#21-11), seconded by Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Torres, Fugate voting "FOR".

5. Consider a resolution authorizing the City Manager to execute a Proposal for Services with Ardurra Group, Inc. for a utility easement. (City Engineer).

Mr. Mora stated that the purpose of awarding this project is to complete the surveying of proposed utility easements related to the future development of wastewater services on the east side of Highway 77/Interstate 69 in Kingsville. On April 24, 2023, a Proposal for Services was received from Ardurra Group for performing utility easement survey work for the future development of a new sanitary force main easement to be located between E. Santa Gertrudis and E. Kennedy Avenue just east of Highway 77/Interstate 69 in Kingsville. The Utility Fund will allocate up to \$14,250 to cover professional services. Mr. Mora stated that it is staff's recommendation to approve the contract agreement between the city and Ardurra Group, Inc. in an amount not to exceed (NTE) \$14,250 and authorize the City Manager to sign the contract.

Motion made by Commissioner Hinojosa to approve the resolution authorizing the City Manager to execute a Proposal for Services with Ardurra Group, Inc. for a utility easement, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Torres, Hinojosa, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for utility easement surveying costs. (City Engineer).

Introduction item.

7. Consider a resolution supporting the City of Kingsville's Application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects (for pedestrian and/or bicycle infrastructure); authorizing the Mayor to act on the City's behalf with such program. (Step 2-Detailed Application). (City Engineer).

Mr. Mora stated that on March 30, 2023, TxDOT notified the City that all three preliminary applications were eligible to move forward to Step 2 and the deadline would be June 5, 2023. The application is a two-step process, step 1, project sponsors submit

a preliminary application by January 27, 2023. Step 2 is for project sponsors to submit a detailed application by June 5, 2023. If funds are awarded, the city would be notified in the Fall of 2023 for TA FY2022 through FY2025. The projects would typically be funded by both federal and local funds. Local funds are not required since the city's local fund match will be covered by Transportation Development Credits. This year the grant also considers an adjustment factor for inflation.

Motion made by Commissioner Torres to approve the resolution supporting the City of Kingsville's Application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside (TA) Call for Projects (for pedestrian and/or bicycle infrastructure); authorizing the Mayor to act on the City's behalf with such program. (Step 2-Detailed Application), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate additional funding for the increase in All-Risk and Windstorm Property Insurance effective May 2023. (Human Resources director).

Introduction item

9. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to reclass donation from General Fund 001 to Park Maintenance Fund 093. (Finance Director).

Mrs. Deborah Balli stated that the city received a \$25,000 donation from the Brookshire Foundation in FY 21-22 and was inadvertently recorded in the General Fund instead of the Park Maintenance Fund where the expenditure was budgeted. This reclassification must be corrected through a budget amendment as it is a fund-to-fund transfer that requires commission approval.

Introduction item.

10. Consider introduction of an ordinance amending the Fiscal Year 2022-2023 Budget to appropriate funding for first interest payment on the Water Meter Project Certificates of Obligation. (Finance Director).

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:56 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

Pub. Hrg.



CITY OF
KINGSVILLE
MEMORANDUM

DATE

Friday, April 18, 2023

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1102 E Yoakum Ave

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1102 E Yoakum Ave, we have concluded that the property in question does fall within the 300 ft boundary of 1 church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5. Notices must be sent to the property owners within the 300 foot boundary and a public hearing and publication in the local newspaper is required.

Thank you,

Engineering Department

Attachment 1 shows the property and the relative location of the 1 church; suspected to be close to the property. Our Lady of Good Counsel Catholic Church is within the 300 foot boundary.

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



Document reference ID : 222698

Licensing Application Summary

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

Application ID: 222698
Applicant Name: Patel & Thakor, LLC
License Type applied for: Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)

Entity Information

Business Structure: Limited liability company
FEIN/SSN Number: 922784162
Member Managed or Manager Managed: Manager Managed
Historically Underutilized Business: No
Veteran-owned business: No
Fraternal Owned: No
Secretary of State Filing Number: 0804952367
Date Filed: 3/2/2023
Filing State: TX

Primary Business Entity Contact Information

Legal First Name: Ram
Legal Middle Name: Thakor
Email Address: baldwinfoodmart@gmail.com
Phone Number: 347-749-2304

Basic Business information

Business/Trade Name: Beto's Community Meat Market

What is your primary business at this location? Grocery/Market

Location's Phone Numbers

Business Phone Number 361-592-8971

Alternate Phone Number 361-592-8971

Location Address

Address: 1102 E Yoakum Ave, Kingsville, TX, United States, Kleberg 78363

Is your location within city limits? Yes

Mailing Address Information

Address: 1102 E Yoakum Ave, Kingsville, TX, United States, Kleberg 78363

Measurement Information

Measuring from the public entrance of your location along street lines and directly across intersections, will your location be within 1,000 feet of the nearest property line of a public or private school? No

Is a residential address or established neighborhood association located within 300 feet of any property line of your premises? No

[illegible]

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Beto's Community Meat Market at 1102 E Yoakum Ave, Kingsville TX. 78363.

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 NOTICES

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023, 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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, May 22, 2023, 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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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PUBLIC NOTICES

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023, 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:

Eden Hernandez, Owner/Applicant; requesting a Zoning Variance Request (Fence) for KT & I CO, BLOCK 3, Lot PT 10, Acres 6.0 also known as 2460 N. Young Dr., Kingsville TX, 78363

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, May 22, 2023, 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:

Eden Hernandez, Owner/Applicant; requesting a Zoning Variance Request (Fence) for KT & I CO, BLOCK 3, Lot PT 10, Acres 6.0 also known as 2460 N. Young Dr., Kingsville TX, 78363

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 NOTICES

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023 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:

Urban Engineering, applicant; Somerset Land Company, owner; requesting approval of the preliminary plat of 73.56 Acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville.

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, May 22, 2023 at 5:00 p.m. wherein the City Commission will discuss the following item and at which time all interested persons will be heard:

Urban Engineering, applicant; Somerset Land Company, owner; requesting approval of the preliminary plat of 73.56 Acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville.

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Beto's Community Meat Market at 1102 E Yoakum Ave, Kingsville TX, 78363. 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.

*Trying to reach
Classifieds?*

Please call:
(361) 345-1331

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's On-Premises Permit by Silvia Cristina Sandoval, dba The Reel Baffin Bay Country Store, LLC. Located at 943 E FM 628 Riviera, Kleberg County, Texas 78379. Officers of said LLC and Managers is Silvia Cristina Sandoval.

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC d/b/a Family Dollar 23403 to be located at 3526 Holly Rd. Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Littler

(Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC d/b/a Family Dollar 24356 to be located at 4542 Kostoryz Rd Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Littler (Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).



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General	Packet	
Transactions	Batch	B00019331 - 4-24-2023 tc
Payments	Operator	TC - THERESA CAVAZOS
Journal	Terminal	15 - THERESA CAVAZOS
Documents	Taken By	Theresa Cavazos
	Vendor	

Amount Details

Total Applied	250.00
Total Tendered	250.00
Change	0.00

Profile Information

	Performed By	Date Performed
Create	Theresa Cavazos	4/24/2023 11:23 AM
Void		
Burn		

Angie Moreno
306 S 24th St
Kingsville, TX 78363
#13408

Jose Guadalupe Saldana
1023 E Henrietta
Kingsville, TX 78363
#17807

Melisa Ruth Schedule
1127 E Henrietta Ave
Kingsville, TX 78363
#24445

Jose Garcia Villarreal Est
1028 E Henrietta Ave
Kingsville, TX 78363
#21090

Richard Navarro
PO Box 1264
Kingsville, TX 78364
#18596

Juan Manuel Garcia
Etux Belinda Orta
1917 S Park St
Kingsville, TX 78363
#17615

Fernando R Cantu Jr
Etux Maria
46 Amado Vera St
Rio Grande, TX 78582
#20319

Harold C Waller
Etux Anna Lee Waller
400 Mann St STE 911
Corpus Christi, TX 78401
#10853

Miguel Valle
Etux Celia
1014 E Yoakum
Kingsville, TX 78363
#23217

Roman M Garcia Est
1102 E Henrietta Ave
Kingsville, TX 78363
#16342

Anita Garcia
230 N 15th St
Kingsville, TX 78363
#19344

Anna Belia Pena
AKA Anna Belia Garcia
1016 E Yoakum
Kingsville, TX 78363
#22464

Olivia G Nunez Est
1108 E Henrietta Ave
Kingsville, TX 78363
#15566

William George
1101 E Henrietta Ave
Kingsville, TX 78363
#20591

Arcadio Amaya Jr
1028 E Yoakum
Kingsville, TX 78363
#20933

Teresa F Flores
1112 E Henrietta
Kingsville, TX 78363
#14777

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#21340

Cristela Amaya
1030 E Yoakum
Kingsville, TX 78363
#20149

Teresa F Flores
1112 E Henrietta
Kingsville, TX 78363
#13991

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#36571

Ester M Vasquez Est
1110 E Yoakum Ave
Kingsville, TX 78363
#23642

Graciela Figueroa Rosas
103 Warwick Glenn
Victoria, TX 77904
#20859

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#14501

Cristela Amaya (Life Est)
Delfina Garcia Trevino
1237 E Yoakum Ave
Kingsville, TX 78363
#15285

Guadalupe G Ybarra
PO Box 925752
Houston, TX 77292
#20073

Noe Robles
1115 E Henrietta Ave
Kingsville, TX 78363
#22913

Benito Cavazos Garza
1122 E Yoakum Ave
Kingsville, TX 78363
#18387

Vela Real Estate Holdings LTD
Rene & Benjamin Vela
6226 Bourbonais
Corpus Christi, TX 78414
#22358

Neyda Anali Gonzalez
1119 E Henrietta Ave
Kingsville, TX 78363
#45292

Benito Cavazos Garza
1122 E Yoakum Ave
Kingsville, TX 78363
#11421

PUBLIC HEARING #2



MEMO

Date: May 17, 2023

To: Mark McLaughlin (City Manager)

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: **Request for the Wireless Telecommunication Special Use Permit for New Cell Tower in C2-Retail at CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP), also known as 1027 E. Lott Avenue, Kingsville, Texas. 78363**

The Planning and Zoning Commission meeting was held as scheduled this evening, May 17, 2023, with 6 members in attendance. Members deliberated over the issue of granting approval for a special use permit for a new cell tower in C2-Retail at **CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP), also known as 1027 E. Lott Avenue, Kingsville, Texas** to enable the applicant to install a new 120ft wireless Telecommunication tower. Letters were sent out to neighbors and the City received no feedback. Commissioners, after deliberations, voted to approve the special use permit for the said property which is C2 (Retail). A recorded vote of all members present was taken, and Commissioners Debbie Tiffée, Brian Coufal, Mike Klepac, Rev. Idotha Battle, Larry Garcia and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 7:00pm

Thank you.

Kobby Agyekum
Interim Director of Planning and
Development Services



MEMO

Date: May 10, 2023

To: Planning and Zoning Commission Members

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: **Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363**

The applicant approached the department because they wanted to re-plat the existing property, subdividing it into two lots of which 50 feet by 50 feet will be used for wireless telecommunication tower. The proposal as presented to the department would involve creating two properties each with their own address. One building is currently on the property, but the re-plat would ensure each lot has its own defined boundary so that vertical Bridge can install a Cell Phone Tower on the property to serve the City of Kingsville. The property is currently zoned C2 – Retail.

Consequently, this application is being submitted for your consideration. The department has reviewed the application and has found no adverse impact on the environment and the development complies with the relevant codes and Ordinances but requires a "Special Use" permit. Therefore, it is recommended that you consider the said application and approve same since this will improve internet use within the city of Kingsville.

Thank you.

Kobby Agyekum
Interim Director of Planning and
Development Services

1027 E. LOTT AVE.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1400 Block Lott Ave 1027 E LOTT Nearest Intersection 14th & Lott
(Proposed) Subdivision Name NA Lot 6, 7, 8 Block 4
Legal Description: Lots 6, 7, 8 Block 4 Clyde Addition
Existing Zoning Designation C-2 Retail Future Land Use Plan Designation C-2 Retail

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent VERTICAL BLDG Phone 281 701 0604 FAX -
DAVID PETRAKOVITZ / AGENT
Email Address (for project correspondence only): dpetrakovitz@pyramdns.com
Mailing Address 3603 Sunlight Hill Ln City Spring State TX Zip 77386
Property Owner TANYA BAKER Phone 361.779.7516 FAX -
Email Address (for project correspondence only): tanyadf@yahoo.com
Mailing Address 7409 ELIZONDO Dr City Corpus Christi State TX Zip 78414

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

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

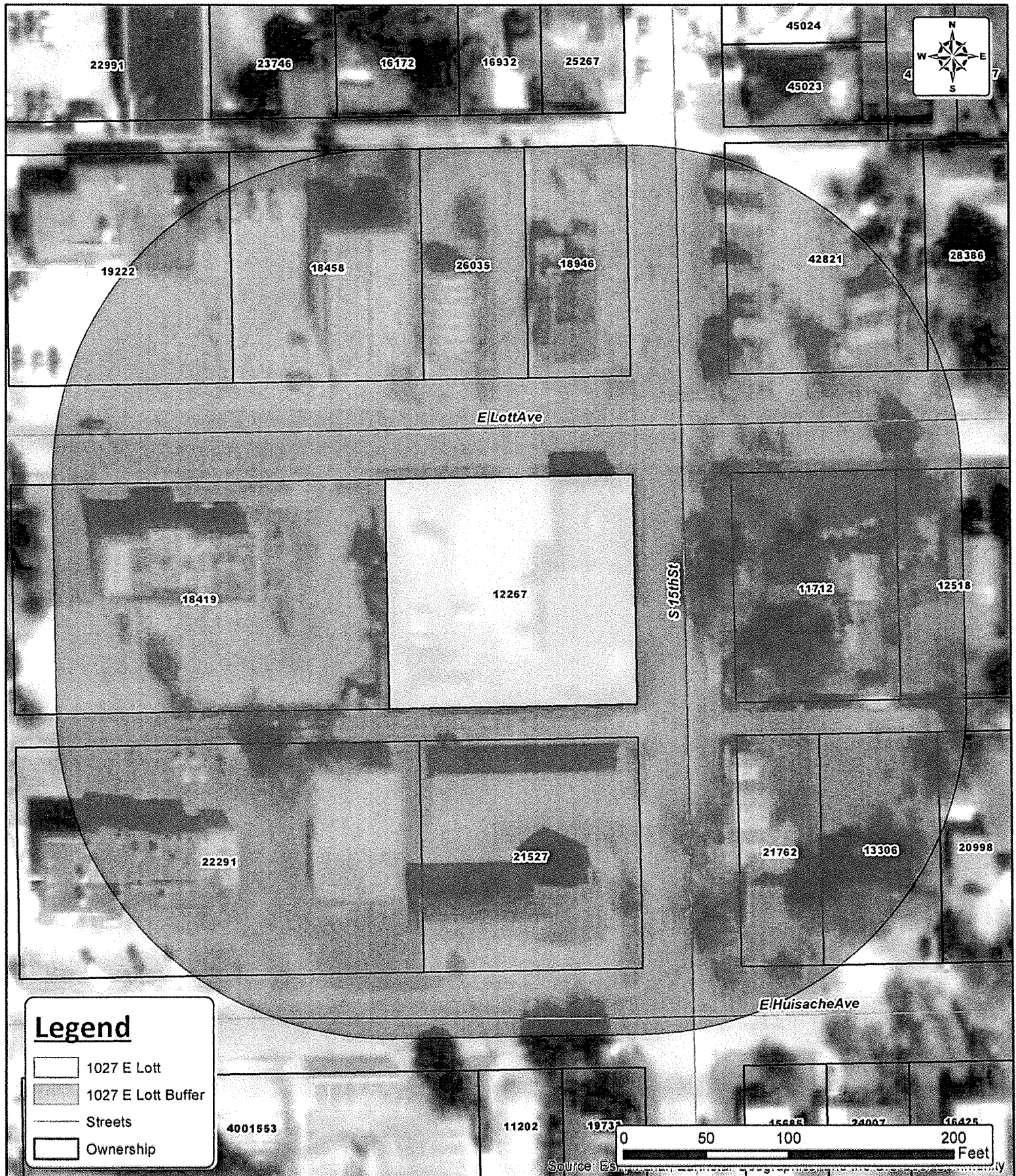
Please provide a basic description of the proposed project:

Proposed new cell tower - 1400 block of Lott Ave

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 D. Petrakovitz / Agent Date: 2-9-2023
Property Owner's Signature T. Baker / Agent Date: -
Accepted by: Marka Baker Date: 3-21-2023

200ft Buffer at 1027 E Lott Ave



GSG Revocable Trust
701 N Post Oak RD STE B9
Houston, TX 77024
#19222

Roel V Perez
1104 E Huisache Ave
Kingsville, TX 78363
#21762

Corner S Properties LLC
PO Box 60410
Corpus Christi, TX 78466
#18458

Fabrizio M Martorello
614 W Richard Ave
Kingsville, TX 78363
#13306

Ernest Perez
310 S 23rd St
Kingsville, TX 78363
#26035

Yolanda F Jimenez
1112 E Huisache
Kingsville, TX 78363
#20998

Rahila I Charania
1520 Wildwood Trail BLVD
Kingsville, TX 78363
#18946

Kelly XAC
14726 Santa Gertrudis Dr
Corpus Christi, TX 78410
#22291

Isaac Torres
1116 E Lott Ave
Kingsville, TX 78363
#42821

Daniel Vidal
1105 E Lott Ave
Kingsville, TX 78363
#11712

Daniel Vidal
1109 E Lott Ave
Kingsville, TX 78363
#12518

Isaac Torres
1116 E Lott Ave
Kingsville, TX 78363
#28386

Kingsville Food Corp Inc
400 S 14th St
Kingsville, TX 78363
#18419

Dirty Dawg Car Wash LLC
3418 Samoa Dr
Corpus Christi, TX 78418
#21527

OPTION AND AGREEMENT OF SALE

This OPTION AND AGREEMENT OF SALE (this "Agreement") is made as of the 29th day of Sept., 2022, by Tanya Baker and Chad Flanagan ("Seller"), and VB BTS II, LLC, a Delaware limited liability company ("Buyer").

BACKGROUND

Seller is the owner of certain land, which is not the homestead of Seller, located in the County of Kleberg, State of Texas, together with any easements, rights-of-way, appurtenances, and hereditaments belonging or in any way appertaining thereto, including all improvements and fixtures located thereon (collectively, the "Premises"). The Premises is more fully described on **Exhibit A** attached hereto.

Buyer desires an option to purchase the Premises and Seller desires to grant an option to purchase (and if exercised, to sell) the Premises to Buyer on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the undersigned, with the intention to be legally bound hereby, and in consideration of the mutual promises herein, agree as follows:

1. **Option.** In consideration of [REDACTED] ("Initial Option Fee"), to be paid by Buyer to Seller within ten (10) days following the Effective Date, Seller hereby grants to Buyer the exclusive, irrevocable option (the "Option") to purchase the Premises for a period of one (1) year beginning on the Effective Date (the "Initial Option Period") and may be renewed by Buyer for one (1) additional year (the "Renewal Option Period") upon written notification to Seller and the payment of an additional [REDACTED] ("Renewal Option Fee") prior to the expiration date of the Initial Option Period. Unless utilized independently, the Initial Option Fee and the Renewal Option Fee shall be referred to as the "Option Fee" and the Initial Option Period and any Renewal Option Period shall be referred to as the "Option Period." The Option Fee shall be considered non-refundable if Buyer does not exercise the Option prior to expiration of the Option Period, and the Option hereunder shall lapse and be of no further force or effect, and neither party shall have any further liability or obligation to the other hereunder. Until expiration of the Option Period, Seller shall not grant or permit any third party to use or occupy the Premises.

2. **Sale of the Premises, Effective Date.** In the event Buyer exercises the Option, Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase, the Premises. The effective date ("Effective Date") of this Agreement shall be the later of (a) the date this Agreement is signed by Buyer, or (b) if this Agreement is signed by Buyer first, then the date this Agreement is signed by Seller and delivered to Buyer, by hand delivery or in the manner provided for giving notices, or by telecopy. A telecopied or other electronic signature shall be deemed to be an original signature.

3. **Purchase Price.** The total consideration or purchase price for the Premises shall be [REDACTED] ("Purchase Price") less any Option Fee paid by Buyer to Seller.

4. **Survey.** If Buyer causes a survey of the Premises to be made prior to Closing (defined below), the deed to be delivered by Seller at Closing shall describe the Premises in accordance therewith.

5. **Quality of Title.** Title to the Premises shall be good and marketable and free and clear of all liens, restrictions, easements and other encumbrances and title objections and shall be insurable as such at ordinary rates by any reputable title insurance company selected by Buyer.

6. **Conditions Precedent to Buyer's Obligation.**

(a) **Conditions.** Notwithstanding anything else herein contained, Buyer's obligation to consummate Closing hereunder is contingent upon the following:

(i) In accordance with the rules and requirements of the jurisdiction in which the Premises is located, Seller shall cause to have Seller's parent parcel (described in Exhibit A) subdivided in order to carve out the approximately 50' x 50' area, measuring approximately 2,500 square feet, comprising the Premises, and Seller shall provide sufficient documentation acceptable to Buyer to demonstrate the subdivision.

(ii) Seller's warranties and representations herein being true and correct in all material respects as of the Closing Date, and Seller having complied with all of Seller's obligations under this Agreement.

(b) **Failure of Condition.** Upon failure of any such condition(s) set forth above, Buyer may terminate this Agreement and neither party shall have any further liability or obligation to the other hereunder. Buyer may waive any condition in writing.

7. **Time and Place of Settlement.** Consummation of this Agreement for the purchase and sale of the Premises ("Closing") shall be held at the offices of either party's counsel or title company or wherever or however the parties may mutually agree within thirty (30) days of exercise of the Option by Buyer (the "Closing Date"). Time shall be of the essence of this Agreement.

8. **Possession.** Possession shall be given by delivery of Seller's special warranty deed at Closing, at which time the Premises shall be entirely vacant and subject to no rights of possession in any third party other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

9. **Inspection; Right of Entry.**

(a) **Inspection.** During the Option Period Seller hereby grants Buyer and its agents, employees and contractors permission to go upon the Premises between the Effective Date and the time of Closing to conduct such inspections, test borings, surveys, percolation tests, and other engineering studies and site analyses as Buyer may require, including environmental investigations (the "Tests"). Seller will cooperate with Buyer in making such Tests. The Tests shall be made solely at Buyer's expense. If the Tests indicate, in Buyer's sole opinion, that the Premises is not suitable for Buyer's intended use of the Premises, Buyer may, at its option, cancel this Agreement and neither party shall have any further liability or obligation hereunder.

(b) **Right-of-Entry.** Seller grants to Buyer, its agents, employees, and contractors, the right to enter upon the Premises during the term of this Agreement in order to prepare surveys and other plans, and to visit the Premises with potential lenders, tenants or other occupants, and taxing authorities.

10. **Taxes - Apportionments.**

(a) In the event of Buyer's purchase of the Premises, Real estate taxes, and water and sewer rents, if any, for the Premises shall be paid by Buyer. Transfer taxes associated with the sale of the Premises shall be paid by Buyer. So-called "Roll Back Taxes," if any, shall be paid by Buyer.

Site #: US-TX-5897
Site Name: Flato

(b) If Seller is a "foreign person" as defined in Section 1445(f)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), Buyer shall deduct and withhold from the proceeds of the sale such amounts as are required by Section 1445 of the Code.

11. **Seller's Warranties.** As a material inducement to cause Buyer to enter into this Agreement, Seller hereby represents, warrants and agrees as follows:

(a) **Authority.** Seller represents and warrants that this Agreement and all agreements, instruments and documents to be executed and delivered by Seller are duly authorized; Seller has the capacity and authority to consummate the transactions herein provided; and nothing prohibits or restricts the right or ability of Seller to close the transactions contemplated hereunder and carry out the terms hereof.

