

City of Kingsville, Texas

AGENDA
CITY COMMISSION
MONDAY, JANUARY 22, 2024
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.

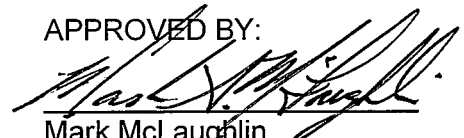
OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

None.

APPROVED BY:


Mark McLaughlin
City Manager

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

1. Public hearing on request for an Alcohol Variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Planning & Development Services Director).

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 Services - Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works-Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration-Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, 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 zoning ordinance by granting a Special Use Permit for package liquor store use in C2 (Retail District) at Brooks, Block 8, Lot 1-10, also known as 825 West King Avenue, Kingsville, TX (Property ID 15273 also known as the 800 Block of West King, Kingsville, TX); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for surveying services. (City Engineer).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III, Article 3, Section 15 providing for a reduction in board positions. (P&Z) (Director of Planning and Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 5, Historical Districts and Landmarks, Section 15-5-16, providing for a reduction in board positions. (HDB) (Director of Planning and Development Services).
5. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the City Manager to execute the Texas Main Street Locally Designated Program 2024 Contract, and designating Downtown Manager Alicia Tijerina as the Main Street Program manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. Consider an Alcohol Variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Interim Planning & Development Services Director).
7. Consider a resolution authorizing the Mayor to execute an Economic Development Grant Letter of Commitment between the City of Kingsville and Adriana Martinez for One World Children's Rehab, LLC. (application approved 1/08/24-One World Children's Rehab, LLC). (Economic Development Director).

8. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6, Zoning, Section 157 providing for a reduction in alternate board positions. (BOA) (Director of Planning and Development Services).
9. Consider authorizing the purchase of one Commercial Garbage Truck, two Residential Garbage Trucks, and three Brush Trucks from Southwest International Trucks, Inc. via Buy Board purchasing cooperative, as per staff recommendation. (for Sanitation Department) (Purchasing Manager).
10. Consider authorizing the purchase of three 14-yard Dump Trucks from Southwest International Trucks, Inc. via Buy Board purchasing cooperative, as per staff recommendation. (for Street Department) (Purchasing Manager).
11. Consider authorizing the purchase of a 2024 Etnyre Centennial Distributor from Cooper Equipment Company via Buy Board purchasing cooperative, as per staff recommendation. (for Street Department) (Purchasing Manager).
12. Consider authorizing the purchase of a 2024 John Deer 310G Backhoe from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (for Street Department) (Purchasing Manager).
13. Consider authorizing the purchase of a 2024 John Deer 670G Motor Grader from Doggett Heavy Machinery Service LLC via Sourcewell purchasing cooperative, as per staff recommendation. (for Street Department) (Purchasing Manager).
14. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for advertisements for grant projects and engineering in-house projects. (City Engineer).
15. Consider accepting a donation from TJ Electric for Police Department luncheon. (Interim Police Chief).
16. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from TJ Electric for Police Department luncheon. (Interim Police Chief).
17. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University Kingsville relating to the Veterinary Technology Training Program. (City Attorney).
18. Consider a resolution appointing a new representative and a new alternate representative to the Coastal Bend Council of Governments. (Commissioner Alvarez).
19. Consider a resolution of the City of Kingsville City Commission requesting Texas Department of Transportation (TxDOT) conduct a Traffic Speed Study of General Cavazos Blvd. between U.S. Highway 77/I-69 to 6th Street/Business US 77. (Commissioner Torres).
20. Discussion on the eligibility requirements for the City of Kingsville Commissions, Committees, and Boards. (Commissioner Torres).

VII. Adjournment.

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

NOTICE

This City of Kingsville and Commission Chambers 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 at City Hall, City of Kingsville, 400 West King Avenue, 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:

January 19, 2024, at 10:30 A.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

Mary Valenzuela

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

PUBLIC HEARING(S)

PUBLIC HEARING #1

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



MEMO

Date: January 11, 2024

To: Mark McLaughlin (City Manager)

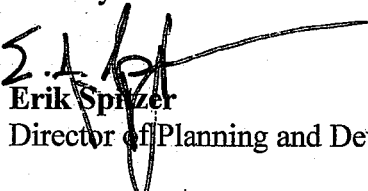
From: Erik Spitzer (Director of Planning and Development Services)

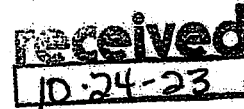
Subject: **Kingsville Exploits LLC, applicant, requests a variance for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10, also known as 825 West King, Kingsville TX 78363. (Property ID 15273 also known as the 800 Block of West King, Kingsville TX 78363)**

Kingsville Exploits LLC, the applicant, approached the Planning Department requesting an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise and an LH-Late Hours certificate for an existing location (Javelina Mart) that is under new ownership. The property is currently zoned C2 (Retail).

This application is being submitted for your consideration to approve. Of note, the College View Baptist Church and the Islamic Society of Kingsville reside within a 300-foot radius of this business, thus requiring a variance. The Planning Department recommends approval.

Thank you.


Erik Spitzer
Director of Planning and Development Services



All Star License Service
10101 Southwest Freeway, Ste. 307
Houston, Texas 77074
713/644-2120
allstarls@icloud.com

October 19, 2023

To: City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364
361-595-8024

Attn: City Secretary

Re: New – Wine and Beer Application
Javelina Mart
1202 N Armstrong St
Kingsville, Texas 78363

Please find attached the beer application that requires your signature. Please certify the application and mail back in the return stamped envelope. If you have any questions or problems, please contact me at the phone number above.

Thank you,

Chris Manriquez

(



**TEXAS ALCOHOLIC
BEVERAGE COMMISSION**
Texans Helping Businesses & Protecting Communities

received
10-24-2023

**Required
Certifications**

Join TABC in the fight against human trafficking

L-CERT (7/2022)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.