(b) **Assessments.** No assessments for public improvements have been made against the Premises which remain unpaid and no such assessments will be made for any street paving, curbing, water or sewer lines or other public improvements which might have been installed prior to the Effective Date.

(c) **Litigation.** There is no litigation or proceeding pending (or to Seller's knowledge threatened) against or relating to the Premises, nor does Seller know or have reasonable grounds to know of any basis for any such action other than possible personal injury claims adequately covered by insurance.

(d) **Condemnation.** Seller has no knowledge of any pending or threatened condemnation or eminent domain proceedings which would affect the Premises or any part thereof.

(e) **Environment.** At Closing, the Premises shall not be in violation of any Environmental Law (defined below). No complaints, citations, claims, notices, information requests, orders (including but not limited to clean-up orders) or directives regarding Environmental Laws have been delivered to, served on Seller, or to Seller's knowledge, made or pending relating to the Premises; to Seller's knowledge, the Premises has not been used as a dump, and no underground storage tanks are in or on the Premises; to Seller's knowledge, no material or reportable omissions, spills, seepage, releases, or discharges of any Hazardous Substance (defined below) have occurred into or upon the air, soils, or improvements or any sewer or septic system located on the Premises; to Seller's knowledge, no asbestos or asbestos containing materials are installed, used or incorporated into the Premises, and no asbestos or asbestos containing materials have been disposed of on the Premises; and to Seller's knowledge, no PCBs are located on or in the Premises, in the form of electrical transformers, fluorescent light fixtures with ballast, cooling oils, or in any other device. For this purpose, the following definitions apply:

(i) The term "Environmental Law" shall mean any federal, state or local, statute, act, law, ordinance, rule, regulation or order pertaining to the environment and public health whether now or hereafter enacted.

(ii) "Hazardous Substance" shall mean any hazardous or toxic substance, pollutants, contaminant, solid waste or hazardous waste, as defined in any Environmental Law or in any rule, regulation or order issued pursuant to an Environmental Law, including asbestos, asbestos containing material, and petroleum products.

(f) **Foreign Person.** Seller represents and warrants that it is not a foreign person as defined in Section 1445(f)(3) of the Code. Seller will deliver to Buyer at Closing a Certificate of Non-Foreign Status certifying the correctness of this paragraph.

(g) **Documentary Rights or Possession.** There are no unrecorded mortgages, contracts, purchase agreements, options, permits, leases, easements or other agreements or interest relating to the Premises, and as of the Closing Date there will be no persons or parties in possession of any portion of the Premises other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

(h) **Moratorium.** Seller has no knowledge of the imposition or applicability of a moratorium on any utility service that may affect the development of the Premises.

12. **Operations Prior to Settlement.**

(a) **Leasing.** Seller shall not rent, license, or grant occupancy rights in or to any portion of the Premises other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

(b) **Management.** Seller shall continue to operate and manage the Premises in the same manner as it has done in the past. Seller shall not perform any work in or on the Premises which might give rise to any mechanics' liens on the Premises.

(c) **Encumbrances.** From and after the date of this Agreement until Closing, Seller will not convey or encumber the Premises or take any action which materially adversely affects any portion of the Premises.

13. **Documents to be Delivered at Settlement.** At Closing, Seller will deliver to Buyer the following, executed, acknowledged and in recordable form, as appropriate:

(a) **Deed.** The special warranty deed to the Premises;

(b) **Title Company Documents.** Such affidavits or letters of indemnity as may be required by Buyer's title insurer to enable such title insurer to insure Buyer's title to the Premises without exception for unfiled mechanics' or materialmen's liens, without payment of any special or additional premium;

(c) **FIRPTA.** The Certificate of Non-foreign Status;

(d) **Certification.** A certificate of Seller stating that the representations and warranties of Seller remain true and correct as of the Closing Date; and

(e) **Miscellaneous.** Such other documents as may be required to effectuate this Agreement.

At Closing, Buyer shall deliver the balance of the Purchase Price and such other documents as may be required to effectuate this Agreement.

14. **Eminent Domain.**

(a) **Notice of Taking.** In the event Seller receives any notice of any condemnation proceedings, or other proceedings in the nature of eminent domain, it will forthwith send a copy of such notice to Buyer. If all or any part of the Premises is taken by eminent domain, Buyer may, upon written

notice to Seller, elect to cancel this Agreement, and neither party shall have any further liability or obligation hereunder.

(b) **Effect of Taking.** If all or any portion of the Premises has been or is hereafter taken or condemned and this Agreement is not cancelled, Buyer shall have the right to negotiate, settle, or litigate the condemnation award related to the Premises. The proceeds of any such award collected prior to Closing shall be paid or credited to Buyer at Closing, and Seller shall, at Closing, credit or assign to Buyer all of Seller's right, title and interest in and to any awards in condemnation, or damages of any kind, to which Seller may have become entitled or may thereafter be entitled by reason of any exercise of the power of eminent domain with respect to or for the taking of the Premises or any portion thereof.

15. **Default.** In the event Seller is in default under this Agreement after notice and a reasonable opportunity to cure, in addition to any rights given to Buyer under this Agreement, Buyer shall have all remedies available at law or in equity, including specific performance, and to recoup reasonable attorneys' fees and costs in connection with enforcing this Agreement.

16. **Survival of Warranties.**

(a) **Survival.** Notwithstanding any legal presumption to the contrary, all covenants, conditions, representations and warranties contained in this Agreement shall survive Closing. This provision shall be effective as to all such covenants, conditions and representations, notwithstanding that as to some of them it is expressly provided that they survive. Any inspection of the Premises or records pertaining thereto, or of Seller's records, by Buyer or its representatives shall not be construed as a waiver of any warranty contained herein.

(b) **Indemnity.** In the event of the breach, in any material respect, of any representation or warranty by Seller in this Agreement, Seller will indemnify Buyer and save Buyer harmless from any and all liabilities, losses, costs or expenses (including reasonable attorneys' fees) arising out of such breach, and without limitation, this indemnity and hold harmless shall include any and all claims, fines, costs of investigation and remediation, and legal fees and expenses arising by reason of or in connection with any violation by Seller of the representations and warranties contained in this Agreement, and this indemnity and hold harmless clause shall survive the Closing.

17. **Assignment.** This Agreement may not be assigned by Buyer, except to an entity controlled by or affiliated with Buyer, without Seller's prior written consent, which consent shall not be unreasonably withheld.

18. **Notices.** All notices required or permitted to be given hereunder shall be in writing and sent by overnight carrier service by a nationally recognized service, such as UPS or Federal Express, customarily obtaining proof of delivery, postage paid by the sender, addressed as follows:

If to Seller: Tanya Baker and Chad Flanagan



If to Buyer: VB BTS II, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, FL 33487
Attention: General Counsel

Site #: US-TX-5897
Site Name: Flato

or to such other person or address as the party to be charged with such notice may designate by notice given in the aforesaid manner. Notice may be given by counsel for any party to this Agreement. If the last or appointed day for taking of any action required or permitted hereby shall be a Saturday, Sunday or legal holiday in Boca Raton, Florida, or a day on which banking institutions in such city are authorized by law or executive order to close, then such action may be taken on the next succeeding business day for banking institutions in such city.

19. **Brokerage.** Buyer and Seller each represents and warrants to the other that it has had no dealings, negotiations or consultations with respect to the Premises or this transaction with any broker or intermediary, and that no other broker or intermediary is entitled to a fee or commission in connection with this Agreement. In the event that any other broker or intermediary claims a fee or commission in connection with this Agreement based upon the acts of Buyer or Seller, that party will be responsible for and will indemnify and save the other harmless from and against all costs, damages, fees (including, without limitation, reasonable attorneys' fees), expenses, liabilities, and claims incurred or suffered by the other as a result thereof. This Section shall survive Closing.

20. **Parties Bound.** This Agreement shall be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and assigns.

21. **Captions.** The captions contained herein are not a part of this Agreement. They are only for the convenience of the parties and do not in any way modify, amplify, or give full notice of any of the terms, covenants or conditions of this Agreement.

22. **Number and Gender.** For purpose of this Agreement, the masculine shall be deemed to include the feminine and the neuter, and the singular shall be deemed to include the plural, and the plural the singular, as the context may require.

23. **Recording.** Buyer may, at its election, record a notice of the existence of the Option hereunder, and Seller shall join in any such notice for recording.

24. **Entire Agreement - Amendment.** This Agreement (including any exhibits attached hereto) contains the entire agreement between Seller and Buyer with respect to the transaction discussed herein and the Premises; there are no other terms, covenants, obligations or representations, oral or written, of any kind whatsoever related to the subject matter of this transaction. This Agreement may be amended only by a written instrument executed by the party against whom the amendment is being enforced.

25. **Governing Law.** The substantive laws of the State of Florida will govern the validity, construction and enforcement of this Agreement. The parties consent to the venue and jurisdiction of any federal or state courts of Palm Beach County, Florida, in any action brought to enforce the terms of this Agreement. The parties irrevocably and unconditionally submit to the jurisdiction (both subject matter and personal) of any such court and irrevocably and unconditionally waive: (a) any objection any party might now or hereafter have to the venue in any such court; and (b) any claim that any action or proceeding brought in any such court has been brought in an inconvenient forum.

26. **Construction.** The parties acknowledge that each party and each party's counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement or any exhibits or amendments hereto.

27. **Counterparts or Electronic Signatures.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which together shall constitute one and the same instrument. Electronic including pdf signatures on this Agreement shall be deemed to be original signatures.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this Agreement to be signed the day and year first above written.

SELLER:

Tanya Baker
Tanya Baker

Date: 9-23-22

Chad Flanagan
Chad Flanagan

Date: 9/23/22

BUYER:

VB BTS II, LLC
a Delaware limited liability company

By: (See next page)

Name: _____

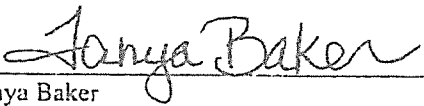
Title: _____

Date: _____

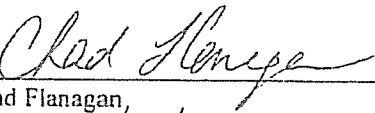
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Tanya Baker


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

Chad Flanagan

Date: 9/23/22

BUYER:

VB BTS II, LLC
a Delaware limited liability company


By: Tim Tuck
Name: Vice President - Lease Administration
Title:
Date: 9-29-2022

LEGAL 

Site #: US-TX-5897
Site Name: Plato

Property ID:	12267	Legal Description:	CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP)
Geographic ID:	115900406000192	Zoning:	C2
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	1027 E LOTT	Mapsc0:	
Neighborhood:		Map ID:	B1
Neighborhood CD:			

Owner

Name:	BAKER TANYA	Owner ID:	67417
Mailing Address:	CHAD FLANAGAN 7409 ELIZONDO DR CORPUS CHRISTI, TX 78414	% Ownership:	100.0000000000%
		Exemptions:	

(+) 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	

Property Information

Owner: BAKER TANYA
 % Ownership: 100.000000000000%
 Total Value: N/A

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

Improvement / Building

Improvement #1: COMMERCIAL **State Code:** F1 **Living Area:** 1750.0 sqft **Value:** N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SG2L	EW5	1970	1750.0
CN1	CANOPY BASIC (20%)	*		1970	3250.0
ASP	ASPHALT (100%)	*		1970	8328.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.4821	21000.00	150.00	140.00	N/A	N/A

Full Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$33,500	\$26,250	0	59,750	\$0	\$59,750
2021	\$36,010	\$26,250	0	62,260	\$0	\$62,260
2020	\$33,940	\$26,250	0	60,190	\$0	\$60,190
2019	\$33,850	\$26,250	0	60,100	\$0	\$60,100
2018	\$36,950	\$26,250	0	63,200	\$0	\$63,200
2017	\$34,860	\$26,250	0	61,110	\$0	\$61,110
2016	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2015	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2014	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2013	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2012	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2011	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2010	\$25,160	\$26,250	0	51,410	\$0	\$51,410
2009	\$25,160	\$26,250	0	51,410	\$0	\$51,410



City of Kingsville
410 West King Avenue
Kingsville, Texas 78363
Planning & Development Department

Re: Proposed Cell Tower at 1400 block of Lott Avenue (County ID #12267)

On behalf of Vertical Bridge/T-Mobile (Applicant) please accept the attached SUP application for a new 120' monopole communication tower to be located in the 1400 block of Lott St (south side of Lott St).

The tower will provide high speed communications (voice, data, text) to the area around the tower as demonstrated on the coverage maps attached to the application. These maps call out coverage levels using the colors Yellow (good in-vehicle coverage) and Green (good In-building coverage).

As the communication facility will be unmanned the site will generate no traffic other than periodic (about once per month) maintenance of the site ground equipment which is performed during standard day time business hours in the form of own or two service vans or trucks.

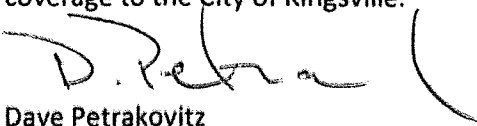
The site as proposed was chosen for its compliance with Section 15-6-47(I) as it is not within a Residential Use Zone nor within sight of a Residential use, nor in the front or side yard of a public road, and owing to the surrounding zoning districts or existing buildings. Security fencing per City Code Sec 15-6-47(D)(1) is proposed. As the ground equipment may be visible from Lott St, the applicant is willing to paint their equipment cabinets as required by Sec 15-6-47(D)(3). Should the City so request the Applicant is willing to install a Wood screening fence around the site.

The proposed location of the new tower works to keep the tower directly and visually off of main thoroughfares such as 14th and King. Several locations were considered including City owned land in the area if Kenedy and 12th. Each of the other locations were either in Residential zones or highly visible from such residential uses. There was only one possible colocatable structure in the vicinity of the proposed new tower. That as the City owned water tower on Kenedy Ave between 12th and 13th. We approached the City about using this tower but were told the City was not interested in placing antenna on that tower. There were no other colocatable structures in the area.

The tower is designed to accommodate additional carriers such as AT&T, Verizon, and Dish. The proposed tower will help provide high speed data to cell phone users in the area of the tower while the City works through its current own high-speed city-wide provisioning program.

The Applicant does seek a Waiver from Sec 15-6-47(E)(2). Per page Z-1 of the attached drawings the tower is in compliance with lands to the south and west of the tower. However, to the north (Lott - 105') and east (15th - 115') the tower does not meet the city setback requirements but when the right-of-way distances are added in safety distances exceed the proposed tower height.

We look forward to working with the City as the Applicant endeavors to provide enhanced high speed data and voice coverage to the City of Kingsville.


Dave Petrakovitz
Agent for Vertical Bridge



March 31, 2023

VB BTS II, LLC

Attn: To Whom It May Concern

SUBJECT: Project Number: 576465-03
Site Name: US-TX-5897 Flato - Kingsville, TX
Pole Designed with a Theoretical Fall Radius of 20 ft

Communications monopole structures designed by Valmont are sized in accordance with the latest governing revision of the ANSI/TIA 222 standard unless otherwise requested by our customer. This standard has been approved by ANSI/ASCE, which has dealt with the design of antenna support structures for over fifty years. The TIA standard, based on provisions of this nationally known specification, has a long history of reliability. Its core philosophy is first and foremost to safeguard and maintain the health and welfare of the public.

Valmont's communication poles have proven to be very reliable products. To our knowledge Valmont has never experienced an in-service failure of a communication pole due to weather induced overloading. We use the latest standards, wind speed information, and sophisticated analytical tools to ensure that we maintain our unblemished record for quality.

This 120' AGL (119' steel height) structure is designed to the following criteria:

- Exposure category C
- Topographical category 1
- Risk category II
- Site elevation 59 feet
- 136 MPH ultimate wind speed (no ice) per ASCE 7-16
- 30 MPH with 0.5 inch ice per ANSI/TIA-222-H

The theoretical failure point is at the structure midpoint or above by purposely over designing the structural components below this point. The predicted mode of wind induced failure would be local buckling of the shaft at or above the midpoint with the upper section(s) folding over onto the intact lower section(s). The result, if it were to fail, would be a theoretical fall zone at or above 20 ft.

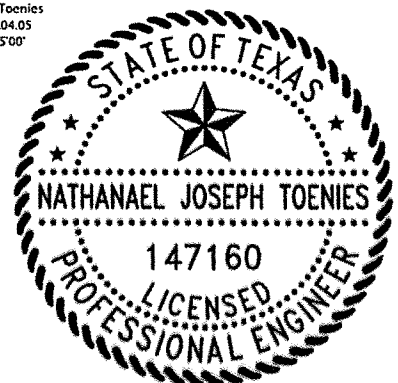
I hope these comments address any issues that you might encounter relative to the anticipated performance of this structure.

Sincerely,

Nathan Dowler, Associate Engineer
Phone +1 (805) 889-8124
Nathan.Dowler@valmont.com

Nathanael
Toenies

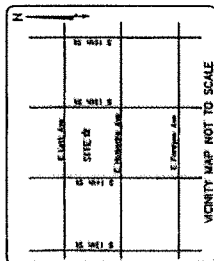
Digitally signed by
Nathanael Toenies
Date: 2023.04.05
09:08:24 -05'00'



Valmont Industries, Inc
PO Box 358, 28800 Ida Street
Valley, NE 68064 USA

CALLED LOT 6, 7, 8, BLOCK 4
 CLYDE ADDITION
 JUAN MINDIOLA SURVEY, ABSTRACT NO. 192
 KLEBERG COUNTY, TEXAS

PROPOSED NEW TOWER LOCATION INFORMATION	
Horizontal Datum:	NAD83
Latitude:	27° 30' 49.01" N +/-20"
	27.513336°
Longitude:	97° 51' 18.58" W +/-20"
	-97.855162°
Vertical Datum:	NAVD 1988
Ground Elevation at Base of Tower:	59.1 feet



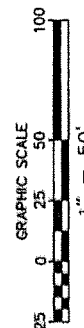
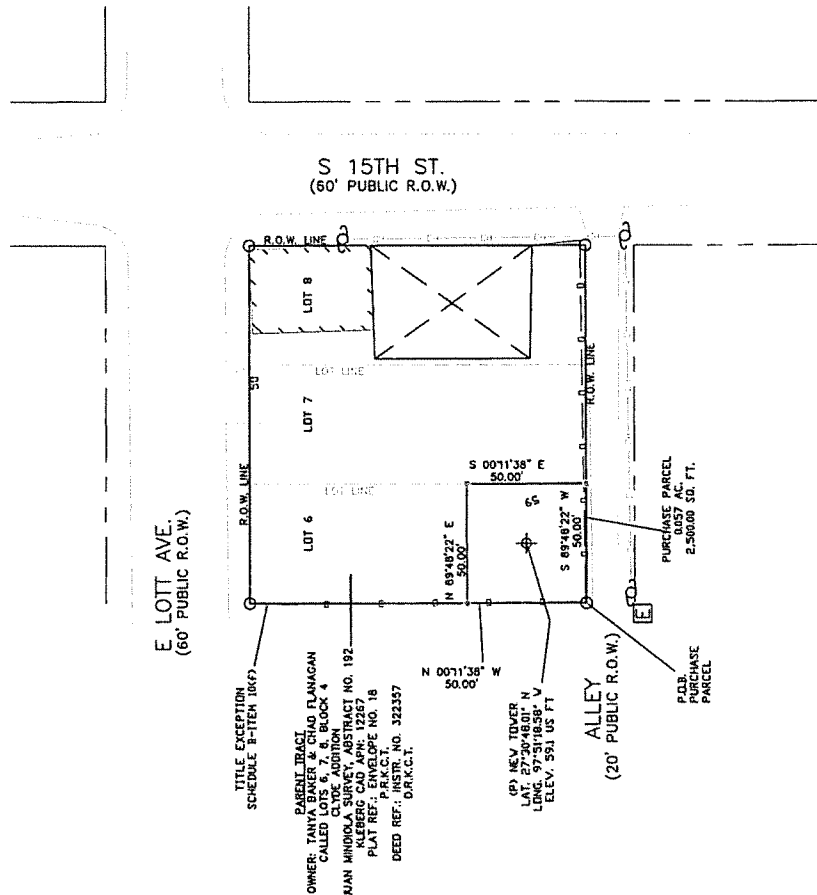
22 018502

FLOOD NOISE

ACCORDING TO FLOOD PANEL MAP NO. 48273C0115E, DATED MARCH 17, 2014, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD ZONE AREA.

QUESTIONS

- ° :SET 1/2" IRON ROD.
○ :TOWER CENTER.
P.O.B. :POINT OF BEGINNING.
P.O.C. :POINT OF COMMENCEMENT.
- :FENCE AS NOTED.
C :WOOD UTILITY POLE.
E :ELECTRIC TRANSFORMER.
R.O.W. :RIGHT-OF-WAY.
A/U :ACCESS & UTILITY
(E) :ENCINING.
P.R.A.C.T. :PLAY RECORDS
KLEBERG COUNTY
TEXAS
D.R.A.C.T. :DEED RECORDS
KLEBERG COUNTY
TEXAS



AREA	TABLE	SQUARE FEET	ACREAGE
①	PARENT PARCEL	21,000.00	+/-
	PURCHASE PARCEL	2,500.00	0.057

OVERALL SITE PLAN

SHEET 1 OF 4

SURVEYOR'S NOTES

- [illegible]

SURVEYOR'S CERTIFICATION

[illegible]

RONALD D. WIMBERLEY
LAND SURVEYOR -- TEXAS # 6005
Date: October 24, 2022
Revision: 03/09/2021

PREPARED FOR VB BTS II, LLC

SITE NAME: FLATO
SITE NUMBER: US-TX-5897
ADDRESS: 1400 BLOCK OF LOTT AVE.
KINGSVILLE, TX 78364
KLEBERG COUNTY

SURVEY WORK PERFORMED BY:
WIMBERLEY SURVEYING PROFESSIONALS

PO BOX 9237
GREENVILLE, TEXAS 75404
PHONE: (903) 450-8100
FAX: (903) 455-2902

DRAWN BY: DJ	CHECKED BY: RW	JOB #: 22185
--------------	----------------	--------------

NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE
13430 NW 104th Terrace, Suite A
Aventura, FL 33215
Office: (305) 418-0500
SURVEYING, INC.
Fax: (305) 482-9986
WWW.GEOLINEINC.COM

PUBLIC NOTICES

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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

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The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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.

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's On-Premises Permit by Silvia Cristina Sandoval, dba The Reel Baffin Bay Country Store, LLC. Located at 943 EFM 628 Riviera, Kleberg County, Texas 78379. Officers of said LLC and Managers is Silvia Cristina Sandoval.

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC dba Family Dollar 23403 to be located at 3526 Holly Rd. Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Little (Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC dba Family Dollar 24356 to be located at 4542 Kostoryz Rd Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Little (Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

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Eden Hernandez, Owner/Applicant; requesting a Zoning Variance Request (Fence) for KT & I CO, BLOCK 3, Lot PT 10, Acres 6.0 also known as 2460 N. Young Dr., Kingsville TX, 78363

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

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Urban Engineering, applicant; Somerset Land Company, owner; requesting approval of the preliminary plat of 73.56 Acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville.

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

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PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, at 5:00 P.M. to discuss and/or take action on the following item: Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Rocio's Community Meat Market at 1102 E. Yakum Ave, Kingsville TX, 78363. The meeting will be held at City Hall, 400 West

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Name: _____
Address: _____
City: _____
State: _____ Zip: _____
Phone: _____

CONSENT AGENDA

AGENDA ITEM #1

**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: May 8, 2023
SUBJECT: Consider introduction of an ordinance amending the Fiscal Year 2022-2023 budget to cover Professional Services for Surveying Proposed Utility Easements (see map on Page 3 of Attachment 1).

Summary:

The Budget Amendment will be allocated for Professional Services for Surveying proposed Utility Easement to provide wastewater services for future development on the east side of Interstate 69 (see map on Page 3 of Attachment 1 titled "Kingsville - SS Easement Survey Proposal-042423-Ardurra.pdf").

Financial Impact:

The Utility Fund will allocate \$14,250.00 to cover Professional Services.

Recommendation:

Staff recommends approval of the Budget Amendment.

Attachments:

Proposed Work on Attachment 1, "*Kingsville - SS Easement Survey Proposal-042423-Ardurra.pdf*"

Ordinance No. 2023-_____



**City of Kingsville
Engineering Dept.**

*- Back-up
for budget
amend. memo*

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Rutilio P. Mora Jr, P.E., City Engineer
DATE: May 8, 2023
SUBJECT: Consider Awarding contract to Ardurra Group, Inc. for Professional Services for Surveying Proposed Utility Easements

Purpose:

The purpose of awarding this project is to complete surveying of proposed utility easements related to future development of wastewater services on the east side of Highway 77/Interstate 69 in Kingsville, Texas.

Summary:

On April 24, 2023, a Proposal for Services was received from Ardurra Group, Inc. for performing utility easement survey work for future development of a new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Kennedy Avenue just east of Highway 77/Interstate 69 in Kingsville, Texas.

The Scope of Services is listed in Attachment 1. Contractor's references have been verified. Ardurra has completed several projects and maintain a good working relationship with the City.

Background:

Financial Impact:

The Utility Fund will allocate up to \$14,250.00 to cover Professional Services.

Recommendation:

Staff recommends:



**City of Kingsville
Engineering Dept.**

1. Approving Contract Agreement between City and Ardurra Group Inc. in an amount Not To Exceed (NTE) \$14,250.00.
2. Authorizing the City Manager to sign the Contract.

Attachments:

Proposed Work on Attachment 1, "*Kingsville - SS Easement Survey Proposal-042423-Ardurra.pdf*"

Resolution No. 2023-_____





PROPOSAL FOR SERVICES

April 24, 2023

City of Kingsville
400 W. King Avenue / P.O. Box 1458
Kingsville, TX 78364

Attn: Rutilio "Rudy" P. Mora, Jr, PE, CFM – City Engineer

In response to your request, Ardurra Group, Inc – Survey Division (formerly LNV, LLC) is proposing the following scope of services for the new sanitary forcemain easement to be located between E. Santa Gertrudis and E. Kennedy Avenue just east of Highway 77, in Kingsville, Texas.

SCOPE OF SERVICES

- Ardurra shall perform the boundary work to establish the right-of-way of Kenedy Avenue along with identifying the route of the existing sanitary sewer effluent line between the waste water treatment plant and Kenedy Avenue.
- Ardurra shall also submit a One-Call utility locate ticket for the city and third party utility locators to mark their utilities along the route.
 - To perform this work, Ardurra will need permission from the adjoining land owners south of the waste water treatment plant and east of Tranquitas Creek.
- Ardurra shall prepare a survey exhibit and legal description of said easement and submit to the client for their use.
- Ardurra shall receive a 24 to 48 hour notice for scheduling purposes and coordination for site access to begin survey work.
- Any additional surveying services related to design services, bidding, and/or contract administration shall be performed at our standard hourly rates according to the latest Ardurra standard rate sheet, only upon authorization by Client.
- Optional – In the event utility location is required, Ardurra shall provide the Client with hydro excavation services along the route between the waste water treatment plant and Kenedy Avenue, assuming 4 potholes at locations To Be Determined at a later date.
 - Hydro excavation service includes disposal of old material, new backfill material (assuming non paved areas), and mobilization to and from site.



ESTIMATE OF COST

Ardurra proposes to perform the above listed Scope of Services for a lump sum fee as indicated below;

- **Surveying Services**

- Fieldwork, Utilities, and CAD file \$5,250
- New Utility Easement (for new sanitary forcemain) \$3,500
- Optional – Hydro excavation services \$5,500
 - (includes 4 potholes at locations TBD)


Base Bid = \$8,750 (assuming sales tax exempt)

Base Bid + Option = \$14,250 (assuming sales tax exempt)

Any additional work not listed in the above Scope of Services will be performed in accordance with our current contract rate schedule, only upon authorization by Client.

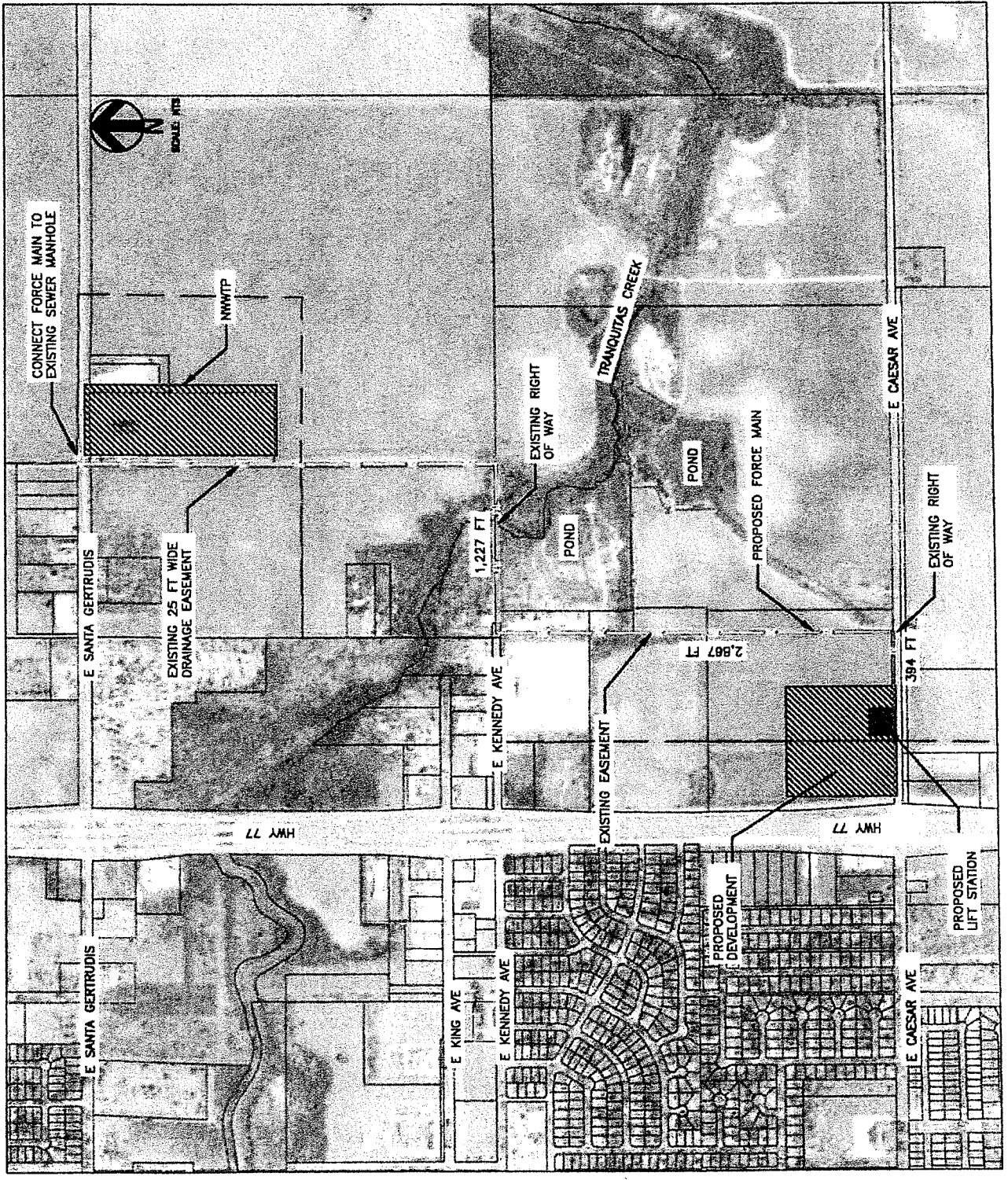
If you are in agreement with our proposal, please provide a Task Order to serve as our authorization to proceed. We appreciate the opportunity to work with you and look forward to providing you with our services. If you have any questions, please feel free to contact me at 361.883.1984 or by email, Scanales@ardurra.com

Sincerely,



Ardurra Group, Inc.

By: Sergio Z. Canales, RPLS
Its: Senior Survey Manager



CONNECT FORCE MAIN TO
EXISTING SEWER MANHOLE

NWTP

E SANTA GERTRUDIS

EXISTING 25 FT WIDE
DRAINAGE EASEMENT

1,227 FT

E KENNEDY AVE

EXISTING RIGHT
OF WAY

POND

TRANQUITAS CREEK

POND

PROPOSED FORCE MAIN

2,867 FT

EXISTING EASEMENT

E CAESAR AVE

EXISTING RIGHT
OF WAY

394 FT

PROPOSED
LIFT STATION

E SANTA GERTRUDIS

E KING AVE

E KENNEDY AVE

PROPOSED
DEVELOPMENT

E CAESAR AVE

HWY 77

HWY 77

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR UTILITY EASEMENT SURVEYING COSTS.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#44

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 – Utility Fund					
<u>Expenditures</u>					
7001	Wastewater	Budget Amend Reserve	86000		\$14,250
7001	Wastewater	Professional Services	31400	\$14,250	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for utility easement surveying costs. Funding will come from the Utility Fund Budget Amendment Reserve line item.]

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 8th day of May 2023.

PASSED AND APPROVED on this the ____ day of May 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

City of Kingsville
Human Resources Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, HR Director

DATE: April 18, 2023

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, 2023 through April 30, 2024. This policy covers perils of Fire, Flood, Earthquake, Lightening, Windstorm, Named Storms, and Equipment Breakdown. The City's Total Insured Values (TIV) for this renewal with incumbent insurance carrier, AmRisc, are \$62,872,506 an increase of \$4,407,848 comprised of valuation increases due to inflation (required by carrier) and new assets.

Background: In March 2023, Carlisle Insurance approached the City's incumbent Property Insurance carrier (Amrisc) to request a renewal quote. Carlisle Insurance also solicited quotes from 37 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 continues to be a hard market. The proposal includes a list of the markets approached for this renewal.

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 \$ 502,020,.96 is an increase of \$173,828.21 as compared to the expiring premium. The increase is due primarily to the Property Insurance marketplace which is driven by global and domestic property insurance losses.

City of Kingsville
Human Resources Department

Significant Changes

\$50 million loss limit - All Other Perils

- Deductible increase from \$ 10,000 to \$ 25,000 per occurrence

\$50 million loss limit - All Other Wind/Hail

- Deductible increase from \$100,000 per occurrence to 1% Minimum \$100,000 per occurrence, per location

\$25 million loss limit – Named Storm

- Deductible increase from 3% minimum \$100,000 to 5% minimum \$250,000 per occurrence, per location

Electronic Media – Limit decrease from 1 million to \$500,000

Errors & Omissions – Limit decrease from \$100,000 to \$25,000

Fungus, Mold, Mildew, Spores, Yeast – Increase from \$100,000 per occurrence/annual aggregate to \$250,000.

Property Insurance premiums are budgeted in Insurance-Property/Liability Insurance line items in both the 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, 2023 – April 30, 2024) with an annual cost of \$ 502,020.96.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE INCREASE IN ALL-RISK AND WINDSTORM PROPERTY INSURANCE EFFECTIVE MAY 2023.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#43

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
1030	City Special	Insurance-Property/Liab	33501	\$86,914.11	
1030	City Special	Budget Amend Reserve	86000		\$86,914.11
Fund 051 – Utility Fund					
<u>Expenditures</u>					
6001	Water Construct	Insurance-Prop/Liab	33501	\$16,678.82	
6002	Water Product	Insurance-Prop/Liab	33501	\$17,513.20	
6101	Storm Water	Insurance-Prop/Liab	33501	\$2,789.95	
6201	Collections	Insurance-Prop/Liab	33501	\$10,360.17	
7001	WW-North	Insurance-Prop/Liab	33501	\$16,079.11	
7002	WW-South	Insurance-Prop/Liab	33501	\$4,180.56	
7003	Sewer Construct	Insurance-Prop/Liab	33501	\$11,316.21	
8000	Engineering	Insurance-Prop/Liab	33501	\$7,996.09	
6001	Water Construct	Budget Amend Reserve	86000		\$86,914.11

[To amend the City of Kingsville FY 22-23 budget to appropriate additional funding for the increase in All-Risk and Windstorm Property Insurance effective May 2023. Funding will come from the Budget Amendment Reserve line items in General and Utility Funds.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 8th day of May 2023.

PASSED AND APPROVED on this the ____ day of May 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: May 1, 2023
SUBJECT: Budget Amendment For Donation Reclass

Summary:

The City received a \$25,000 donation from the Brookshire Foundation in FY 21-22, and it was inadvertently recorded in the General Fund instead of the Park Maintenance Fund where the expenditure was budgeted. This reclassification must be corrected through a budget amendment as it is a fund-to-fund transfer which requires commission approval.

Financial Impact:

Funding for this reclass will come from the unappropriated fund balance of the General Fund as it occurred in FY 21-22.

Recommendation:

Staff recommends the approval of the budget amendment for reclass of a Park donation received in FY 21-22.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO RECLASS DONATION FROM GENERAL FUND 001 TO PARK MAINTENANCE FUND 093.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#44

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
6900	Transfer	Transfer to Fund 093	80093	\$25,000	
Fund 093 – Park Maintenance Fund					
<u>Revenues</u>					
4503	Park Maint	Park Donations	58003	\$25,000	

[To amend the City of Kingsville FY 22-23 budget to reclass donation from General Fund 001 to Park Maintenance Fund 093. Funding will come from the unappropriated fund balance of General Fund.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 8th day of May 2023.

PASSED AND APPROVED on this the ____ day of May 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: May 1, 2023

SUBJECT: Budget Amendment For Water Meter Project Certificates of Obligation Interest Payment

Summary:

Once the Certificates of Obligation are approved for the Water Meter Project, the first interest payment of \$46,512.50 will be due on August 1, 2023 and budget needs to be in place for payment to be made.

Financial Impact:

The payment will come from the Utility Fund Budget Amendment Reserve line item.

Recommendation:

Staff recommends the approval of the budget amendment for the interest payment on the Water Meter Project Certificates of Obligation.



SOURCES AND USES OF FUNDS**City Kingsville, Texas (General Obligation)****C/O, Series 2023****--Amegy Rates as of 5/1/2023--****--Stair-Stepped 15 Year Term--****--Callable 8/1/2028--****--For Illustration Purposes--**

Dated Date	05/31/2023
Delivery Date	05/31/2023

Sources:

Bond Proceeds:	
Par Amount	6,100,000.00
	<hr/>
	6,100,000.00
	<hr/>

Uses:

Project Fund Deposits:	
Project Fund	6,020,000.00
Delivery Date Expenses:	
Cost of Issuance	80,000.00
	<hr/>
	6,100,000.00
	<hr/>

BOND SUMMARY STATISTICS**City Kingsville, Texas (General Obligation)
C/O, Series 2023****--Amegy Rates as of 5/1/2023--****--Stair-Stepped 15 Year Term--****--Callable 8/1/2028--****--For Illustration Purposes--**

Dated Date	05/31/2023
Delivery Date	05/31/2023
First Coupon	08/01/2023
Last Maturity	08/01/2038

Arbitrage Yield	4.500753%
True Interest Cost (TIC)	4.500753%
Net Interest Cost (NIC)	4.500000%
NIC w/Interest only	4.500000%
NIC w/Interest & OID	4.500000%
NIC w/Interest, OID & Und. Discount	4.500000%
All-In TIC	4.680031%
Average Coupon	4.500000%

Average Life (years)	9.433
Weighted Average Maturity (years)	9.433
Duration of Issue (years)	7.548

Par Amount	6,100,000.00
Bond Proceeds	6,100,000.00
Total Interest	2,589,462.50
Net Interest	2,589,462.50
Bond Years from Dated Date	57,543,611.11
Bond Years from Delivery Date	57,543,611.11
Total Debt Service	8,689,462.50
Maximum Annual Debt Service	604,975.00
Average Annual Debt Service	572,826.68

Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	

Total Underwriter's Discount

Bid Price	100.000000
-----------	------------

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	Duration	PV of 1 bp change
Bond Component	6,100,000.00	100.000	4.500%	9.433	11/04/2032	7.548	4,508.85
	6,100,000.00			9.433			4,508.85

	TIC	All-In TIC	Arbitrage Yield
Par Value	6,100,000.00	6,100,000.00	6,100,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-80,000.00	
- Other Amounts			
Target Value	6,100,000.00	6,020,000.00	6,100,000.00
Target Date	05/31/2023	05/31/2023	05/31/2023
Yield	4.500753%	4.680031%	4.500753%

BOND PRICING**City Kingsville, Texas (General Obligation)****C/O, Series 2023****--Amegy Rates as of 5/1/2023--****--Stair-Stepped 15 Year Term--****--Callable 8/1/2028--****--For Illustration Purposes--**

<i>Bond Component</i>	<i>Maturity Date</i>	<i>Amount</i>	<i>Rate</i>	<i>Yield</i>	<i>Price</i>
Bond Component:					
	08/01/2024	100,000	4.500%	4.500%	100.000
	08/01/2025	200,000	4.500%	4.500%	100.000
	08/01/2026	300,000	4.500%	4.500%	100.000
	08/01/2027	355,000	4.500%	4.500%	100.000
	08/01/2028	370,000	4.500%	4.500%	100.000
	08/01/2029	390,000	4.500%	4.500%	100.000
	08/01/2030	405,000	4.500%	4.500%	100.000
	08/01/2031	425,000	4.500%	4.500%	100.000
	08/01/2032	445,000	4.500%	4.500%	100.000
	08/01/2033	465,000	4.500%	4.500%	100.000
	08/01/2034	485,000	4.500%	4.500%	100.000
	08/01/2035	505,000	4.500%	4.500%	100.000
	08/01/2036	530,000	4.500%	4.500%	100.000
	08/01/2037	550,000	4.500%	4.500%	100.000
	08/01/2038	575,000	4.500%	4.500%	100.000
		6,100,000			

Dated Date	05/31/2023	
Delivery Date	05/31/2023	
First Coupon	08/01/2023	
Par Amount	6,100,000.00	
Original Issue Discount		
Production	6,100,000.00	100.000000%
Underwriter's Discount		
Purchase Price	6,100,000.00	100.000000%
Accrued Interest		
Net Proceeds	6,100,000.00	

BOND DEBT SERVICE**City Kingsville, Texas (General Obligation)****C/O, Series 2023****--Amegy Rates as of 5/1/2023--****--Stair-Stepped 15 Year Term--****--Callable 8/1/2028--****--For Illustration Purposes--**

<i>Period Ending</i>	<i>Principal</i>	<i>Coupon</i>	<i>Interest</i>	<i>Debt Service</i>
09/30/2023			46,512.50	46,512.50
09/30/2024	100,000	4.500%	274,500.00	374,500.00
09/30/2025	200,000	4.500%	270,000.00	470,000.00
09/30/2026	300,000	4.500%	261,000.00	561,000.00
09/30/2027	355,000	4.500%	247,500.00	602,500.00
09/30/2028	370,000	4.500%	231,525.00	601,525.00
09/30/2029	390,000	4.500%	214,875.00	604,875.00
09/30/2030	405,000	4.500%	197,325.00	602,325.00
09/30/2031	425,000	4.500%	179,100.00	604,100.00
09/30/2032	445,000	4.500%	159,975.00	604,975.00
09/30/2033	465,000	4.500%	139,950.00	604,950.00
09/30/2034	485,000	4.500%	119,025.00	604,025.00
09/30/2035	505,000	4.500%	97,200.00	602,200.00
09/30/2036	530,000	4.500%	74,475.00	604,475.00
09/30/2037	550,000	4.500%	50,625.00	600,625.00
09/30/2038	575,000	4.500%	25,875.00	600,875.00
	6,100,000		2,589,462.50	8,689,462.50

BOND DEBT SERVICE

City Kingsville, Texas (General Obligation)

C/O, Series 2023

--Amegy Rates as of 5/1/2023--

--Stair-Stepped 15 Year Term--

--Callable 8/1/2028--

--For Illustration Purposes--

<i>Period Ending</i>	<i>Principal</i>	<i>Coupon</i>	<i>Interest</i>	<i>Debt Service</i>	<i>Annual Debt Service</i>
08/01/2023			46,512.50	46,512.50	
09/30/2023					46,512.50
02/01/2024			137,250.00	137,250.00	
08/01/2024	100,000	4.500%	137,250.00	237,250.00	
09/30/2024					374,500.00
02/01/2025			135,000.00	135,000.00	
08/01/2025	200,000	4.500%	135,000.00	335,000.00	
09/30/2025					470,000.00
02/01/2026			130,500.00	130,500.00	
08/01/2026	300,000	4.500%	130,500.00	430,500.00	
09/30/2026					561,000.00
02/01/2027			123,750.00	123,750.00	
08/01/2027	355,000	4.500%	123,750.00	478,750.00	
09/30/2027					602,500.00
02/01/2028			115,762.50	115,762.50	
08/01/2028	370,000	4.500%	115,762.50	485,762.50	
09/30/2028					601,525.00
02/01/2029			107,437.50	107,437.50	
08/01/2029	390,000	4.500%	107,437.50	497,437.50	
09/30/2029					604,875.00
02/01/2030			98,662.50	98,662.50	
08/01/2030	405,000	4.500%	98,662.50	503,662.50	
09/30/2030					602,325.00
02/01/2031			89,550.00	89,550.00	
08/01/2031	425,000	4.500%	89,550.00	514,550.00	
09/30/2031					604,100.00
02/01/2032			79,987.50	79,987.50	
08/01/2032	445,000	4.500%	79,987.50	524,987.50	
09/30/2032					604,975.00
02/01/2033			69,975.00	69,975.00	
08/01/2033	465,000	4.500%	69,975.00	534,975.00	
09/30/2033					604,950.00
02/01/2034			59,512.50	59,512.50	
08/01/2034	485,000	4.500%	59,512.50	544,512.50	
09/30/2034					604,025.00
02/01/2035			48,600.00	48,600.00	
08/01/2035	505,000	4.500%	48,600.00	553,600.00	
09/30/2035					602,200.00
02/01/2036			37,237.50	37,237.50	
08/01/2036	530,000	4.500%	37,237.50	567,237.50	
09/30/2036					604,475.00
02/01/2037			25,312.50	25,312.50	
08/01/2037	550,000	4.500%	25,312.50	575,312.50	
09/30/2037					600,625.00
02/01/2038			12,937.50	12,937.50	
08/01/2038	575,000	4.500%	12,937.50	587,937.50	
09/30/2038					600,875.00
	6,100,000		2,589,462.50	8,689,462.50	8,689,462.50

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE FUNDING FOR FIRST INTEREST PAYMENT ON THE WATER METER PROJECT CERTIFICATES OF OBLIGATION.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#46

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 051 - Utility Fund					
<u>Expenditures</u>					
6001	Water	Transfer to Fund 012	80012	\$46,512.50	
6001	Water	Budget Amend Reserve	86000		\$46,512.50
Fund 012 – Utility Debt Service					
<u>Revenues</u>					
0000	Non-Dept	Transfer from Fund 051	75010	\$46,512.50	
<u>Expenditures</u>					
5100	Interest	Interest Payment	62100	\$46,512.50	

[To amend the City of Kingsville FY 22-23 budget to appropriate funding for the first interest payment on the Water Meter Project Certificates of Obligation. Funding will come from the Utility Fund Budget Amendment Reserve line item.]

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 8th day of May 2023.

PASSED AND APPROVED on this the ____ day of May 2023.

EFFECTIVE DATE:_____.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5



MEMO

Date: May 10, 2023

To: Mayor and City Commissioners

CC: Mr. Mark McLaughlin, City Manager

From: Kwabena Agyekum, Interim Director of Planning and Development Services

Subject: Appointment of Ricki Cunningham, Albert Garcia, John Garza, Orlando Moya and Larry Garcia as a Regular Member of the Board of Adjustment

Summary: Ms. Ricki Cunningham, Mr. Albert Garcia, Mr. John Garza, Mr. Orlando Moya and Mr. Larry Garcia are seeking appointment as regular members of the Board of Adjustment.

Background: The above-named persons have served the Board of Adjustment since 2019, attending meetings as needed serving as regular members. Their tenure expired in 2022 on which they have volunteered and re-applied to serve the Board for a two-year term.

Financial Impact: NA

Recommendation: It is recommended that the people named above be appointed to the Board of Adjustment for a two-year term.

AGENDA ITEM #6

P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

Date: May 15, 2023

To: City Commission via City Manager Mark McLaughlin

CC: Courtney Alvarez, City Attorney and Mary Valenzuela, City Secretary

From: Janine Reyes, Director of Tourism Services

Summary: The Hotel Occupancy Tax Advisory Board was created in 2016 by City of Kingsville City Commissioners. The board meets quarterly and makes recommendations for activities, programs and expenditures authorized by state tax code guiding appropriate use of occupancy tax funds.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager.

Two members of the board are up for reappointment and agreed to serve another two-year term.

City Manager Mark McLaughlin is making the following recommendation for the HOT Advisory Board reappointment:

- Rose Munoz Morales, Main Street Representative
- Erin McClure, TAMUK Representative

AGENDA ITEM #7

City of Kingsville

Human Resource Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: May 11, 2023

SUBJECT: Title VI/Non-Discrimination

Summary:

This item is before you in two parts. The first part is to approve a city-wide non-discrimination policy and secondly to authorize the City Manager to appoint a Title VI/ADA Coordinator.

Background: Part 1 - Policy

In review of records, the City has in its Administrative Policies and Procedures Manual policies on non-discrimination and ADA in the hiring and employment with the City of Kingsville. Those policies did not include wording for city-wide programs or for projects funded in whole or partially by federal dollars. Federally assisted programs necessitate specific wording to meet federal government's compliance requirements.

It is required for the City to have a separate Title VI/Non-Discrimination Policy to comply with federal program guidelines. The policy is as follows:

The City of Kingsville, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any City of Kingsville program or activity.

Part 2 – Title VI/ADA Coordinator Designation

The Kingsville City Commission would authorize the City Manager to appoint a Title VI/ADA Coordinator to comply with federal requirements. The roles and responsibilities of this assignment include but is not limited to the following:



1. Addressing Title VI issues or discriminatory practices or policies identified through self-monitoring and review activities.
2. Point of contact for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance.
3. Implementation of procedures for the prompt processing of Title VI external discrimination complaints.
4. Develop City specific Title VI information for public dissemination.

Financial Impact: None currently.

Recommendation: Recommend approval as this item is for compliance purposes.



RESOLUTION # 2023-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS, APPROVING TITLE VI/NON-DISCRIMINATION POLICY FOR THE CITY OF KINGSVILLE AND AUTHORIZING THE CITY MANAGER TO APPOINT A TITLE VI/ADA COORDINATOR AND SET THE ROLE AND RESPONSIBILITIES OF THE ASSIGNMENT.

WHEREAS, the City of Kingsville, Texas, (hereinafter referred to as "City" or "City of Kingsville") has been awarded several state and federal grants and strives to meet and exceed compliance requirements;

WHEREAS, the City of Kingsville, in accordance with Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any City of Kingsville program or activity;

WHEREAS, the City Commission desires to authorize the City Manager to appoint a Title VI/ADA Coordinator to comply with federal requirements;

WHEREAS, the Title VI/ADA Coordinator's roles and responsibilities would include but not be limited to: (1) addressing Title VI issues or discriminatory practices or policies identified through self-monitoring and review activities; (2) point of contact for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance; (3) implementation of procedures for the prompt processing of Title VI external dissemination; and (4) develop City specific Title VI information for public dissemination..

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

I.

THAT the City of Kingsville adopts the following:

1. Title VI/Non-Discrimination Policy; and,
2. Authorizes the City Manager to appoint a Title VI/ADA Coordinator whose roles and responsibilities would include but not be limited to: (1) addressing Title VI issues or discriminatory practices or policies identified through self-monitoring and review activities; (2) point of contact for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance; (3) implementation of procedures for the prompt processing of Title VI external

discrimination complaints; and (4) develop City specific Title VI information for public dissemination.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission the 22nd day of May, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

TITLE VI/NON-DISCRIMINATION POLICY

The City of Kingsville, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any City of Kingsville program or activity.

Presented for City Commission Approval: May 22, 2023

REGULAR AGENDA

AGENDA ITEM #8

CITY OF KINGSVILLE



MEMORANDUM

TO: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: May 3, 2023
SUBJECT: FY 21-22 Audit Report Acceptance

Summary:

The FY 21-22 audit is complete and requires acceptance by the City Commission.

Background:

The auditors have completed their work on FY 21-22 audit. This year, Finance had to request (1) 30-day extension. The audit for FY 21-22 resulted in no findings.

Financial Impact:

The final bill for the audit has not been received, but there is an understanding that the audit costs will not exceed the budgeted amount.

Recommendation:

Staff recommends accepting the FY 21-22 audit report.

AGENDA ITEM #9



CITY OF
KINGSVILLE
MEMORANDUM

DATE

Friday, April 18, 2023

TO

Mary Valenzuela, City Secretary

FROM

Engineering Department

SUBJECT

Alcohol License for 1102 E Yoakum Ave

Mrs. Valenzuela,

After performing the research and physical inspection you requested for the property at 1102 E Yoakum Ave, we have concluded that the property in question does fall within the 300 ft boundary of 1 church; therefore, it will require a variance according to City Ordinance sections 11-3-4&5.

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

Thank you,

Engineering Department

Attachment 1 shows the property and the relative location of the 1 church; suspected to be close to the property. Our Lady of Good Counsel Catholic Church is within the 300 foot boundary.

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



Document reference ID : 222698

Licensing Application Summary

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

Application ID: 222698

Applicant Name: Patel & Thakor, LLC

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

Entity Information

Business Structure: Limited liability company

FEIN/SSN Number: 922784162

Member Managed or Manager Managed: Manager Managed

Historically Underutilized Business: No

Veteran-owned business: No

Fraternal Owned: No

Secretary of State Filing Number: 0804952367

Date Filed: 3/2/2023

Filing State: TX

Primary Business Entity Contact Information

Legal First Name: Ram

Legal Middle Name: Thakor

Email Address: baldwinfoodmart@gmail.com

Phone Number: 347-749-2304

Basic Business information

Business/Trade Name: Beto's Community Meat Market

What is your primary business at this location? Grocery/Market

Location's Phone Numbers

Business Phone Number 361-592-8971

Alternate Phone Number 361-592-8971

Location Address

Address: 1102 E Yoakum Ave, Kingsville, TX, United States, Kleberg 78363

Is your location within city limits? Yes

Mailing Address Information

Address: 1102 E Yoakum Ave, Kingsville, TX, United States, Kleberg 78363

Measurement Information

Measuring from the public entrance of your location along street lines and directly across intersections, will your location be within 1,000 feet of the nearest property line of a public or private school? No

Is a residential address or established neighborhood association located within 300 feet of any property line of your premises? No

Legend





- [White Box] 1102 E Yoakum Ave
- [Light Gray Box] 300ft Alcohol Permit Buffer
- [Dark Gray Box] Churches
- [Thin Line] Streets
- [Thick Line] Ownership

Our Lady of Good Counsel Catholic Church

Scale: 0 50 100 200 Feet

Source: Esri, Maxar, Earthstar, GeoEye, IGN, Aerimagery, AeroGRID, IGN, SIA, USFSA, ESA, NOAA, JPL

Legend

-  1102 E Yoakum Ave
 300ft Alcohol Permit Buffer
 Churches
 Streets
 Ownership

Our Lady of Good Counsel Catholic Church

**DISCLAIMER:
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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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Beto's Community Meat Market at 1102 E Yoakum Ave, Kingsville TX. 78363.

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 NOTICES

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PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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

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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.

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's On-Premises Permit by Silvia Cristina Sandoval, dba The Reel Baffin Bay Country Store, LLC. Located at 943 E FM 628 Riviera, Kleberg County, Texas 78379. Officers of said LLC and Managers is Silvia Cristina Sandoval.

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC db/a Family Dollar 23403 to be located at 3526 Holly Rd. Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Littler (Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

(Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

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PUBLIC NOTICES

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Eden Hernandez, Owner/Applicant; requesting a Zoning Variance Request (Fence) for KT & I CO, BLOCK 3, Lot PT 10, Acres 6.0 also known as 2460 N. Young Dr., Kingsville TX, 78363

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

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PUBLIC HEARING NOTICE

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Urban Engineering, applicant; Somerset Land Company, owner; requesting approval of the preliminary plat of 73.56 Acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville.

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

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General

Packet

Transactions

Batch

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Payments

Operator

TC - THERESA CAVAZOS

Journal

Terminal

15 - THERESA CAVAZOS

Documents

Taken By

Theresa Cavazos

Vendor

Amount Details

Total Applied 250.00

Total Tendered 250.00

Change 0.00

Profile Information

Performed By

Date Performed

Create

Theresa Cavazos

4/24/2023 11:23 AM

Void

Burn

Angie Moreno
306 S 24th St
Kingsville, TX 78363
#13408

Jose Guadalupe Saldana
1023 E Henrietta
Kingsville, TX 78363
#17807

Melisa Ruth Schedule
1127 E Henrietta Ave
Kingsville, TX 78363
#24445

Jose Garcia Villarreal Est
1028 E Henrietta Ave
Kingsville, TX 78363
#21090

Richard Navarro
PO Box 1264
Kingsville, TX 78364
#18596

Juan Manuel Garcia
Etux Belinda Orta
1917 S Park St
Kingsville, TX 78363
#17615

Fernando R Cantu Jr
Etux Maria
46 Amado Vera St
Rio Grande, TX 78582
#20319

Harold C Waller
Etux Anna Lee Waller
400 Mann St STE 911
Corpus Christi, TX 78401
#10853

Miguel Valle
Etux Celia
1014 E Yoakum
Kingsville, TX 78363
#23217

Roman M Garcia Est
1102 E Henrietta Ave
Kingsville, TX 78363
#16342

Anita Garcia
230 N 15th St
Kingsville, TX 78363
#19344

Anna Belia Pena
AKA Anna Belia Garcia
1016 E Yoakum
Kingsville, TX 78363
#22464

Olivia G Nunez Est
1108 E Henrietta Ave
Kingsville, TX 78363
#15566

William George
1101 E Henrietta Ave
Kingsville, TX 78363
#20591

Arcadio Amaya Jr
1028 E Yoakum
Kingsville, TX 78363
#20933

Teresa F Flores
1112 E Henrietta
Kingsville, TX 78363
#14777

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#21340

Cristela Amaya
1030 E Yoakum
Kingsville, TX 78363
#20149

Teresa F Flores
1112 E Henrietta
Kingsville, TX 78363
#13991

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#36571

Ester M Vasquez Est
1110 E Yoakum Ave
Kingsville, TX 78363
#23642

Graciela Figueroa Rosas
103 Warwick Glenn
Victoria, TX 77904
#20859

Hector Polanco
1109 E Henrietta Ave
Kingsville, TX 78363
#14501

Cristela Amaya (Life Est)
Delfina Garcia Trevino
1237 E Yoakum Ave
Kingsville, TX 78363
#15285

Guadalupe G Ybarra
PO Box 925752
Houston, TX 77292
#20073

Noe Robles
1115 E Henrietta Ave
Kingsville, TX 78363
#22913

Benito Cavazos Garza
1122 E Yoakum Ave
Kingsville, TX 78363
#18387

Vela Real Estate Holdings LTD
Rene & Benjamin Vela
6226 Bourbons
Corpus Christi, TX 78414
#22358

Neyda Anali Gonzalez
1119 E Henrietta Ave
Kingsville, TX 78363
#45292

Benito Cavazos Garza
1122 E Yoakum Ave
Kingsville, TX 78363
#11421

AGENDA ITEM #10

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



MEMO

Date: May 17, 2023

To: Mark McLaughlin (City Manager)

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: **Request for the Wireless Telecommunication Special Use Permit for New Cell Tower in C2-Retail at CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP), also known as 1027 E. Lott Avenue, Kingsville, Texas. 78363**

The Planning and Zoning Commission meeting was held as scheduled this evening, May 17, 2023, with 6 members in attendance. Members deliberated over the issue of granting approval for a special use permit for a new cell tower in C2-Retail at **CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP), also known as 1027 E. Lott Avenue, Kingsville, Texas** to enable the applicant to install a new 120ft wireless Telecommunication tower. Letters were sent out to neighbors and the City received no feedback. Commissioners, after deliberations, voted to approve the special use permit for the said property which is C2 (Retail). A recorded vote of all members present was taken, and Commissioners Debbie Tiffie, Brian Coufal, Mike Klepac, Rev. Idotha Battle, Larry Garcia and the Chairman – Steve Zamora all voted 'YES'.

The meeting was adjourned by about 7:00pm

Thank you.

Kobby Agyekum
Interim Director of Planning and
Development Services



MEMO

Date: May 10, 2023

To: Planning and Zoning Commission Members

From: Kobby Agyekum (Interim Director of Planning and Development Services)

Subject: **Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363**

The applicant approached the department because they wanted to re-plat the existing property, subdividing it into two lots of which 50 feet by 50 feet will be used for wireless telecommunication tower. The proposal as presented to the department would involve creating two properties each with their own address. One building is currently on the property, but the re-plat would ensure each lot has its own defined boundary so that vertical Bridge can install a Cell Phone Tower on the property to serve the City of Kingsville. The property is currently zoned C2 – Retail.

Consequently, this application is being submitted for your consideration. The department has reviewed the application and has found no adverse impact on the environment and the development complies with the relevant codes and Ordinances but requires a "Special Use" permit. Therefore, it is recommended that you consider the said application and approve same since this will improve internet use within the city of Kingsville.

Thank you.

Kobby Agyekum
Interim Director of Planning and
Development Services

1027 E. LOTT AVE.

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1400 Block Lott Ave 1027 E LOTT Nearest Intersection 14th & Lott

(Proposed) Subdivision Name NA Lot 6, 7, 8 Block 4

Legal Description: Lots 6, 7, 8 Block 4 Clyde Addition

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

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent VERTICAL BLDG Phone 281 701 0604 FAX -
DAVID PETRAKOVITZ / AGENT

Email Address (for project correspondence only): dpetrakovitz@pyramids.com

Mailing Address 3603 Sunlight Hill Ln City Spring State TX Zip 77386

Property Owner TANYA BAKER Phone 361.779.7516 FAX -

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

Mailing Address 7409 ELIZONDO DR City Corpus Christi State TX Zip 78414

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

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

Please provide a basic description of the proposed project:

Proposed new cell tower - 1400 block of Lott Ave

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 D. Petrakovitz / Agent Date: 2-9-2023
Property Owner's Signature D. Petrakovitz / Agent Date: 2-9-2023
Accepted by: Marka Baker Date: 2-21-2023

200ft Buffer at 1027 E Lott Ave



Drawn By: G. AMAYA
 Last Update: 3/16/2023
 Note: Ownership is labeled

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CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 400 W King Ave; Kingsville, TX 78363
 Office: (361) 695-8007

GSG Revocable Trust
701 N Post Oak RD STE B9
Houston, TX 77024
#19222

Roel V Perez
1104 E Huisache Ave
Kingsville, TX 78363
#21762

Corner S Properties LLC
PO Box 60410
Corpus Christi, TX 78466
#18458

Fabrizio M Martorello
614 W Richard Ave
Kingsville, TX 78363
#13306

Ernest Perez
310 S 23rd St
Kingsville, TX 78363
#26035

Yolanda F Jimenez
1112 E Huisache
Kingsville, TX 78363
#20998

Rahila I Charania
1520 Wildwood Trail BLVD
Kingsville, TX 78363
#18946

Kelly XAC
14726 Santa Gertrudis Dr
Corpus Christi, TX 78410
#22291

Isaac Torres
1116 E Lott Ave
Kingsville, TX 78363
#42821

Daniel Vidal
1105 E Lott Ave
Kingsville, TX 78363
#11712

Daniel Vidal
1109 E Lott Ave
Kingsville, TX 78363
#12518

Isaac Torres
1116 E Lott Ave
Kingsville, TX 78363
#28386

Kingsville Food Corp Inc
400 S 14th St
Kingsville, TX 78363
#18419

Dirty Dawg Car Wash LLC
3418 Samoa Dr
Corpus Christi, TX 78418
#21527

OPTION AND AGREEMENT OF SALE

This OPTION AND AGREEMENT OF SALE (this "Agreement") is made as of the 28th day of Sept., 2022, by Tanya Baker and Chad Flanagan ("Seller"), and VB BTS II, LLC, a Delaware limited liability company ("Buyer").

BACKGROUND

Seller is the owner of certain land, which is not the homestead of Seller, located in the County of Kleberg, State of Texas, together with any easements, rights-of-way, appurtenances, and hereditaments belonging or in any way appertaining thereto, including all improvements and fixtures located thereon (collectively, the "Premises"). The Premises is more fully described on **Exhibit A** attached hereto.

Buyer desires an option to purchase the Premises and Seller desires to grant an option to purchase (and if exercised, to sell) the Premises to Buyer on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the undersigned, with the intention to be legally bound hereby, and in consideration of the mutual promises herein, agree as follows:

1. **Option.** In consideration of [REDACTED] ("Initial Option Fee"), to be paid by Buyer to Seller within ten (10) days following the Effective Date, Seller hereby grants to Buyer the exclusive, irrevocable option (the "Option") to purchase the Premises for a period of one (1) year beginning on the Effective Date (the "Initial Option Period") and may be renewed by Buyer for one (1) additional year (the "Renewal Option Period") upon written notification to Seller and the payment of an additional [REDACTED] ("Renewal Option Fee") prior to the expiration date of the Initial Option Period. Unless utilized independently, the Initial Option Fee and the Renewal Option Fee shall be referred to as the "Option Fee" and the Initial Option Period and any Renewal Option Period shall be referred to as the "Option Period." The Option Fee shall be considered non-refundable if Buyer does not exercise the Option prior to expiration of the Option Period, and the Option hereunder shall lapse and be of no further force or effect, and neither party shall have any further liability or obligation to the other hereunder. Until expiration of the Option Period, Seller shall not grant or permit any third party to use or occupy the Premises.

2. **Sale of the Premises, Effective Date.** In the event Buyer exercises the Option, Seller agrees to sell and convey to Buyer, and Buyer agrees to purchase, the Premises. The effective date ("Effective Date") of this Agreement shall be the later of (a) the date this Agreement is signed by Buyer, or (b) if this Agreement is signed by Buyer first, then the date this Agreement is signed by Seller and delivered to Buyer, by hand delivery or in the manner provided for giving notices, or by telecopy. A telecopied or other electronic signature shall be deemed to be an original signature.

3. **Purchase Price.** The total consideration or purchase price for the Premises shall be [REDACTED] ("Purchase Price") less any Option Fee paid by Buyer to Seller.

4. **Survey.** If Buyer causes a survey of the Premises to be made prior to Closing (defined below), the deed to be delivered by Seller at Closing shall describe the Premises in accordance therewith.

5. **Quality of Title.** Title to the Premises shall be good and marketable and free and clear of all liens, restrictions, easements and other encumbrances and title objections and shall be insurable as such at ordinary rates by any reputable title insurance company selected by Buyer.

Site #: US-TX-5897
Site Name: Flato

6. **Conditions Precedent to Buyer's Obligation.**

(a) **Conditions.** Notwithstanding anything else herein contained, Buyer's obligation to consummate Closing hereunder is contingent upon the following:

(i) In accordance with the rules and requirements of the jurisdiction in which the Premises is located, Seller shall cause to have Seller's parent parcel (described in Exhibit A) subdivided in order to carve out the approximately 50' x 50' area, measuring approximately 2,500 square feet, comprising the Premises, and Seller shall provide sufficient documentation acceptable to Buyer to demonstrate the subdivision.

(ii) Seller's warranties and representations herein being true and correct in all material respects as of the Closing Date, and Seller having complied with all of Seller's obligations under this Agreement.

(b) **Failure of Condition.** Upon failure of any such condition(s) set forth above, Buyer may terminate this Agreement and neither party shall have any further liability or obligation to the other hereunder. Buyer may waive any condition in writing.

7. **Time and Place of Settlement.** Consummation of this Agreement for the purchase and sale of the Premises ("Closing") shall be held at the offices of either party's counsel or title company or wherever or however the parties may mutually agree within thirty (30) days of exercise of the Option by Buyer (the "Closing Date"). Time shall be of the essence of this Agreement.

8. **Possession.** Possession shall be given by delivery of Seller's special warranty deed at Closing, at which time the Premises shall be entirely vacant and subject to no rights of possession in any third party other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

9. **Inspection; Right of Entry.**

(a) **Inspection.** During the Option Period Seller hereby grants Buyer and its agents, employees and contractors permission to go upon the Premises between the Effective Date and the time of Closing to conduct such inspections, test borings, surveys, percolation tests, and other engineering studies and site analyses as Buyer may require, including environmental investigations (the "Tests"). Seller will cooperate with Buyer in making such Tests. The Tests shall be made solely at Buyer's expense. If the Tests indicate, in Buyer's sole opinion, that the Premises is not suitable for Buyer's intended use of the Premises, Buyer may, at its option, cancel this Agreement and neither party shall have any further liability or obligation hereunder.

(b) **Right-of-Entry.** Seller grants to Buyer, its agents, employees, and contractors, the right to enter upon the Premises during the term of this Agreement in order to prepare surveys and other plans, and to visit the Premises with potential lenders, tenants or other occupants, and taxing authorities.

10. **Taxes - Apportionments.**

(a) In the event of Buyer's purchase of the Premises, Real estate taxes, and water and sewer rents, if any, for the Premises shall be paid by Buyer. Transfer taxes associated with the sale of the Premises shall be paid by Buyer. So-called "Roll Back Taxes," if any, shall be paid by Buyer.

(b) If Seller is a "foreign person" as defined in Section 1445(f)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), Buyer shall deduct and withhold from the proceeds of the sale such amounts as are required by Section 1445 of the Code.

11. **Seller's Warranties.** As a material inducement to cause Buyer to enter into this Agreement, Seller hereby represents, warrants and agrees as follows:

(a) **Authority.** Seller represents and warrants that this Agreement and all agreements, instruments and documents to be executed and delivered by Seller are duly authorized; Seller has the capacity and authority to consummate the transactions herein provided; and nothing prohibits or restricts the right or ability of Seller to close the transactions contemplated hereunder and carry out the terms hereof.

(b) **Assessments.** No assessments for public improvements have been made against the Premises which remain unpaid and no such assessments will be made for any street paving, curbing, water or sewer lines or other public improvements which might have been installed prior to the Effective Date.

(c) **Litigation.** There is no litigation or proceeding pending (or to Seller's knowledge threatened) against or relating to the Premises, nor does Seller know or have reasonable grounds to know of any basis for any such action other than possible personal injury claims adequately covered by insurance.

(d) **Condemnation.** Seller has no knowledge of any pending or threatened condemnation or eminent domain proceedings which would affect the Premises or any part thereof.

(e) **Environment.** At Closing, the Premises shall not be in violation of any Environmental Law (defined below). No complaints, citations, claims, notices, information requests, orders (including but not limited to clean-up orders) or directives regarding Environmental Laws have been delivered to, served on Seller, or to Seller's knowledge, made or pending relating to the Premises; to Seller's knowledge, the Premises has not been used as a dump, and no underground storage tanks are in or on the Premises; to Seller's knowledge, no material or reportable omissions, spills, seepage, releases, or discharges of any Hazardous Substance (defined below) have occurred into or upon the air, soils, or improvements or any sewer or septic system located on the Premises; to Seller's knowledge, no asbestos or asbestos containing materials are installed, used or incorporated into the Premises, and no asbestos or asbestos containing materials have been disposed of on the Premises; and to Seller's knowledge, no PCBs are located on or in the Premises, in the form of electrical transformers, fluorescent light fixtures with ballast, cooling oils, or in any other device. For this purpose, the following definitions apply:

(i) The term "Environmental Law" shall mean any federal, state or local, statute, act, law, ordinance, rule, regulation or order pertaining to the environment and public health whether now or hereafter enacted.

(ii) "Hazardous Substance" shall mean any hazardous or toxic substance, pollutants, contaminant, solid waste or hazardous waste, as defined in any Environmental Law or in any rule, regulation or order issued pursuant to an Environmental Law, including asbestos, asbestos containing material, and petroleum products.

(f) **Foreign Person.** Seller represents and warrants that it is not a foreign person as defined in Section 1445(f)(3) of the Code. Seller will deliver to Buyer at Closing a Certificate of Non-Foreign Status certifying the correctness of this paragraph.

(g) **Documentary Rights or Possession.** There are no unrecorded mortgages, contracts, purchase agreements, options, permits, leases, easements or other agreements or interest relating to the Premises, and as of the Closing Date there will be no persons or parties in possession of any portion of the Premises other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

(h) **Moratorium.** Seller has no knowledge of the imposition or applicability of a moratorium on any utility service that may affect the development of the Premises.

12. **Operations Prior to Settlement.**

(a) **Leasing.** Seller shall not rent, license, or grant occupancy rights in or to any portion of the Premises other than broadband carrier tenant leases on the communications tower to be constructed on the Premises.

(b) **Management.** Seller shall continue to operate and manage the Premises in the same manner as it has done in the past. Seller shall not perform any work in or on the Premises which might give rise to any mechanics' liens on the Premises.

(c) **Encumbrances.** From and after the date of this Agreement until Closing, Seller will not convey or encumber the Premises or take any action which materially adversely affects any portion of the Premises.

13. **Documents to be Delivered at Settlement.** At Closing, Seller will deliver to Buyer the following, executed, acknowledged and in recordable form, as appropriate:

(a) **Deed.** The special warranty deed to the Premises;

(b) **Title Company Documents.** Such affidavits or letters of indemnity as may be required by Buyer's title insurer to enable such title insurer to insure Buyer's title to the Premises without exception for unfiled mechanics' or materialmen's liens, without payment of any special or additional premium;

(c) **FIRPTA.** The Certificate of Non-foreign Status;

(d) **Certification.** A certificate of Seller stating that the representations and warranties of Seller remain true and correct as of the Closing Date; and

(e) **Miscellaneous.** Such other documents as may be required to effectuate this Agreement.

At Closing, Buyer shall deliver the balance of the Purchase Price and such other documents as may be required to effectuate this Agreement.

14. **Eminent Domain.**

(a) **Notice of Taking.** In the event Seller receives any notice of any condemnation proceedings, or other proceedings in the nature of eminent domain, it will forthwith send a copy of such notice to Buyer. If all or any part of the Premises is taken by eminent domain, Buyer may, upon written

notice to Seller, elect to cancel this Agreement, and neither party shall have any further liability or obligation hereunder.

(b) **Effect of Taking.** If all or any portion of the Premises has been or is hereafter taken or condemned and this Agreement is not cancelled, Buyer shall have the right to negotiate, settle, or litigate the condemnation award related to the Premises. The proceeds of any such award collected prior to Closing shall be paid or credited to Buyer at Closing, and Seller shall, at Closing, credit or assign to Buyer all of Seller's right, title and interest in and to any awards in condemnation, or damages of any kind, to which Seller may have become entitled or may thereafter be entitled by reason of any exercise of the power of eminent domain with respect to or for the taking of the Premises or any portion thereof.

15. **Default.** In the event Seller is in default under this Agreement after notice and a reasonable opportunity to cure, in addition to any rights given to Buyer under this Agreement, Buyer shall have all remedies available at law or in equity, including specific performance, and to recoup reasonable attorneys' fees and costs in connection with enforcing this Agreement.

16. **Survival of Warranties.**

(a) **Survival.** Notwithstanding any legal presumption to the contrary, all covenants, conditions, representations and warranties contained in this Agreement shall survive Closing. This provision shall be effective as to all such covenants, conditions and representations, notwithstanding that as to some of them it is expressly provided that they survive. Any inspection of the Premises or records pertaining thereto, or of Seller's records, by Buyer or its representatives shall not be construed as a waiver of any warranty contained herein.

(b) **Indemnity.** In the event of the breach, in any material respect, of any representation or warranty by Seller in this Agreement, Seller will indemnify Buyer and save Buyer harmless from any and all liabilities, losses, costs or expenses (including reasonable attorneys' fees) arising out of such breach, and without limitation, this indemnity and hold harmless shall include any and all claims, fines, costs of investigation and remediation, and legal fees and expenses arising by reason of or in connection with any violation by Seller of the representations and warranties contained in this Agreement, and this indemnity and hold harmless clause shall survive the Closing.

17. **Assignment.** This Agreement may not be assigned by Buyer, except to an entity controlled by or affiliated with Buyer, without Seller's prior written consent, which consent shall not be unreasonably withheld.

18. **Notices.** All notices required or permitted to be given hereunder shall be in writing and sent by overnight carrier service by a nationally recognized service, such as UPS or Federal Express, customarily obtaining proof of delivery, postage paid by the sender, addressed as follows:

If to Seller: Tanya Baker and Chad Flanagan



If to Buyer: VB BTS II, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, FL 33487
Attention: General Counsel

Site #: US-TX-5897
Site Name: Flato

or to such other person or address as the party to be charged with such notice may designate by notice given in the aforesaid manner. Notice may be given by counsel for any party to this Agreement. If the last or appointed day for taking of any action required or permitted hereby shall be a Saturday, Sunday or legal holiday in Boca Raton, Florida, or a day on which banking institutions in such city are authorized by law or executive order to close, then such action may be taken on the next succeeding business day for banking institutions in such city.

19. **Brokerage.** Buyer and Seller each represents and warrants to the other that it has had no dealings, negotiations or consultations with respect to the Premises or this transaction with any broker or intermediary, and that no other broker or intermediary is entitled to a fee or commission in connection with this Agreement. In the event that any other broker or intermediary claims a fee or commission in connection with this Agreement based upon the acts of Buyer or Seller, that party will be responsible for and will indemnify and save the other harmless from and against all costs, damages, fees (including, without limitation, reasonable attorneys' fees), expenses, liabilities, and claims incurred or suffered by the other as a result thereof. This Section shall survive Closing.

20. **Parties Bound.** This Agreement shall be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and assigns.

21. **Captions.** The captions contained herein are not a part of this Agreement. They are only for the convenience of the parties and do not in any way modify, amplify, or give full notice of any of the terms, covenants or conditions of this Agreement.

22. **Number and Gender.** For purpose of this Agreement, the masculine shall be deemed to include the feminine and the neuter, and the singular shall be deemed to include the plural, and the plural the singular, as the context may require.

23. **Recording.** Buyer may, at its election, record a notice of the existence of the Option hereunder, and Seller shall join in any such notice for recording.

24. **Entire Agreement - Amendment.** This Agreement (including any exhibits attached hereto) contains the entire agreement between Seller and Buyer with respect to the transaction discussed herein and the Premises; there are no other terms, covenants, obligations or representations, oral or written, of any kind whatsoever related to the subject matter of this transaction. This Agreement may be amended only by a written instrument executed by the party against whom the amendment is being enforced.

25. **Governing Law.** The substantive laws of the State of Florida will govern the validity, construction and enforcement of this Agreement. The parties consent to the venue and jurisdiction of any federal or state courts of Palm Beach County, Florida, in any action brought to enforce the terms of this Agreement. The parties irrevocably and unconditionally submit to the jurisdiction (both subject matter and personal) of any such court and irrevocably and unconditionally waive: (a) any objection any party might now or hereafter have to the venue in any such court; and (b) any claim that any action or proceeding brought in any such court has been brought in an inconvenient forum.

26. **Construction.** The parties acknowledge that each party and each party's counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement or any exhibits or amendments hereto.

27. **Counterparts or Electronic Signatures.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which together shall constitute one and the same instrument. Electronic including pdf signatures on this Agreement shall be deemed to be original signatures.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this Agreement to be signed the day and year first above written.

SELLER:

Tanya Baker
Tanya Baker

Date: 9-23-22

Chad Flanagan
Chad Flanagan

Date: 9/23/22

BUYER:

VB BTS II, LLC
a Delaware limited liability company

By: (See next page)
Name: _____
Title: _____
Date: _____

Site #: US-TX-5897
Site Name: Plato

27. **Counterparts or Electronic Signatures.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which together shall constitute one and the same instrument. Electronic including pdf signatures on this Agreement shall be deemed to be original signatures.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have caused this Agreement to be signed the day and year first above written.

SELLER:

Tanya Baker
Tanya Baker

Date: 9-23-22

Chad Flanagan
Chad Flanagan

Date: 9/23/22

BUYER:

VB BTS II, LLC
a Delaware limited liability company

Tim Tuck
By: Tim Tuck
Name: Vice President - Lease Administration
Title:
Date: 9-29-2022

LEGAL OS
Te

Site #: US-TX-5897
Site Name: Flato

Revised: 2023 - Values not available

Account

Property ID:	12267	Legal Description:	CLYDE, BLOCK 4, LOT 6-8, (FLANAGAN'S MUFFLER SHOP)
Geographic ID:	115900406000192	Zoning:	C2
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	1027 E LOTT	Map ID:	B1
Neighborhood:			
Neighborhood CD:			

Owner

Name:	BAKER TANYA	Owner ID:	67417
Mailing Address:	CHAD FLANAGAN 7409 ELIZONDO DR CORPUS CHRISTI, TX 78414	% Ownership:	100.000000000000%

Exemptions:

(+) 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	

Owner: BAKER TANYA

% Ownership: 100.000000000000%

Total Value: N/A

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

Improvement #1: COMMERCIAL State Code: F1 Living Area: 1750.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SG2L	EW5	1970	1750.0
CN1	CANOPY BASIC (20%)	*		1970	3250.0
ASP	ASPHALT (100%)	*		1970	8328.0

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.4821	21000.00	150.00	140.00	N/A	N/A

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$33,500	\$26,250	0	59,750	\$0	\$59,750
2021	\$36,010	\$26,250	0	62,260	\$0	\$62,260
2020	\$33,940	\$26,250	0	60,190	\$0	\$60,190
2019	\$33,850	\$26,250	0	60,100	\$0	\$60,100
2018	\$36,950	\$26,250	0	63,200	\$0	\$63,200
2017	\$34,860	\$26,250	0	61,110	\$0	\$61,110
2016	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2015	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2014	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2013	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2012	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2011	\$23,960	\$26,250	0	50,210	\$0	\$50,210
2010	\$25,160	\$26,250	0	51,410	\$0	\$51,410
2009	\$25,160	\$26,250	0	51,410	\$0	\$51,410



City of Kingsville
410 West King Avenue
Kingsville, Texas 78363
Planning & Development Department

Re: Proposed Cell Tower at 1400 block of Lott Avenue (County ID #12267)

On behalf of Vertical Bridge/T-Mobile (Applicant) please accept the attached SUP application for a new 120' monopole communication tower to be located in the 1400 block of Lott St (south side of Lott St).

The tower will provide high speed communications (voice, data, text) to the area around the tower as demonstrated on the coverage maps attached to the application. These maps call out coverage levels using the colors Yellow (good in-vehicle coverage) and Green (good In-building coverage).

As the communication facility will be unmanned the site will generate no traffic other than periodic (about once per month) maintenance of the site ground equipment which is performed during standard day time business hours in the form of own or two service vans or trucks.

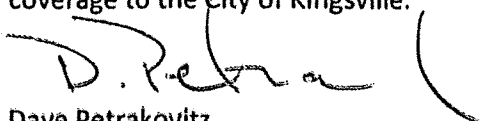
The site as proposed was chosen for its compliance with Section 15-6-47(I) as it is not within a Residential Use Zone nor within sight of a Residential use, nor in the front or side yard of a public road, and owing to the surrounding zoning districts or existing buildings. Security fencing per City Code Sec 15-6-47(D)(1) is proposed. As the ground equipment may be visible from Lott St, the applicant is willing to paint their equipment cabinets as required by Sec 15-6-47(D)(3). Should the City so request the Applicant is willing to install a Wood screening fence around the site.

The proposed location of the new tower works to keep the tower directly and visually off of main thoroughfares such as 14th and King. Several locations were considered including City owned land in the area if Kenedy and 12th. Each of the other locations were either in Residential zones or highly visible from such residential uses. There was only one possible colocatable structure in the vicinity of the proposed new tower. That as the City owned water tower on Kenedy Ave between 12th and 13th. We approached the City about using this tower but were told the City was not interested in placing antenna on that tower. There were no other colocatable structures in the area.

The tower is designed to accommodate additional carriers such as AT&T, Verizon, and Dish. The proposed tower will help provide high speed data to cell phone users in the area of the tower while the City works through its current own high-speed city-wide provisioning program.

The Applicant does seek a Waiver from Sec 15-6-47(E)(2). Per page Z-1 of the attached drawings the tower is in compliance with lands to the south and west of the tower. However, to the north (Lott - 105') and east (15th - 115') the tower does not meet the city setback requirements but when the right-of-way distances are added in safety distances exceed the proposed tower height.

We look forward to working with the City as the Applicant endeavors to provide enhanced high speed data and voice coverage to the City of Kingsville.


Dave Petrakovitz
Agent for Vertical Bridge



March 31, 2023

VB BTS II, LLC

Attn: To Whom It May Concern

SUBJECT: Project Number: 576465-03
Site Name: US-TX-5897 Flato - Kingsville, TX
Pole Designed with a Theoretical Fall Radius of 20 ft

Communications monopole structures designed by Valmont are sized in accordance with the latest governing revision of the ANSI/TIA 222 standard unless otherwise requested by our customer. This standard has been approved by ANSI/ASCE, which has dealt with the design of antenna support structures for over fifty years. The TIA standard, based on provisions of this nationally known specification, has a long history of reliability. Its core philosophy is first and foremost to safeguard and maintain the health and welfare of the public.

Valmont's communication poles have proven to be very reliable products. To our knowledge Valmont has never experienced an in-service failure of a communication pole due to weather induced overloading. We use the latest standards, wind speed information, and sophisticated analytical tools to ensure that we maintain our unblemished record for quality.

This 120' AGL (119' steel height) structure is designed to the following criteria:

- Exposure category C
- Topographical category 1
- Risk category II
- Site elevation 59 feet
- 136 MPH ultimate wind speed (no ice) per ASCE 7-16
- 30 MPH with 0.5 inch ice per ANSI/TIA-222-H

The theoretical failure point is at the structure midpoint or above by purposely over designing the structural components below this point. The predicted mode of wind induced failure would be local buckling of the shaft at or above the midpoint with the upper section(s) folding over onto the intact lower section(s). The result, if it were to fail, would be a theoretical fall zone at or above 20 ft.

I hope these comments address any issues that you might encounter relative to the anticipated performance of this structure.

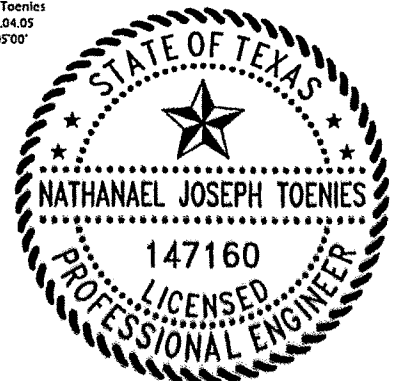
Sincerely,

Nathan Dowler, Associate Engineer
Phone +1 (805) 889-8124
Nathan.Dowler@valmont.com

Nathanael
Toenies

Digitally signed by
Nathanael Toenies
Date: 2023.04.05
09:08:24 -05'00'

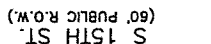
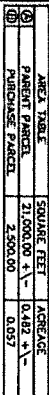
Valmont Industries, Inc
PO Box 358, 28800 Ida Street
Valley, NE 68064 USA





62531

- * SET 1/2" HIGH ROD.
 ○ FLOWED 1/2" HIGH ROD.
 ◊ TOWER CENTER.
 P.O.C. POINT OF BEGINNING.
 P.O.C. POINT OF COMMENCEMENT.
 — 0 — FENCE AS NOTED.
 — 0 — OVER HEAD UTILITY LINES.
 T.D. TOWN DUTY POLE.
 [E] ELECTRIC TRANSFORMER.
 R.O.W. RIGHT-OF-WAY.
 A/V ACCESS & UTILITY.
 (E) EASEMENT.
 P.R.K.C.T. PLAT RECORDS.
 T.E.A. TOWN OF ELK COUNTY.
 D.A.C.C.T. DEED RECORDS.
 N.E.B.S. NEBRASKA COUNTY.
 T.E.A.S. TOWN OF ELK COUNTY.



PROPOSED NEW TOWER LOCATION INFORMATION	
Horizontal Datum:	NAD83
Latitude:	27° 30' 48.01" N +/- 20"
Longitude:	22° 51.335" W +/- 20"
Vertical Datum:	97.5' 18.58" N +/- 20"
	-97.655182'
	NAD 1988
Ground Elevation at Base of Tower:	58.1 feet

CALLER LOT 6, 7, 8, BLOCK 4
CITY OF ADDITION

CECIDE ADDITION
JUAN MINDIOLA SURVEY, ABSTRACT NO. 192
KLEBERG COUNTY, TEXAS

SURVEYOR'S NOTES

- [illegible]

SURVEYOR'S CERTIFICATION

MIDDLEBURY STATEMENT PROFESSIONALS

RONALD D. WIMBERLEY
LAND SURVEYOR - TEXAS # 6005
Date: October 24, 2022
Revision: 03/09/2023

PREPARED FOR VB BTS II, LLC

SITE NAME: FLATO
SITE NUMBER: US-TX-5697
ADDRESS: 1400 BLOCK OF LOTT AVE
KINGSVILLE, TX 78364
KLEBERG COUNTY

SURVEY WORK PERFORMED BY:
BERLEY SURVEYING PROFESSIONALS

PO BOX 9237
GREENVILLE, TEXAS 75404
PHONE: (903) 450-8100
FAX: (903) 455-2902

TELEPHONE
13430 NW 104th Terrace, Suite A
Alachua, FL 32615

OVERALL SITE PLAN

Office: (356) 418-0500
Fax: (356) 462-9086
WWW.GEOLINEINC.COM

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES

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PUBLIC NOTICES

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 17, 2023, 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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, May 22, 2023, 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:

Vertical Bridge, David Petrakovitz Applicant/Agent; requesting a Special Use Permit for New Cell Tower in C-2 (Retail) at CLYDE, Block 4, Lot 6-8 (Flanagan's Muffler Shop) also known as 1027 E. Lott, Kingsville, TX, 78363

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.

Application has been made with Texas Alcoholic Beverage Commission for Wine and Malt Beverage Retailer's On-Premises Permit by Silvia Cristina Sandoval, dba The Reel Baffin Bay Country Store, LLC. Located at 943 EFM 628 Riviera, Kleberg County, Texas 78379. Officers of said LLC and Managers is Silvia Cristina Sandoval.

LEGAL NOTICE Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Off-Premise Permit by Family Dollar Stores of Texas, LLC d/b/a Family Dollar 24356 to be located at 4542 Kostoryz Rd Corpus Christi, TX 78415. Officers of said LLC are Peter Barnett (President), Todd Littler (Senior Vice President), Roger Dean (Treasurer), John Mitchell, Jr. (Secretary), Jonathan Elder (Vice President - Tax), Harry Spencer (Assistant Secretary).

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Eden Hernandez, Owner/Applicant; requesting a Zoning Variance Request (Fence) for KT & I CO, BLOCK 3, Lot PT 10, Acres 6.0 also known as 2460 N. Young Dr., Kingsville TX, 78363

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

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The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, 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:

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

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PUBLIC HEARING NOTICE

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Urban Engineering, applicant; Somerset Land Company, owner; requesting approval of the preliminary plat of 73.56 Acres comprising portions of Lots 2, 5, & 6, Block 21, K.T.&I. Subdivision; portions of Lot 1 & 2, Burris Acres; and a portion of the John Clayton Addition, also known as 520 Cecil and 700 Block General Cavazos Blvd., Kingsville, Texas; to be called Somerset at Kingsville.

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

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

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, May 22, 2023, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) for the establishment known as Roto's Community Meal Market at 1102 E. Yakum Ave, Kingsville TX, 78363. The meeting will be held at City Hall, 400 West

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Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____

ORDINANCE #2023-_____

AMENDING THE ZONING ORDINANCE GRANTING A SPECIAL USE PERMIT TO VERTICAL BRIDGE/T-MOBILE FOR WIRELESS TELECOMMUNICATIONS POLE TOWER IN C2-RETAIL AT CLYDE, BLOCK 4, LOT 6-8, ALSO KNOWN AS 1027 E. LOTT AVENUE, KINGSVILLE, TEXAS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the City Commission approved a wireless telecommunications facilities ordinance (sections 15-6-45 through 15-6-51) in 2001, as allowed by the Federal Telecommunications Act of 1996, and modified it in 2004 to regulate the placement, construction, and modification of cellular telephone facilities and other personal wireless telecommunication service facilities in order to protect and promote public safety, minimize and mitigate any adverse visual or aesthetic impacts on the community and promote the orderly development of telecommunication facilities within the city; and

WHEREAS, city staff has received an application from Vertical Bridge/T-Mobile via agent Dave Petrakovitz for the installation of an up to 120 foot wireless telecommunications pole in a C2-Retail District area; and

WHEREAS, the applicant plans to install an up to 120-foot monopole tower on private property in a C2-Retail District area, but Appendix C to the City ordinance requires a Special Use Permit process as the pole monopole tower is up to 120 feet and is to be located in a C2-Retail District area; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Vertical Bridge/T-Mobile for amendment to the zoning map of the City of Kingsville with the request based on City Code sections 15-6-45 and 15-6-46;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, May 17, 2023, during a meeting of the Planning and Zoning Commission, and on Monday, May 22, 2023, during a meeting of the City Commission, in the Helen Kleberg Groves Community Room at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, on a motion to approve the item, a majority of the Planning Commission voted 6-0, to APPROVE the requested Special Use Permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for an up to 120-foot wireless telecommunications monopole tower in a C2-Retail District area at Clyde, Block 4, Lot 6-8, also known as 1027 E. Lott, Kingsville, Texas as more specifically described on the site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is for Vertical Bridge/T-Mobile to have a wireless telecommunications pole in C2-Retail District at Clyde, Block 4, Lot 6-8, also known as 1027 E. Lott, Kingsville, Texas.

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

3. **SPECIAL CONDITION:** (3.1) The applicant shall obtain all required licenses for operating the business and permits as applicable for building, fire and health thereby meeting all adopted codes to operate said business, and shall cooperate with all annual fire safety, health, and sanitation inspections, in order to maintain compliance with federal, state, and city regulations for such a structure/use at the location. (3.2) All activity on site shall be in complete compliance with all City codes, especially the telecommunications, nuisance, fire, building and zoning codes. (3.3) The applicant shall install and maintain a brick or masonry 8-foot fence. (3.4) The applicant shall install and maintain landscaping at the site.

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

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

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

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 22nd day of May, 2023.

PASSED AND APPROVED on this the 12th day of June, 2023.

EFFECTIVE DATE: _____

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

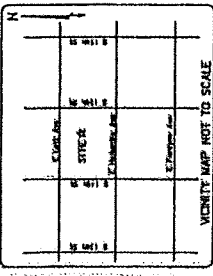
APPROVED AS TO FORM:

By: _____
Courtney Alvarez, City Attorney

RAW LAND SURVEY

CALLED LOT 6, 7, 8, BLOCK 4
CLYDE STREET
JUAN MINDOLA SURVEY, ABSTRACT NO. 192
KLEBERG COUNTY, TEXAS

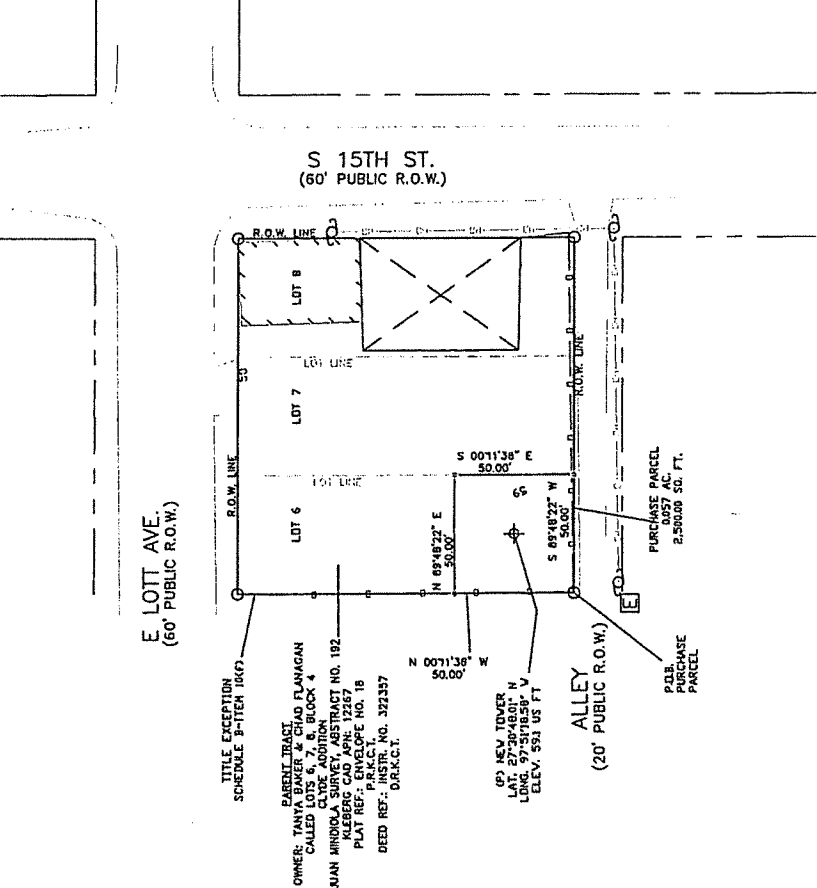
PROPOSED NEW TOWER
LOCATION INFORMATION
NAD83
27° 30' 46.01" N +/- 20"
97° 51' 38.68" W +/- 20"
Vertical Datum:
NAVD 1988
Ground Elevation at Base of Tower:
59.1 feet



ZONING: C2

FLOOD NOTE:
ACCORDING TO FLOOD PANEL MAP NO. 48220-101-01, DATED MARCH 17, 2014, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE SURVEYED AREA IS WITHIN A 100 YEAR FLOOD ZONE AREA.

- LEGEND:**
- - SET 1/2" IRON ROD.
 - - FOUR 1/2" IRON ROD.
 - ⊕ - TOWER CENTER.
 - P.O.B. - POINT OF BEGINNING.
 - P.O.C. - POINT OF COMMENCEMENT.
 - - - - - FENCE AS NOTED.
 - ⊕ - LOWER HEAD UTILITY LINE.
 - ⊕ - WOOD UTILITY POLE.
 - ⊕ - ELECTRIC TRANSFORMER.
 - R.O.W. - RIGHT-OF-WAY.
 - A/U - ACCESS & UTILITY.
 - (E) - EXISTING.
 - P.R.C.T. - PLAT RECORDS.
 - KLEBERG COUNTY TEXAS.
 - D.R.K.C.T. - DEED RECORDS.
 - KLEBERG COUNTY TEXAS.



AREA TABLE	SQUARE FEET	ACREAGE
PARENT PARCEL	21,000.00 +/-	0.482 +/-
PURCHASE PARCEL	2,500.00	0.057

- SURVEYOR'S NOTES**
1. NAME OF SURVEYOR: WIMBERLEY SURVEYING PROFESSIONALS, L.L.C.
 2. DATE OF SURVEY: 03/09/2022
 3. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 4. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 5. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 6. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 7. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 8. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 9. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.
 10. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.

SURVEYOR'S CERTIFICATION

I, WIMBERLEY SURVEYING PROFESSIONALS, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, DO HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE, AND THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT, CHAPTER 251, TEXAS CIVIL STATUTES, AND THE RULES OF PROFESSIONAL CONDUCT, TEXAS BOARD OF SURVEYING, CHAPTER 100, TEXAS ADMINISTRATIVE CODE.

WIMBERLEY SURVEYING PROFESSIONALS, L.L.C.
LAND SURVEYORS
KLEBERG COUNTY, TEXAS 75004
Date: October 24, 2022
Revision: 03/09/2022

PREPARED FOR VB BTS II, LLC

SITE NAME: FLATO
SITE NUMBER: US-TX-5697
ADDRESS: 1400 BLOCK OF LOTT AVE.
KINGSVILLE, TX 78364
KLEBERG COUNTY

SURVEY WORK PERFORMED BY:
WIMBERLEY SURVEYING PROFESSIONALS
PO BOX 9237
GREENVILLE, TEXAS 75004
PHONE: (903) 450-8100
FAX: (903) 455-2902

NATIONAL SURVEY SERVICES COORDINATION BY:
WIMBERLEY SURVEYING PROFESSIONALS, L.L.C.
Office: 118-0500
Fax: 118-0500
WWW.WIMBERLEY-SURVEYING.COM

OVERALL SITE PLAN

SHEET 1 OF 4

AGENDA ITEM #11

City of Kingsville Police Department

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: May 18, 2023

SUBJECT: Interlocal Cooperation Agreement Between Counties and Cities with Operation Lone Star for Law Enforcement Services

Summary:

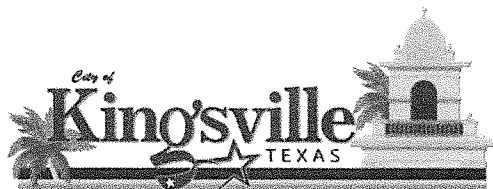
The Kingsville Police Department is requesting a resolution to enter into an Interlocal Cooperation Agreement Between Counties and Cities with Operation Lone Star for Law Enforcement Services.

Background:

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. Program participants shall assist in the execution of coordinated border security operations in an effort to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. decreased use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations



**City of Kingsville
Police Department**

Financial Impact:

We received funding in the amount of \$248,696.03 to provide equipment and supplies in support of Operation Lone Star activities in 2022. Our Lone Star partners have informed us that the next solicitation for grant funds should be available soon.

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

Recommendation:

We request that the City of Kingsville Commission approve the resolution for this interlocal agreement to continue our participation with other law enforcement entities in the Operation Lone Star activities.

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



RESOLUTION #2023-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN ALL COUNTIES AND CITIES ASSOCIATED WITH OPERATION LONE STAR FOR LAW ENFORCEMENT SERVICES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 25, 2022 via Resolution #2022-41, the City Commission of the City of Kingsville found 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, Homeland Security Grants Division's FY2023 Operation Lone Star Grant Program, which provides funding to deter and interdict criminal activity and detain non-citizen inmates and to assist in the execution of coordinated border security operations as described in the grant information; and

WHEREAS, the Department was notified it was awarded funding and now needs to enter an Interlocal Agreement with other cities and counties whose agencies are involved with Operation Lone Star for law enforcement services; and

WHEREAS, pursuant to the provisions of the Texas Local Government Code Chapter 362 (Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and Certain Other Local Governments), a county and a municipality may, pursuant to order or resolution of its governing body, form a mutual interlocal agency agreement to assist in criminal and narcotic investigations and law enforcement; and

WHEREAS, the parties to this agreement can better utilize the law enforcement resources of the coordination of criminal interdiction efforts between the Bee County SO, Brooks County SO, Cuero PD, Edna PD, Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO, Kleberg County Attorney Taskforce, Live Oak County SO, McMullen County SO, Nixon PD, Refugio County SO, San Patricio County SO, Wharton County SO, Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD, Jackson County SO, Aransas County SO, Zapata County SO; and

WHEREAS, Bee County SO, Brooks County SO, Cuero PD, Edna PD, Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO, Kleberg County Attorney Taskforce, Live Oak County SO, McMullen County SO, Nixon PD, Refugio County SO, San Patricio County SO, Wharton County SO, Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD, Jackson County SO, Aransas County SO, Zapata County SO desire to use the capital expenditures to improve the health, safety, and quality of life of the residents of their jurisdictions.

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

THAT the Mayor is authorized and directed as an act of the City of Kingsville, to enter into an Interlocal Cooperation Agreement Between Bee County SO, Brooks County SO, Cuero PD, Edna PD, Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO, Kleberg County Attorney Taskforce, Live Oak County SO, McMullen County SO, Nixon PD, Refugio County SO, San Patricio County SO, Wharton County SO, Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD, Jackson County SO, Aransas County SO, Zapata County SO for law enforcement services 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 Kingsville City Commission on the 22nd day of May, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

INTERLOCAL COOPERATION AGREEMENT BETWEEN COUNTIES AND CITIES ASSOCIATED WITH OPERATION LONE STAR FOR LAW ENFORCEMENT SERVICES

This Interlocal Cooperation Agreement made, entered into, and executed by
Bee County SO, Brooks County SO, Cuero PD, Edna PD,
Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO,
Kleberg County Attorney Taskforce, Live Oak County SO,
McMullen County SO, Nixon PD, Refugio County SO,
San Patricio County SO, Wharton County SO,
Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD,
Jackson County SO, Aransas County SO, Zapata County SO
bodies and corporates under the laws of the State of Texas; pursuant to the Interlocal
Cooperation Act, Texas Government Code Annotated Chapter 791.

WITNESSETH:

WHEREAS, pursuant to the provisions of the Texas Local Government Code Chapter 362 (Law Enforcement Services Provided Through Cooperation of Municipalities, Counties, and certain Other Local Governments), a county may, pursuant to order or resolution of its governing body, form a mutual interlocal agency to assist in criminal and narcotic investigations and law enforcement;

WHEREAS, pursuant to the provisions of Texas Local Government Code Chapter 791 (Interlocal Cooperation Act), a local governmental body may contract or agree with one or more local government bodies for the performance of governmental functions in which the contracting parties are mutually interested;

WHEREAS, pursuant to the provisions of the Texas Code of Criminal Procedure Chapter 59 (Forfeiture of Contraband), the prosecutor with felony jurisdiction in a county where a forfeiture proceeding is held under this chapter, may enter into an agreement with law enforcement agencies involved in the seizure of illegal contraband for the disposition of forfeited assets;

WHEREAS, the parties to this agreement can better utilize the law enforcement resources of Bee County SO, Brooks County SO, Cuero PD, Edna PD, Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO, Kleberg County Attorney Taskforce, Live Oak County SO, McMullen County SO, Nixon PD, Refugio County SO, San Patricio County SO, Wharton County SO, Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD, Jackson County SO, Aransas County SO, Zapata County SO by the coordination of criminal interdiction/ narcotics investigations efforts between the associated listed agencies.

WHEREAS, this agreement states the purpose, terms, rights, objectives, duties, and responsibilities of the parties to this agreement.

NOW THEREFORE, for and in consideration of the premises and the mutual promises, covenants, and agreements set forth in this agreement, the parties enter into this agreement under the following terms and conditions:

1. Definitions

“Law Enforcement Agency” shall mean one or more of the law enforcement agencies that are parties to this agreement.

“Law Enforcement Officer” shall have the meaning provided by Texas Local Government Code Section 362.001(2).

“Lead Agency” shall mean the law enforcement agency that initiates the criminal investigation within the jurisdictional limits of the political subdivision for which the agency provides law enforcement services.

“Active Participation” shall mean predetermined participation such as joint operations or investigations agreed upon by participating parties to this agreement prior to the operation. Backing up officers at a stop is not active participation unless agreed upon by both parties.

2. Purpose of Agreement

The purpose of the agreement is to create and establish a joint effort between the Bee County SO, Brooks County SO, Cuero PD, Edna PD, Falfurrias PD, Goliad County SO, Kingsville PD, Kleberg County SO, Kleberg County Attorney Taskforce, Live Oak County SO, McMullen County SO, Nixon PD, Refugio County SO, San Patricio County SO, Wharton County SO, Wilson County SO, Yoakum PD, Gonzales County SO, Gonzales PD, Jackson County SO, Aransas County SO, Zapata County SO to combat crime throughout the jurisdictional limits of the counties who are parties to the agreement. Pursuant to order or resolution of the governing bodies of the parties to this agreement, the parties to this agreement have entered into this agreement to (1) form a mutual aid law enforcement agreement between police agencies to cooperate in criminal interdiction efforts and related criminal investigations, (2) to provide additional investigative and arrest authority to law enforcement officers employed the law enforcement agencies within the jurisdictional limits of the political subdivisions that are parties to this agreement, and (3) to provide for the payment of expenses incurred in the performance of law enforcement activities during these operations.

3. Personnel and Equipment

Each law enforcement agency shall assign law enforcement officers (on an as needed and requested basis) and shall provide all necessary vehicles and equipment for the law enforcement officers assigned. All personnel assigned shall remain the employees of the party making this assignment., and shall not be considered as employees, agents, or servants, of any other party to the agreement. All compensation of services of law enforcement officers assigned during these enforcement operations shall be paid by the party making the assignment. All supplies and expenses incurred by the law enforcement officer while participating during these enforcement operations shall be paid by the law enforcement agency that acquired the supplies or incurred the expense.

4. Administration and Supervision

The lead agency for each joint effort shall have the sole responsibility for the direction and supervision of the activities of the law enforcement officers during the law enforcement operations.

All law enforcement officers in each joint effort shall be under the direct command of the lead agency.

Notwithstanding the provisions of the preceding paragraph, the heads of the law enforcement agencies shall have the sole directions in the assignment of law enforcement officers who are employed by the assigning party during the enforcement operations, including the time period of the assignment. The heads of the law enforcement agencies shall also have sole discretion in the assignment of vehicles, K-9 units, and other equipment and supplies owned or under the control of the assigning party, including the time period of the assignment.

5. Extent of Authority

Any law enforcement officer assigned to conduct these law enforcement operations shall be empowered to enforce all laws and ordinances applicable in the jurisdictions of the political subdivisions that are parties to this agreement, including the power to make arrests and to execute search warrants.

6. Employee Status

A law enforcement officer that is regularly employed by one of the law enforcement agencies shall remain an employee of that agency. However, the law enforcement officer shall be considered, for the purpose of making an arrest at any location within the jurisdictional limits of any political subdivision that is a party to this agreement, to be in service of and a peace officer under the command and supervision of the lead agency. The law enforcement officer who is assigned to participate in these operations shall have all the powers of a regular law enforcement officer anywhere within the jurisdictional limits of the political subdivision that is a

party to this agreement. Qualification for office by the law enforcement officer with the law enforcement agency that assigned the officer to participate in these operations shall constitute qualification for office with the lead agency and no additional cost, bond, or compensation is required. The party who assigns a law enforcement officer to these operations shall remain solely responsible for the health, safety, acts, or omissions of the assigned officer, and shall, to the extent authorized by law, indemnify the other parties to this agreement for any and all liability and damages whatsoever nature caused by the assigned officer. In further recognition of the benefits to be gained by the participating entities, it is agreed that no party to this agreement shall request reimbursement for any services performed pursuant to this agreement for another party to this agreement.

7. Compensation of Assigned Law Enforcement Officers

The party employing the law enforcement officers assigned shall pay all wages and disability payments, pension payments, damages to equipment and clothing, medical expenses, as well as travel, food, and lodging expenses incurred by the assigned officer in the performance of the law enforcement operation activities.

8. Civil Liability and Indemnification

It is further agreed that, in the event any law enforcement officer assigned shall be cited as a defendant party to any civil lawsuit, State or Federal, arising out of the officer's acts while engaging in authorized participation of the law enforcement operations, the assigned law enforcement officer shall be entitled to the same benefits from the assigning party that such law enforcement officer would be entitled to receive had such civil action arisen out of an official act within the scope of the assigned officer's duties as a member and in the jurisdiction of the law enforcement agency from which the officer was assigned.

9. Disposition of Forfeited Assets

The sharing of assets forfeited will be handled on a case by case basis between the agency of primary jurisdiction and those agencies participating in the enforcement action and investigation from which the assets were forfeited.

10. Term of Agreement & Termination

This agreement shall be for an initial term of one year. This agreement shall be automatically renewed without further action unless terminated by either party. This agreement may be terminated at any time by any party with or without cause upon (90) days advance written notice. Any notice of termination shall be sent to other party to this Interlocal Agreement at the address listed in paragraph 15 of this agreement.

11. Amendment clause:

This Agreement may be modified or amended by written agreement between the Parties.

12. County Judge/Mayor/City Administrator Authority:

The County Judge/Mayor/City Administrator, is authorized to act on behalf of her/his governing body under this agreement for the express purpose of adding or removing parties to the agreement in writing.

13. Payment from Current Funds

Each party for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

14. Alternate Dispute Resolution

In any dispute between the parties relation to law enforcement activities, all parties involved will cooperate in good faith to resolve the dispute. Prior to the filing of a lawsuit, the parties shall:

1. Meet in an informal conference to attempt resolution of any disputes.
2. In the event the dispute is not resolved at the informal conference, submit the dispute to mediation as described in Section 154.023 of the Texas Civil Practice and Remedies Code.

15. Notices

Any notice provided for under the terms of this agreement by either party to the other shall be in writing and may be affected by personal delivery or by register or certified mail, return receipt requested. Each party may change the address at which notice may be sent to that party by giving notice of such change to the other party in accordance with provisions of this paragraph.

16. Construction

This agreement shall be interpreted, construed, and governed by the laws of the State of Texas and shall be enforceable in any court of competent jurisdiction.

17. Captions

The Captions or headings in this agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision hereof.

18. Prior Agreements

This contract supersedes any and all other agreements, either oral or in writing between the parties with respect to the subject matter of this contract and contains all of the covenants and agreements between the parties with respect to the subject matter. Each party to this contract acknowledges that no representations, inducements, promises, or other agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, that are not set forth in this contract and that no agreement, statement, or promise not contained in this contract shall be valid or binding.

19. Authorization of Funding

Each participating agency separately certify that payments made under this agreement will be made from current revenues and any future payments are subject to future appropriations.

All expenditures will be subject to standard County/City purchasing procedures.

20. Law Governing

This agreement shall be governed by and construed in accordance with the laws of the State of Texas.

21. Severability

In case any one or more of the provisions contained in this agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalid, illegal or unenforceable provision shall not affect any other provision of this agreement and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

22. Assignment

This agreement is binding upon and inures to the benefit of the parties to this agreement and their respective successors and permitted assigns. This agreement may not be assigned by any party without the written consent of all of the parties.

23. Effect of Waivers

No waiver by either party of any default, violations, or breach of the terms, provisions, and covenants contained in this agreement may be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions, and covenants of this agreement.

24. Exercise of Police Power

This agreement and all activities under this agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

25. Warranty

The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in the agreement.

26. Immunities Not Waived

Nothing in this agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this agreement and the performance of the covenants contained in this agreement.

27. No Mutual Indemnification

To the extent allowed by the Constitution and Laws of the State of Texas, each County, and municipality agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the results of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

28. Effective Date

This agreement is effective on the date when the last party executes this agreement.

29. Multiple Originals

Two (2) copies of this agreement are executed; each shall be deemed an original.

EXECUTED by _____ on the _____ day of _____, 2023.
Sam R. Fugate, Mayor-City of Kingsville

Ricardo Torres, Chief of Police-City of Kingsville

AGENDA ITEM #12

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: May 9, 2023

SUBJECT: Out of State Travel and Training

Summary:

The Kingsville Police Department, in order to keep up with the cyber technology and investigations related to that technology has partnered with the US Secret Service to provide training for our IT Manager.

Background:

IT Manager, Noe Sosa, due to our partnership with the US Secret Service was able to attend Forensic Scripting Course at the National Computer Forensic Institute, Hoover, AL in September of 2022. Mr. Sosa has signed up to attend additional courses and received an e-mail notification, today, May 9th, 2023, of a cancellation by an attendee to a training course and if he would like to attend. The course takes place on May 15th thru May 19th. See course description below:

Digital Evidence Investigations (DEI)

A 5-day course, which provides a working knowledge in the identification, extrapolation and analysis of digital evidence obtained from computers and other electronic devices: cellphones, GPS units, and tablets; as well as hands-on training with forensic analysis tools, legal issues, and report generation techniques.

Financial Impact:

All costs related to this training to include the training, air fare, hotel and air fare are covered by the US Secret Service.

Recommendation:

We request approval of the out of state travel for training. Thank you for your assistance regarding this matter.



AGENDA ITEM #13

City of Kingsville Police Department

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Ricardo Torres, Chief of Police
DATE: May 9, 2023
SUBJECT: Out of State Travel and Training

Summary:

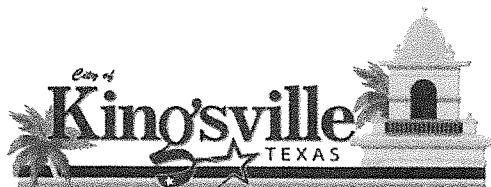
The Kingsville Police Department, in order to keep up with the cyber technology and investigations related to that technology has partnered with the US Secret Service to provide training for our IT Manager.

Background:

IT Manager, Noe Sosa, due to our partnership with the US Secret Service was able to attend Forensic Scripting Course at the National Computer Forensic Institute, Hoover, AL in September of 2022. Mr. Sosa has signed up to attend additional courses and received an e-mail notification, today, May 9th, 2023, to attend training at NCFI covering Linux for Cyber Investigative Techniques. Mr. Sosa will depart on Sunday, June 18th, 2023 and return on Friday, June 23rd, 2023. See course description below:

Cyber Investigative Techniques

A 1-week course that provides the knowledge base to understand basic investigative tactics and modern trends, as well as tactics employed by cyber criminals and how to successfully initiate a cyber investigation. Students will be able to identify types of cyber related criminal activity and demonstrate a basic understanding of how to initiate a cyber-investigation; identify computer and network hardware and artifacts of evidentiary value and the importance of digital evidence collection, sterilization, storage, and hashing. Students will learn fundamental network operations and internet communication protocols by differentiating public and private internet protocol rangers and conducting searches related to domain queries and registrations; Cloud data considerations and legal concerns related to cyber investigations; darknet technologies and how criminals leverage these technologies along with the fundamentals of cryptocurrencies to commit criminal acts.



**City of Kingsville
Police Department**

Financial Impact:

All costs related to this training to include the training, air fare, hotel and air fare are covered by the US Secret Service.

Recommendation:

We request approval of the out of state travel and training. Thank you for your assistance regarding this matter.



AGENDA ITEM #14

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Accept Donation

For Information on events and facilities
www.cityofkingsville.com/departments/parks
Email: sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

Subject: Agenda Request – Receipt of Brookshire Foundation Donation for Parks

Request: We are asking the City Commission to approve/accept the \$15,000.00 donation from the B.C. and Addie Brookshire Foundation. To be expended as follows: \$10,000.00 for 2023 summer programming which will include \$2,000 for assistance with the KISD Friday afternoon activities. \$5,000.00 to assist with the replacement of the diving board at the Brookshire Pool.

History: The Brookshire Foundation has a long history of supporting Parks Department Programs, events and project needs. Quite a bit of funds have been contributed to assist at the Brookshire Pool. They also have contributed annually to our summer activities programs provided by Parks and County Agri Life Extension.

Financial Impact: This donation will increase our Recreational Programs line item in Division 4513 and line item 31499 by \$10,000.00. It will also increase our Park Maintenance Fund 093-4503 – 59100 Grounds and Permanent Fixtures line item by \$5,000.00.

Recommendation: Please 1) accept the \$15,000.00 donation from the Brookshire Foundation to be expended as noted above for Park Department needs, and 2) approve the budget amendment for same.

AGENDA ITEM #15

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Budget Amend

For Information on events and facilities
www.cityofkingsville.com/departments/parks
Email: sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

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Financial Impact: This donation will increase our Recreational Programs line item in Division 4513 and line item 31499 by \$10,000.00. It will also increase our Park Maintenance Fund 093-4503 – 59100 Grounds and Permanent Fixtures line item by \$5,000.00.

Recommendation: Please: 1) accept the \$15,000.00 donation from the Brookshire Foundation to be expended as noted above for Park Department needs, and (2) approve the budget amendment for same.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO ACCEPT AND EXPEND THE DONATION FROM THE BROOKSHIRE FOUNDATION FOR RECREATIONAL PROGRAMS AND EQUIPMENT.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#50

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues</u>					
4513	Parks	Parks Donations	58003	\$10,000	
<u>Expenditures</u>					
4513	Parks	Recreational Programs	31499	\$10,000	
Fund 093 – Park Maintenance					
<u>Revenues</u>					
4503	Parks	Parks Donations	58003	\$5,000	
<u>Expenditures</u>					
4503	Parks	Grounds & Perm Fixtures	59100	\$5,000	

[To amend the City of Kingsville FY 22-23 budget to accept and expend the donation from the Brookshire Foundation for recreation programs and equipment. Funding will come from the donation received for the stated purpose.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #16

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Accept Donations

For Information on events and facilities
www.cityofkingsville.com/departments/parks

Email:

sivy@cityofkingsville.com

or follow us on Facebook

Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

Subject: Agenda Request – Receipt of Youth Pony League Sponsorship Donation

Request: We are asking City Commission to approve the \$300 donation from Cherry Tree Tea Room for sponsorship of a team within our youth baseball and softball league.

History: As previously presented to the Commission, each team solicited sponsors to assist with uniform costs, equipment, umpires, scorekeepers, and other expenses of the league.

Financial Impact: This donation will increase our professional services line item in Parks Division 4514 by \$300.00.

Recommendation: Please (1) approve the previously mentioned donation from the Cherry Tree Tea Room in the amount of \$300 to be spent for league expenses and (2) approve the budget amendment for the donation that is to be coded to Pony League Division 4514 line item Professional Services 31400.

AGENDA ITEM #17

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Budget Am.
For Information on events and facilities
www.cityofkingsville.com/departments/parks
Email:
sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

Subject: Agenda Request – Receipt of Youth Pony League Sponsorship Donation

Request: We are asking City Commission to approve the \$300 donation from Cherry Tree Tea Room for sponsorship of a team within our youth baseball and softball league.

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Financial Impact: This donation will increase our professional services line item in Parks Division 4514 by \$300.00.

Recommendation: Please (1) approve the previously mentioned donation from the Cherry Tree Tea Room in the amount of \$300 to be spent for league expenses and (2) approve the budget amendment for the donation that is to be coded to Pony League Division 4514 line item Professional Services 31400.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO ACCEPT AND EXPEND THE DONATION FROM THE CHERRY TREE TEA ROOM FOR SPONSORSHIP OF A YOUTH BASEBALL AND SOFTBALL LEAGUE TEAM.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#49

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues</u>					
4514	Parks	Softball League Donation	58003	\$300	
<u>Expenditures</u>					
4514	Parks	Professional Services	31400	\$300	

[To amend the City of Kingsville FY 22-23 budget to accept and expend the donation from the Cherry Tree Tea Room for sponsorship of a youth baseball and softball league team. Funding will come from the donation received for the stated purpose.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #18

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



Reallocation HKP Funds

For Information on events and facilities
www.cityofkingsville.com/departments/parks

Email:

sivy@cityofkingsville.com

or follow us on Facebook

Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

Subject: Agenda Request – Request reappropriation of ARP Trail funds for necessary work at Brookshire Pool

Request: We are asking City Commission to approve the appropriation of funds from ARP Fund to:	
replace the diving board and base in the amount of	\$18,784.96
repair line for sand filter	4,127.50
repair coping at kiddie pool	1,140.00
replace/repair the handicap lift chair required by State Law.	<u>6,000.00</u>
Total	\$30,052.46
Contingency funds for these projects	<u>1,947.54</u>
Total funds to reappropriate from ARP Trail to Pool Improvements	\$32,000.00

History: The condition of the diving board has deteriorated quicker than expected this year and we need to replace it immediately. The Lift Chair is not working and needs to be replaced as well. It is required by State Law. The other repairs are misc. but need to be done.

Financial Impact: This reallocation of ARP Funds will not add to nor reduce the overall city budget.

Recommendation: Please approve the reappropriation of ARP Funds that were originally intended for Trail Improvements (121 -5-4503) in the amount of \$32,000.00 for Pool Improvements.

MASTER POOL BUILDER
1860 SARATOGA BLVD
CORPUS CHRISTI, TX 78417

Fax:

Invoice Number: m9142
Invoice Date: May 8, 2023
Page: 1

Bill To:	
KLEBERG COUNTY PARK & RECREATION DEPT J.K. Northway Coliseum Drawer 512 Kingsville, TX 78364	

Ship to:

BROOKSHIRE POOL
1519 E. KENEDY
CORNER OF 20TH

Customer ID		Customer PO	Payment Terms	
KLEBERG COUNTY PARK			Net 1 Day	
Sales Rep ID		Shipping Method	Ship Date	Due Date
GRISMER, JASON		BEST WAY		5/9/23

Quantity	Item	Description	Unit Price	Amount
1.00		5/2/23 DEVIN/SERVICE/LABOR		
1.00		REPAIR LEAKING MANIFOLD AS PER BID	2,485.00	2,485.00

Subtotal	2,485.00
Sales Tax	
Total Invoice Amount	2,485.00
Payment/Credit Applied	
TOTAL	2,485.00

Check/Credit Memo No:

GO OUTSIDE AND PLAY...



1860 SARATOGA BLVD
CORPUS CHRISTI, TX
78417
361-855-5557

Quote #22350 05/10/23
APPROVED

KLEBURG COUNTY PARKS
1519 East Kenedy Avenue
Kingsville, Texas 78363

Service Address
1519 East Kenedy Avenue
Kingsville, Texas 78363

	QTY	PRICE	AMOUNT
Filter bulkhead epoxy repair Apply epoxy to leak at filter bulkhead	1	\$1,642.50	\$1,642.50
Subtotal			\$1,642.50
Taxable Subtotal			\$1,642.50
Discount			\$0.00
Tax			\$0.00
TOTAL			\$1,642.50



1860 SARATOGA BLVD
CORPUS CHRISTI, TX
78417
361-855-5557

Quote #22354 05/10/23
APPROVED

KLEBURG COUNTY PARKS
1519 East Kenedy Avenue
Kingsville, Texas 78363

Service Address
1519 East Kenedy Avenue
Kingsville, Texas 78363

	QTY	PRICE	AMOUNT
Coping stone 1' x 2' furnish and install Furnish and install 1 coping stone at kiddie pool and repair to deck finish at diving board when replaced	1	\$1,140.00	\$1,140.00

Subtotal	\$1,140.00
Taxable Subtotal	\$1,140.00
Discount	\$0.00
Tax	\$0.00
TOTAL	\$1,140.00



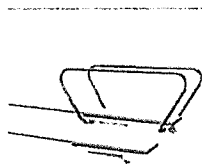
1860 SARATOGA BLVD
CORPUS CHRISTI, TX
78417
361-855-5557

Quote #22349 05/10/23
OPEN

KLEBURG COUNTY PARKS
1519 East Kenedy Avenue
Kingsville, Texas 78363

Service Address
1519 East Kenedy Avenue
Kingsville, Texas 78363

	QTY	PRICE	AMOUNT
12' diving board ,stand, and handrails	1	\$18,784.96	\$18,784.96
Furnish and install 12' diving board, 1 meter stand, and handrails			



Subtotal	\$18,784.96
Taxable Subtotal	\$18,784.96
Discount	\$0.00
Tax	\$0.00

Pool Warehouse

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Above-ground Pool Kits >

Pool Liners >

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Select options for pricing

- ADA compliant & UL certified
- 350lb weight capacity
- Stable, non-rotational design
- Field reversible
- Stainless steel construction with powder coat finish
- Limited 5 year warranty
- **ANCHORS NOT INCLUDED, MUST BE PURCHASED SEPARATELY**



Aqua Creek Products
Quality • Integrity • Customer Service

Color

(Blue)

This item ships in 5 to 7 business days.

\$4,309.00



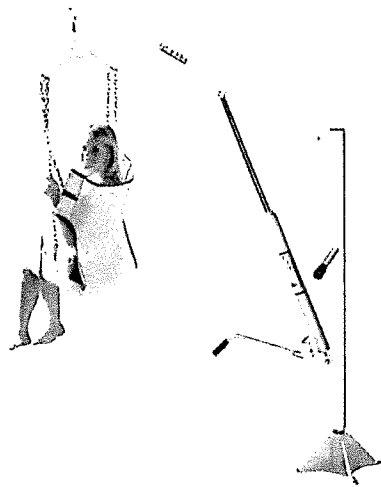
Aqua Creek F-04CAJP Ranger/Admiral
Standard Anchor

- Standard Concrete Anchor System for the Aqua Creek Ranger 2 & Admiral Models

EZ Manual Pool Lift

★★★★★ 4.5 from 9 reviews 100% recommended

Easy to use and simple to move for off-season storage.



Aqua Creek
(Model No. F-EZPL2)

[Product Overview](#)

\$2,910.00 ~~\$3,396~~

As low as \$93.89/mo*
[Monthly Rate](#)



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- ✓ 5 Year Limited Warranty
- ✓ Hanger Bar
- ✓ Made in the USA



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Guarantee

SHIPPING INFORMATION: [Details](#)

Leaves Warehouse In: 10-15 Business Days

[Details](#)

Ground Shipping:

FREE for orders over \$50!

Expedited Shipping:

Unavailable



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1-800-850-0335

AGENDA ITEM #19

**City of Kingsville
Public Works**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: May 12, 2023

SUBJECT: Drought Contingency Plan Update

Summary:

This update brings public awareness of possible actions/restrictions during water shortages to protect public health, safety and welfare. This plan is a requirement as part of TCEQ compliance and is required to be updated every five years.

Background:

The Drought Contingency Plan was adopted by Ordinance 2018-57. This plan identifies the criteria for initiation and termination, drought response stages and potential impacts to water customers.

Financial Impact:

The Drought Contingency Plan has no financial impact to the City.

Recommendation:

Staff recommends approval of this drought contingency plan.



ORDINANCE #2018-57

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER V, ARTICLE 3, WATER, SECTIONS 72, 77 & 78, PROVIDING FOR ADDITIONAL PUBLIC EDUCATION METHOD, UPDATED TRIGGERS, AND UPDATED NOTIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Sections 5-3-72, 5-3-77, and 5-3-78 of Article 3: Water of Chapter V, Public Works of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 5-3-72 PUBLIC EDUCATION

The City of Kingsville will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a public meetings, utility bill inserts, city website and/or publication in a newspaper of general circulation.

...

§ 5-3-77 CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. Customer notification of the initiation or termination of drought response stages will be made by mail and/or publication in a newspaper of general circulation.

The triggering criteria described below are based on groundwater capacity limits.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on water uses, defined in Section 5-3-76 Definitions when the criteria described as follows occurs. The City of Kingsville will recognize that a mild water shortage exists when the capacity of the City of Kingsville's groundwater wells is equal to or less than 90 percent of the original capacity (approximately 7.4 million gallons per day), and the total daily water demand equals or exceeds 6.0 million gallons for 3 consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 5-3-78 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that a moderate water shortage exists when the capacity of the City of Kingsville's groundwater wells is equal to or less than 85 percent of the original capacity (approximately 7.0 million gallons per day), and the total daily water demand equals or exceeds 7.0 million gallons for 3 consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that a severe water shortage exists when the capacity of the City of Kingsville's groundwater wells is equal to or less than 80 percent of the original capacity (approximately 6.6 million gallons per day), and the total daily water demand equals or exceeds 7.5 million gallons for 3 consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that an emergency water shortage exists when:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section 5-3-78 of this Plan and comply with the requirements and restrictions for Stage 4 - EMERGENCY Water Shortage Conditions of this Plan when the City Manager determines that water shortage conditions threaten public health, safety and welfare.

Requirements for termination

Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.

§ 5-3-78 DROUGHT RESPONSE STAGES

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 5-3-77 of this Plan, shall determine that a mild, moderate, severe, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/her designee shall notify the public by means of publication in a newspaper of general circulation, direct mail, and/or public service announcements.

Additional Notification:

The City Manager or his/her designee shall notify directly or cause to be notified directly, the following individuals and entities:

Mayor and members of the City Commission
Fire Chief
City and/or County Emergency Management Coordinator
County Judge and Commissioners
State Disaster District/Department of Public Safety
TCEQ (required when mandatory restrictions are imposed)
Major water users
Critical water users, i.e. hospitals
Public Facilities Managers

Stage 1 Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary 10% percent reduction in total water use.

Supply Management Measures:

The City of Kingsville will prohibit the use of ornamental fountains, reduce or discontinue flushing of water mains and schedule meetings with large water users, industrial and commercial to exchange information regarding methods of saving water.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

(b) All operations of the City of Kingsville shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions

Goal: Achieve a 15% percent reduction in total water use.

Supply Management Measures:

Continue Stage 1 measures and implement any additional regulations and prohibitions.

Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Kingsville.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Kingsville, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.
- (h) The following uses of water are defined as non-essential and are prohibited:
 - 1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - 2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - 3. use of water for dust control;
 - 4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - 5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 25% reduction in total water use.

Supply Management Measures:

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions.

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Kingsville.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- Emergency Water Shortage Conditions

Goal: Achieve a 35% reduction in total water use.

Supply Management Measures:

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions by the South Texas Water Authority.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support

aquatic life or where such fountains or ponds are equipped with a recirculation system.

(e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

(f) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler system are prohibited at all times.

Stage 5 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Kingsville of a greater number of persons per household on a form prescribed by the City Manager. The City of Kingsville shall give his/her best effort to see that such forms are mailed, otherwise provided,

or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Kingsville offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Kingsville on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Kingsville in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Kingsville of a reduction in the number of person in a household shall be fined not less than \$ 100.00.

Residential water customers shall pay the following surcharges:

- \$5.00 for the first 1,000 gallons over allocation.
- \$8.00 for the second 1,000 gallons over allocation.
- \$16.00 for the third 1,000 gallons over allocation.
- \$40.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Kingsville of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Kingsville offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Kingsville in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager

shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Kingsville of a reduction in the number of person in a household shall be fined not less than \$ 200.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$ 5.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$ 8.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$16.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$40.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Kingsville to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

\$ 5.00 per thousand gallons for the first 1,000 gallons over allocation.

\$ 8.00 per thousand gallons for the second 1,000 gallons over allocation.

\$16.00 per thousand gallons for the third 1,000 gallons over allocation.

\$40.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or more:

One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 36-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 36 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Kingsville to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the

initiative of the City Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Industrial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

- \$ 5.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 8.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$16.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$40.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or more:

- One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

...

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.

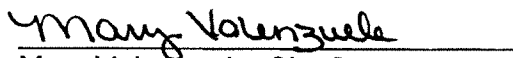
INTRODUCED on this the 10th day of September, 2018.

PASSED AND APPROVED on this the 24th day of September, 2018.

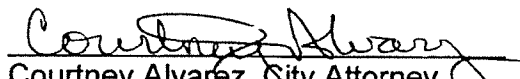
Effective Date: October 11, 2018


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

ORDINANCE #2023-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, SECTIONS 70 THROUGH 81, PROVIDING FOR DROUGHT CONTINGENCY PLAN, PUBLIC EDUCATION METHOD, TRIGGERS, AND NOTIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Sections 5-3-70 through 5-3-78 of Article 3: Water of Chapter V, Public Works of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

...

§ 5-3-70 DECLARATION OF POLICY, PURPOSE AND INTENT.

(A) In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the city hereby adopts the following regulations and restrictions on the delivery and consumption of water.

(B) Water uses regulated or prohibited under this drought contingency plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in § 5-3-79 of this subarticle.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-71 PUBLIC INVOLVEMENT.

Opportunity for the public to provide input into the preparation of the plan was provided by the city by means of public notice of public meeting to accept input on the plan.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-72 PUBLIC EDUCATION.

The City of Kingsville will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a public meetings, utility bill inserts, city website and/or publication in a newspaper of general circulation.

§ 5-3-73 COORDINATION WITH REGIONAL WATER PLANNING GROUPS.

The service area of the city is located within Region N and the city has provided a copy of this plan to the Coastal Bend Regional Water Planning Group.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-74 AUTHORIZATION.

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this plan upon determination that such implementation is necessary to protect public health, safety and welfare. The City Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-75 - APPLICATION.

The provisions of this plan shall apply to all persons, customers, and property utilizing water provided by the city. The terms *person* and *customer* as used in the plan include individuals, corporations, partnerships, associations and all other legal entities.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-76 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Aesthetic water use. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use. Water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants and office buildings.

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer. Any person, company, or organization using water supplied by the city.

Domestic water use. Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address. Street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use. The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use. Water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (1) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this plan;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

- (9) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address. Street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-77 CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES.

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached. Customer notification of the initiation or termination of drought response stages will be made by mail and/or publication in a newspaper of general circulation.

The triggering criteria described below are based on groundwater capacity limits.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on water uses, defined in Section 5-3-76 Definitions when the criteria described as follows occurs. The City of Kingsville will recognize that a mild water shortage exists when the capacity of the City of Kingsville’s groundwater wells is equal to or less than 90 percent of the original capacity (approximately 7.4 million gallons per day), and the total daily water demand equals or exceeds 6.0 million gallons for 3 consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 5-3-78 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that a moderate water shortage exists when the capacity of the City of Kingsville’s groundwater wells is equal to or less than 85 percent of the original capacity (approximately 7.0 million gallons per day), and the total daily water demand equals or exceeds 7.0 million gallons for 3 consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that a severe water shortage exists when the capacity of the City of Kingsville's groundwater wells is equal to or less than 80 percent of the original capacity (approximately 6.6 million gallons per day), and the total daily water demand equals or exceeds 7.5 million gallons for 3 consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when the criteria described as follows occurs. The City of Kingsville will recognize that an emergency water shortage exists when:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; **or**
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 7 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section 5-3-78 of this Plan and comply with the requirements and restrictions for Stage 4 - EMERGENCY Water Shortage Conditions of this Plan when the City Manager determines that water shortage conditions threaten public health, safety and welfare.

Requirements for termination

Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 15 consecutive days.

§ 5-3-78 DROUGHT RESPONSE STAGES.

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 5-3-77 of this Plan, shall determine that a mild, moderate, severe, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/her designee shall notify the public by means of publication in a newspaper of general circulation, direct mail, and/or public service announcements.

Additional Notification:

The City Manager or his/her designee shall notify directly or cause to be notified directly, the following individuals and entities:

Mayor and members of the City Commission
Fire Chief
City and/or County Emergency Management Coordinator
County Judge and Commissioners
State Disaster District/Department of Public Safety
TCEQ (required when mandatory restrictions are imposed)
Major water users
Critical water users, i.e. hospitals
Public Facilities Managers

Stage 1 Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary 10% percent reduction in total water use.

Supply Management Measures:

The City of Kingsville will prohibit the use of ornamental fountains, reduce or discontinue flushing of water mains and schedule meetings with large water users, industrial and commercial to exchange information regarding methods of saving water.

Voluntary Water Use Restrictions:

- (a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
- (b) All operations of the City of Kingsville shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- (c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response -- MODERATE Water Shortage Conditions

Goal: Achieve a 15% percent reduction in total water use.

Supply Management Measures:

Continue Stage 1 measures and implement any additional regulations and prohibitions.

Water Use Restrictions:

Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- (a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the

hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- (c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Kingsville.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Kingsville, the facility shall not be subject to these regulations.
- (g) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(h) The following uses of water are defined as non-essential and are prohibited:

1. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. use of water to wash down buildings or structures for purposes other than immediate fire protection;
3. use of water for dust control;
4. flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 25% reduction in total water use.

Supply Management Measures:

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions.

Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
- (b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Kingsville.
- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- Emergency Water Shortage Conditions

Goal: Achieve a 35% reduction in total water use.

Supply Management Measures:

Continuation of restrictions set forth in previous conditions and implementation of additional regulations or prohibitions by the South Texas Water Authority.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas is absolutely prohibited.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
- (d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- (e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
- (f) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler system are prohibited at all times.

Stage 5 Response -- WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water according to the following water allocation plan:

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City of Kingsville of a greater number of persons per household on a form prescribed by the City Manager. The City of Kingsville shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Kingsville offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Kingsville on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Kingsville in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Kingsville of a reduction in the number of person in a household shall be fined not less than \$ 100.00.

Residential water customers shall pay the following surcharges:

- \$5.00 for the first 1,000 gallons over allocation.
- \$8.00 for the second 1,000 gallons over allocation.
- \$16.00 for the third 1,000 gallons over allocation.
- \$40.00 for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Kingsville of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Kingsville offices to complete and sign the form claiming more than two (2) dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Kingsville in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Kingsville of a reduction in the number of person in a household shall be fined not less than \$ 200.00. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- \$ 5.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- \$ 8.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- \$16.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- \$40.00, thereafter for each additional 1,000 gallons over allocation.

Surcharges shall be cumulative.

Commercial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous

12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Kingsville to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Nonresidential commercial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

- \$ 5.00 per thousand gallons for the first 1,000 gallons over allocation.

- \$ 8.00 per thousand gallons for the second 1,000 gallons over allocation.

- \$16.00 per thousand gallons for the third 1,000 gallons over allocation.

- \$40.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or more:

- One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

- Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

- Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

- Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

Industrial Customers

A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90 percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 36-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 36 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Kingsville to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the City Manager. Industrial customers shall pay the following surcharges:

Customers whose allocation is 6,000 gallons through 20,000 gallons per month:

- \$ 5.00 per thousand gallons for the first 1,000 gallons over allocation.
- \$ 8.00 per thousand gallons for the second 1,000 gallons over allocation.
- \$16.00 per thousand gallons for the third 1,000 gallons over allocation.
- \$40.00 per thousand gallons for each additional 1,000 gallons over allocation.

Customers whose allocation is 21,000 gallons per month or more:

One times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.

Three times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.

Five times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.

Ten times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 1,000 gallons at the regular water rate schedule at the level of the customer's allocation.

§ 5-3-79 ENFORCEMENT.

(A) No person shall knowingly or intentionally allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager, or his/her designee, in accordance with provisions of this plan.

(B) Any person who violates this plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than \$100.00 and not more than \$1,000.00. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$25.00, and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

(C) Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used

in violation of this plan and that the parent could not have reasonably known of the violation.

(D) Any employee of the city, police officer, or other city employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this subarticle. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in municipal court on the date shown on the citation for which the date shall not be less than three days nor more than five days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-80 VARIANCES.

(A) The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(1) Compliance with this plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the plan is in effect.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(B) Persons requesting an exemption from the provisions of this subarticle shall file a petition for variance with the city within five days after the plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

(1) Name and address of the petitioner(s);

(2) Purpose of water use;

- (3) Specific provision(s) of the plan from which the petitioner is requesting relief;
- (4) Detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subarticle;
- (5) Description of the relief requested;
- (6) Period of time for which the variance is sought;
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this plan and the compliance date; and
- (8) Other pertinent information.

(C)(1) Variances granted by the city shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

(a) Variances granted shall include a timetable for compliance; and

(b) Variances granted shall expire when the plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

(2) No variance shall be retroactive or otherwise justify any violation of this plan occurring prior to the issuance of the variance.

(Ord. 2002-14, passed 5-7-02)

§ 5-3-81 SEVERABILITY.

It is hereby declared to be the intention of the city that the sections, paragraphs, sentences, clauses, and phrases of this subarticle are severable and, if any phrase, clause, sentence, paragraph, or section of this plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this plan, since the same would not have been enacted by the city without the incorporation into this plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Ord. 2002-14, passed 5-7-02)

...

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 22nd day of May, 2023.

PASSED AND APPROVED on this the 12th day of June, 2023.

Effective Date: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #20

**City of Kingsville
Public Works**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: May 12, 2023

SUBJECT: Water Conservation Management Plan Update

Summary:

This Water Conservation Management Plan identifies water conservation goals and plans. This plan is a requirement as part of TCEQ compliance and is required to be updated every five years.

Background:

The Water Conservation Management Plan was adopted by Ordinance 2018-56. This conservation plan updates the water service capacities, water supply sources, wastewater treatment facilities including goals and long-range plans by the City of Kingsville.

Financial Impact:

The Water Conservation Management Plan has minimal financial impact to the utility revenues.

Recommendation:

Staff recommends approval of this Water Conservation Management Plan.



ORDINANCE NO. 2018-56

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER V, ARTICLE 3, WATER, SECTIONS 100-103; PROVIDING FOR UPDATED INFORMATION IN THE WATER CONSERVATION MANAGEMENT PLAN; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Sections 5-3-100 through 5-3-103 of Article 3: Water of Chapter V, Public Works of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

**WATER CONSERVATION
MANAGEMENT PLAN**

§ 5-3-100 BRIEF DESCRIPTION OF PLANNING AREA

The City of Kingsville in Kleberg County provides water utility service to portions of approximately 13.6 sq. mi. Service is provided throughout the City limits and to portions of Kleberg County which lie near the City limits. The service population is approximately 26,215. This includes service to Texas A&M Kingsville and Naval Air Station Kingsville (NAS) which are the two major consumers of water. The sources of the City's water supply are groundwater which is composed of 7 wells drilled into the Goliad Aquifer, and surface water which is treated by City of Corpus Christi and purchased from the South Texas Water Authority.

The City also provides wastewater collection and treatment services to nearly all the residents and commercial establishments within the City limits. There are two wastewater treatment plants, the North Plant, capacity of 3MGD and the South Plant, capacity of 1MGD.

§ 5-3-101 UTILITY EVALUATION DATA

Projecting future population and water requirements based on historical patterns do not follow state trends. Although the population of Texas is growing, Kingsville's population has remained constant over the past 10 years. The 2010 census reports a population of 26,215 and estimated 2016 demographics by the

U.S. Census Bureau are 26,071. The population has remained fairly stable as the major employers: Texas A&M University-Kingsville, NAS-Kingsville and Celanese have maintained their employment base. The major factor affecting future population is the status of NAS-Kingsville and the Federal Base Closure Committee. If NAS-Kingsville is reduced or closed, the potential decrease in population could be as much as 2,500 employees. Another alternative is a similar increase in population if the Base Closure Committee closes the NAS in Meridian, Mississippi and those forces are relocated to Kingsville.

At this time, Kingsville's water supply is more than double the demand. Average daily demand is 3.6 million gallons per day (mgd) and our current pumping capacity is 14.7 mgd. Peak demand was 4.9 mgd. Our per capita consumption is 141 gallons per day, which represents 3.7 mgd. The remaining pumping capacity of 9.8 mgd is used for city utility usage, commercial supply, firefighting purposes and other emergency conditions. If an additional 2,500 people moved to Kingsville, the average daily demand could be expected to increase to 4.0 mgd based on per capita consumption. Even with a corresponding increase in commercial usage, the existing supply would be sufficient

§ 5-3-102 NEED FOR GOALS OF THE PROGRAM

The major goal of Kingsville's Water Conservation Plan is to reduce gallons per capita per day (gpcd) of water consumption. Currently the daily gpcd water consumption is 141. It is the goal of the City of Kingsville to reduce daily gpcd water consumption by 1% each year resulting in a gpcd of 135.40 in the year 2022.

Additionally, the City of Kingsville has made long range plans for maintaining the City's groundwater supply at least the same capacity as the present, 8mdg. If production from existing wells should fall below this, a replacement well will be required. However, careful investigation and consideration of the location for replacement wells will be made in order to minimize draw down and over pumping the aquifer.

§ 5-3-103 LONG-TERM WATER CONSERVATION PLAN ELEMENTS

A. Education and Information

The City intends to use public notification and education through the local newspaper, the Kingsville Record; the Public Access station on local Cable-TV station (CMA, KingTV69, KvllTV18); local radio station (KTAI); and area news media such as the Corpus Christi Caller-Times newspaper and the three network affiliate television stations in Corpus Christi: (Channels 3, 6, 10). Brochures prepared by the Texas Water Development Board with general information

concerning water conservation will be distributed to new customers when applying for service.

Other information such as indoor water conservation and landscaping water conservation are distributed to the public at special events such as Earth Day, school functions, Water Utility Awareness Week etc.

B. Conservation-Oriented Water Rate Structure

The current water rate structure (increasing block rate) should promote water conservation practices.

C. Metering Program

The City completed a residential meter accuracy test in 2017 and is planning to replace radio read devices on meters in FY 2019. The City also has a meter testing program. The Utility Billing Department has a portable meter tester which is utilized in the field for meter testing. All meters six inch and larger are to be tested annually for accuracy and for deviations from 100% greater or less than 2%, the meter is re-calibrated.

D. Leak detection and repair

The City will maintain its program as follows:

1. Utility Billing automatically separates high usage readings from the other billings. These are re-read for accuracy. If there is actually high usage, the customer is notified to check for leaks.

2. Monthly comparisons of total water sales and water produced.

3. Continuous monitoring of storage tanks to detect water main breaks.

4. Visual inspection by meter readers and City employees for abnormal conditions indicating leaks.

5. Prompt repair of water system leaks and water main breaks.

6. Implementation and Enforcement

Except as provided for by other existing City ordinances, compliance with the City's water conservation program will be voluntary. The user charges for the water system are substantial; therefore, voluntary compliance with water conservation measures should be effective.

7. Periodic Review and Evaluation

The City of Kingsville will evaluate the effectiveness of this plan annually and report the progress towards the City's stated goals to the Texas Water Development Board until all financial obligations to the State have been discharged.

8. Water-Conserving Landscape Programs

The City of Kingsville actively supports the efforts of the local Kingsville Gardeners Club and Keep Kingsville Beautiful Committee. This committee of volunteers has conducted several demonstrations and educational events to inform citizens about the use of native, drought tolerant plants in local landscaping.

9. Distribution System Pressure Control

The City's water supply controls operate on a Supervisory Control and Data Acquisition System which monitors storage tank levels and converts that information into pressure readings. There is continual monitoring of these readings. Furthermore, pressure indicators and recorders have been installed in two critical points in the distribution system. This information is also monitored at least daily. These pressure indicators alert City personnel if severe changes occur which are then investigated immediately.

10. Water Recycling and Reuse Programs

The City of Kingsville has an as needed wastewater reuse program for the L.E. Ramey Golf Course to use effluent water for irrigation purposes.

11. Five-year and Ten-year targets

The City of Kingsville has goals to reduce the total gpcd by 1% each year resulting in a gpcd of 133.95 in the year 2023 and a gpcd of 126.90 in the year 2028. Water loss expressed in gpcd also has a goal of 1% reduction each year resulting in a water loss gpcd of 4.75 in the year 2023 and a gpcd of 4.5 in the year 2028.

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.

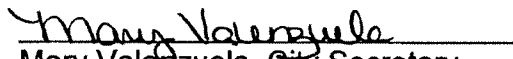
THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 10th day of September, 2018.


PASSED AND APPROVED on this the 24th day of September, 2018.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney

Effective Date: October 11, 2018

ORDINANCE NO. 2023-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, SECTIONS 100-103; PROVIDING FOR UPDATED INFORMATION IN THE WATER CONSERVATION MANAGEMENT PLAN; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

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

I.

THAT Sections 5-3-100 through 5-3-103 of Article 3: Water of Chapter V, Public Works of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted to read as follows:

**WATER CONSERVATION
MANAGEMENT PLAN**

§ 5-3-100 BRIEF DESCRIPTION OF PLANNING AREA

The City of Kingsville in Kleberg County provides water utility service to portions of approximately 13.6 sq. mi. Service is provided throughout the City limits and to portions of Kleberg County which lie near the City limits. The service population is approximately 26,215. This includes service to Texas A&M Kingsville and Naval Air Station Kingsville (NAS) which are the two major consumers of water. The sources of the City's water supply are groundwater which is composed of 7 wells drilled into the Goliad Aquifer, and surface water which is treated by City of Corpus Christi and purchased from the South Texas Water Authority.

The City also provides wastewater collection and treatment services to nearly all the residents and commercial establishments within the City limits. There are two wastewater treatment plants, the North Plant, capacity of 3MGD and the South Plant, capacity of 1MGD.

§ 5-3-101 UTILITY EVALUATION DATA

Projecting future population and water requirements based on historical patterns do not follow state trends. Although the population of Texas is growing, Kingsville's population has remained constant over the past 10 years. The ~~2020~~ 2010 census reports a population of 25,402 ~~26,215~~ and estimated ~~2023~~ 2016 demographics by the U.S. Census Bureau are 25,415 ~~26,074~~. The population

has remained fairly stable as the major employers: Texas A&M University-Kingsville, NAS-Kingsville and Celanese have maintained their employment base. The major factor affecting future population is the status of NAS-Kingsville and the Federal Base Closure Committee. If NAS-Kingsville is reduced or closed, the potential decrease in population could be as much as 2,500 employees. Another alternative is a similar increase in population if the Base Closure Committee closes the NAS in Meridian, Mississippi and those forces are relocated to Kingsville.

At this time, Kingsville's water supply is more than double the demand. Average daily demand is 3.6 million gallons per day (mgd) and our current pumping capacity is 14.7 mgd. Peak demand was 4.9 mgd. Our per capita consumption is 141 gallons per day, which represents 3.7 mgd. The remaining pumping capacity of 9.8 mgd is used for city utility usage, commercial supply, firefighting purposes and other emergency conditions. If an additional 2,500 people moved to Kingsville, the average daily demand could be expected to increase to 4.0 mgd based on per capita consumption. Even with a corresponding increase in commercial usage, the existing supply would be sufficient

§ 5-3-102 NEED FOR GOALS OF THE PROGRAM

The major goal of Kingsville's Water Conservation Plan is to reduce gallons per capita per day (gpcd) of water consumption. Currently the daily gpcd water consumption is 141. It is the goal of the City of Kingsville to reduce daily gpcd water consumption by 1% each year resulting in a gpcd of 135.40 in the year 2022.

Additionally, the City of Kingsville has made long range plans for maintaining the City's groundwater supply at least the same capacity as the present, 8mdg. If production from existing wells should fall below this, a replacement well will be required. However, careful investigation and consideration of the location for replacement wells will be made in order to minimize draw down and over pumping the aquifer.

§ 5-3-103 LONG-TERM WATER CONSERVATION PLAN ELEMENTS

A. Education and Information

The City intends to use public notification and education through the local newspaper, the Kingsville Record; the Public Access station on local Cable-TV station (CMA, KingTV69, KvllTV18); local radio station (KTAI); and area news media such as the Corpus Christi Caller-Times newspaper and the three network affiliate television stations in Corpus Christi: (Channels 3, 6, 10). Brochures prepared by the Texas Water Development Board with general information

concerning water conservation will be distributed to new customers when applying for service.

Other information such as indoor water conservation and landscaping water conservation are distributed to the public at special events such as Earth Day, school functions, Water Utility Awareness Week etc.

B. Conservation-Oriented Water Rate Structure

The current water rate structure (increasing block rate) should promote water conservation practices.

C. Metering Program

The City completed a residential meter accuracy test in 2017 and is planning to replace radio read devices on meters in FY 2023 2019. The City also has a meter testing program. The Utility Billing Department has a portable meter tester which is utilized in the field for meter testing. All meters six inch and larger are to be tested annually for accuracy and for deviations from 100% greater or less than 2%, the meter is re-calibrated.

D. Leak detection and repair

The City will maintain its program as follows:

1. Utility Billing automatically separates high usage readings from the other billings. These are re-read for accuracy. If there is actually high usage, the customer is notified to check for leaks.

2. Monthly comparisons of total water sales and water produced.

3. Continuous monitoring of storage tanks to detect water main breaks.

4. Visual inspection by meter readers and City employees for abnormal conditions indicating leaks.

5. Prompt repair of water system leaks and water main breaks.

6. Implementation and Enforcement

Except as provided for by other existing City ordinances, compliance with the City's water conservation program will be voluntary. The user charges for the water system are substantial; therefore, voluntary compliance with water conservation measures should be effective.

7. Periodic Review and Evaluation

The City of Kingsville will evaluate the effectiveness of this plan annually and report the progress towards the City's stated goals to the Texas Water Development Board until all financial obligations to the State have been discharged.

8. Water-Conserving Landscape Programs

The City of Kingsville actively supports the efforts of the local Kingsville Gardeners Club and Keep Kingsville Beautiful Committee. This committee of volunteers has conducted several demonstrations and educational events to inform citizens about the use of native, drought tolerant plants in local landscaping.

9. Distribution System Pressure Control

The City's water supply controls operate on a Supervisory Control and Data Acquisition System which monitors storage tank levels and converts that information into pressure readings. There is continual monitoring of these readings. Furthermore, pressure indicators and recorders have been installed in two critical points in the distribution system. This information is also monitored at least daily. These pressure indicators alert City personnel if severe changes occur which are then investigated immediately.

10. Water Recycling and Reuse Programs

The City of Kingsville has an as needed wastewater reuse program for the L.E. Ramey Golf Course to use effluent water for irrigation purposes.

11. Five-year and Ten-year targets

The City of Kingsville has goals to reduce the total gpcd by 1% each year resulting in a gpcd of 133.95 in the year 2023 and a gpcd of 126.90 in the year 2028. Water loss expressed in gpcd also has a goal of 1% reduction each year resulting in a water loss gpcd of 4.75 in the year 2023 and a gpcd of 4.5 in the year 2028.

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 22nd day of May, 2023.

PASSED AND APPROVED on this the 12th day of June, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #21

**City of Kingsville
Engineering Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

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

DATE: May 22, 2023

SUBJECT: Consider approving resolution to submit a grant application to the Department of Defense (DOD) Defense Community Infrastructure Pilot (DCIP) Program.

Summary:

This item authorizes the City to apply for a grant as per the DOD DCIP Program's Notice of Funding Opportunity(NOFO) for the City of Kingsville.

Background:

The DCIP Program is designed to address deficiencies in community infrastructure, supportive of a military installation, in order to enhance military value, installation resilience, and military family quality of life.

This NOFO announced an opportunity to obtain funding from the Office of Local Defense Community Cooperation under the DCIP Program to assist State and local governments, and not for profit, member owned utilities, in addressing deficiencies in community infrastructure supportive of a military installation. These include projects that relate to transportation; schools; hospitals; police, fire, or emergency response, or other community support facilities; and utility projects (including, without limitation, of water, wastewater, telecommunications, electric and natural gas facilities). The NOFO is used to select proposal respondents that will apply for a grant under this program.

The project being considered for submittal to the DCIP is:

- North Waste Water Treatment Plant (NWWTP) Rehabilitation Project

Financial Impact:

None at this time.

Recommendation:

It is recommended that the City Commission authorize staff to enter into and apply for this preliminary application submittal for the City of Kingsville and, in the event the City is successful in being allowed to apply for the grant under this program, will be brought back to the City Commission for approval at a future meeting.



**City of Kingsville
Engineering Department**

Attachments:

Resolution:



RESOLUTION NO. 2023-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF DEFENSE'S DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM FOR THE PURPOSE OF REQUESTING GRANT FUNDING FOR NORTH WASTE WATER TREATMENT PLANT REHABILITATION PROJECT.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the City apply for the Department of Defense's (DOD) Defense Community Infrastructure Pilot (DCIP) Program to apply for grant monies for a North Waste Water Treatment Plant (NWWTP) Rehabilitation Project that would address deficiencies in community infrastructure, support the local military installation (Naval Air Station Kingsville), to enhance military value, installation resilience, military family quality of life, and benefit the community; and

WHEREAS, the federal government budgeted money for this grant program to assist military communities with infrastructure projects and other initiatives to increase military value and installation resilience which helps mitigate any potential negative effects to the military institutions in future BRAC rounds; and

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

WHEREAS, currently the City's NWWTP, which serves the local naval air station, needs significant upgrades and would benefit from a rehabilitation project that would be onerous to fund through the budget process; and

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

WHEREAS, the NWWTP Rehabilitation Project would help Naval Air Station Kingsville increase military value and increase base resilience to mitigate any potential negative effects to the military institution in future BRAC rounds, and increase capacity for future growth at the base, which could help to ensure the long-term viability of the base; and

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

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

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

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

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

I.

THAT the City Commission approves the submission of the grant application on the City's behalf for the Department of Defense's (DOD) Defense Community Infrastructure Pilot (DCIP) Program to apply for grant monies for a North Waste Water Treatment Plant (NWWTP) Rehabilitation Project more fully described in the grant application, which will assist the local military base and the community.

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 22nd day of May, 2023.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #22

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR LEGAL PROFESSIONAL SERVICES.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#51

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
1400	Attorney	Professional Services	31400	\$5,000	
1030	City Special	Budget Amendment Reserve	86000		\$5,000

[To amend the City of Kingsville FY 22-23 budget to provide additional funding for Legal Department Professional Services. Funding will come from the Budget Amendment Reserve line item which has \$5,656.78 remaining.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #23

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: May 10, 2023

SUBJECT: Budget Amendment #47 For City Manager Contract Increase

Summary:

The City Manager received a contract increase and Finance submitted Budget Amendment #38 for the increase which was approved as submitted. There was an error made by Finance as to the effective date of the increase which resulted in a budget shortage.

Financial Impact:

Funding of \$12,726 for these expenditures will come from the General Fund Budget Amendment Reserve Line item. The General Fund Reserve line item currently has \$18,382.78.

Recommendation:

Staff recommends the approval of the budget amendment for additional funding for the increase in the City Manager contract increase.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE CITY MANAGER CONTRACT INCREASE.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#47

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
1010	City Mgr	Salaries	11100	\$10,991	
1010	City Mgr	Retirement	11400	\$1,006	
1010	City Mgr	FICA	11500	\$729	
1030	City Special	Budget Amendment Reserve	86000		\$12,726

[To amend the City of Kingsville FY 22-23 budget to appropriate additional funding for the City Manager contract increase. Funding will come from the General Fund budget amendment reserve.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #24

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: May 12, 2023

SUBJECT: Budget Amendment #48 Cost Overruns for the Facilities Division

Summary:

In reviewing the current expenditures along with the remainder of the year for the Facilities Division, it has been determined that there will be shortages in several areas due to increases in the cost of materials and third-party service providers, along with necessary additional repairs and maintenance.

Financial Impact:

Funding of \$24,344 for these expenditures will come from the General Fund unappropriated fund balance.

Recommendation:

Staff recommends the approval of the budget amendment for additional funding for the cost overruns of the Facilities Division.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR COST OVERRUNS OF THE FACILITIES DIVISION.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#48

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
Expenditures					
1805	Facilities	Janitorial Supplies	21195	\$5,379	
1805	Facilities	Motor Gas & Oil	21500	\$621	
1805	Facilities	Communications-Muni Bldg	31102	\$2,141	
1805	Facilities	Communications-City Hall	31103	\$583	
1805	Facilities	Utilities-Muni Bldg	32302	\$2,952	
1805	Facilities	Utilities-City Hall	32303	\$3,712	
1805	Facilities	Vehicle Maintenance	41100	\$2,684	
1805	Facilities	Equipment Maintenance	41400	\$207	
1805	Facilities	Building Maintenance	51100	\$3,146	
1805	Facilities	Bldg Maintenance-City Hall	51103	\$2,919	
			Total	\$24,344	

[To amend the City of Kingsville FY 22-23 budget to appropriate additional funding for cost overruns of the Facilities Division. Funding will come from the General Fund unappropriated fund balance.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 22nd day of May 2023.

PASSED AND APPROVED on this the ____ day of June 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #25

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO SETUP BUDGET FOR REVENUES AND EXPENDITURES FOR THE 2021 STONEGARDEN GRANT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#53

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 016 – Stonegarden					
<u>Revenues</u>					
2100	Police	Federal Grants	72005	\$58,712.51	
<u>Expenditures</u>					
2100	Police	Overtime-2021	11226	\$50,605.49	
2100	Police	TMRS	11426	\$4,235.67	
2100	Police	FICA	11527	\$3,871.35	

[To amend the City of Kingsville FY 22-23 budget to setup budget for revenues and expenditures for the 2021 Stonegarden grant. Funding will come from the grant revenues received.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission

that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 22nd day of May 2023.

PASSED AND APPROVED on this the ____ day of June 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #26

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR GENERAL FUND AND UTILITY FUND DEPARTMENT COST OVERRUNS.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#52

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
1702	Sanitation	Motor Gas & Oil	21500	\$10,000	
4501	Parks Adm	Utilities	32300	\$19,172	
4502	Golf	Operating Lease	64100	\$7,394	
Fund 051 – Utility Fund					
6002	Water Prod	Utilities	32300	\$27,507	

[To amend the City of Kingsville FY 22-23 budget to provide additional funding for General Fund and Utility Fund cost overruns. Funding will come from the unappropriated fund balances of General Fund and Utility Fund.]

II.

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

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause,

phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #27

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Deborah Balli, Finance Director

DATE: May 17, 2023

SUBJECT: Budget Amendment #55 for Lone Star Grant Equipment Costs Increase

Summary:

The Operation Lone Star grant awarded \$13,195.38 for the purchase of Police equipment. Final costs came in at \$13,207.80, resulting in an overage of \$12.42.

Financial Impact:

Funding of \$12.42 for the increased costs will come from the General Fund Budget Amendment Reserve line item which has a balance of \$656.78.

Recommendation:

Staff recommends the approval of the budget amendment for additional funding for the Operation Lone Star Grant increased equipment costs.



ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INCREASED COSTS OF EQUIPMENT AWARDED BY THE LONE STAR GRANT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#55

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
6900	Transfer	Transfer to Fund 059	80059	\$12.42	
1030	City Special	Budget Amendment Reserve	86000		\$12.42
Fund 059 – HS Operation Lone Star Grant					
<u>Revenues</u>					
0000	Non Dept	Transfer From Fund 001	75001	\$12.42	
<u>Expenditures</u>					
2100	Police	Machinery & Equipment	71200	\$12.42	

[To amend the City of Kingsville FY 22-23 budget to provide additional funding increased costs of equipment awarded by the Lone Star Grant. Funding will come from the Budget Amendment Reserve line item in General Fund which has a balance of \$656.78.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #28

Kingsville Parks & Recreation
400 W. King (mailing)
501 Santiago Park Lane (physical)
Kingsville, Texas 78363
361-221-8705
Susan Ivy, Director
361-219-9125



For information on events and facilities
www.cityofkingsville.com/departments/parks
Email: sivy@cityofkingsville.com
or follow us on Facebook
Kingsville Parks and Recreation

To: Mark McLaughlin, City Manager

From: Susan Ivy, Director of Parks & Recreation

Date: May 12, 2023

Subject: Agenda Request – Budget Amendment to increase line items in Pony League Budget

Request: We are asking City Commission to approve a budget amendment to increase line items for minor equipment and professional services to fund expenses for awards, allstar expenses and remaining games umpires and scorekeepers. Amount needed is \$26,122.25.

History: Current revenue budgeted has been exceeded by entry fees of 768 players and sponsor donations.

\$11,600	sponsor donations
18,792	concession revenue
<u>47,730</u>	league entry fees

Total Rev \$78,122

Anticipated Expenses	\$71,408.49 including payroll reimbursement
	<u>52,000.00 current budgeted amount</u>
	19,408.49

Unanticipated exp	<u>6,713.76</u> allstar expenses and possible tournament
	\$26,122.25

Any unused funds will drop to league payable fund for improvements and league needs.

Financial Impact: This budget amendment will increase our league line items by \$26,122.25.

Recommendation: Please approve the budget amendment in the amount of \$26,122.25 to record additional revenue and increase expense line items.

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022-2023 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR INCREASED COSTS OF LEAGUE EXPENDITURES DUE TO ADDITIONAL PARTICIPANTS.

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 2022-2023 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#56

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures</u>					
4514	League	Memberships	31700	\$4,000	
4514	League	Uniforms	21200	\$6,522.25	
4514	League	Minor Equipment	21700	\$5,700	

[To amend the City of Kingsville FY 22-23 budget to provide additional funding increased costs of league expenditures due to more participants. Funding will come from the additional revenues brought in by the league.]

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 22nd day of May 2023.

PASSED AND APPROVED on this the _____ day of June 2023.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney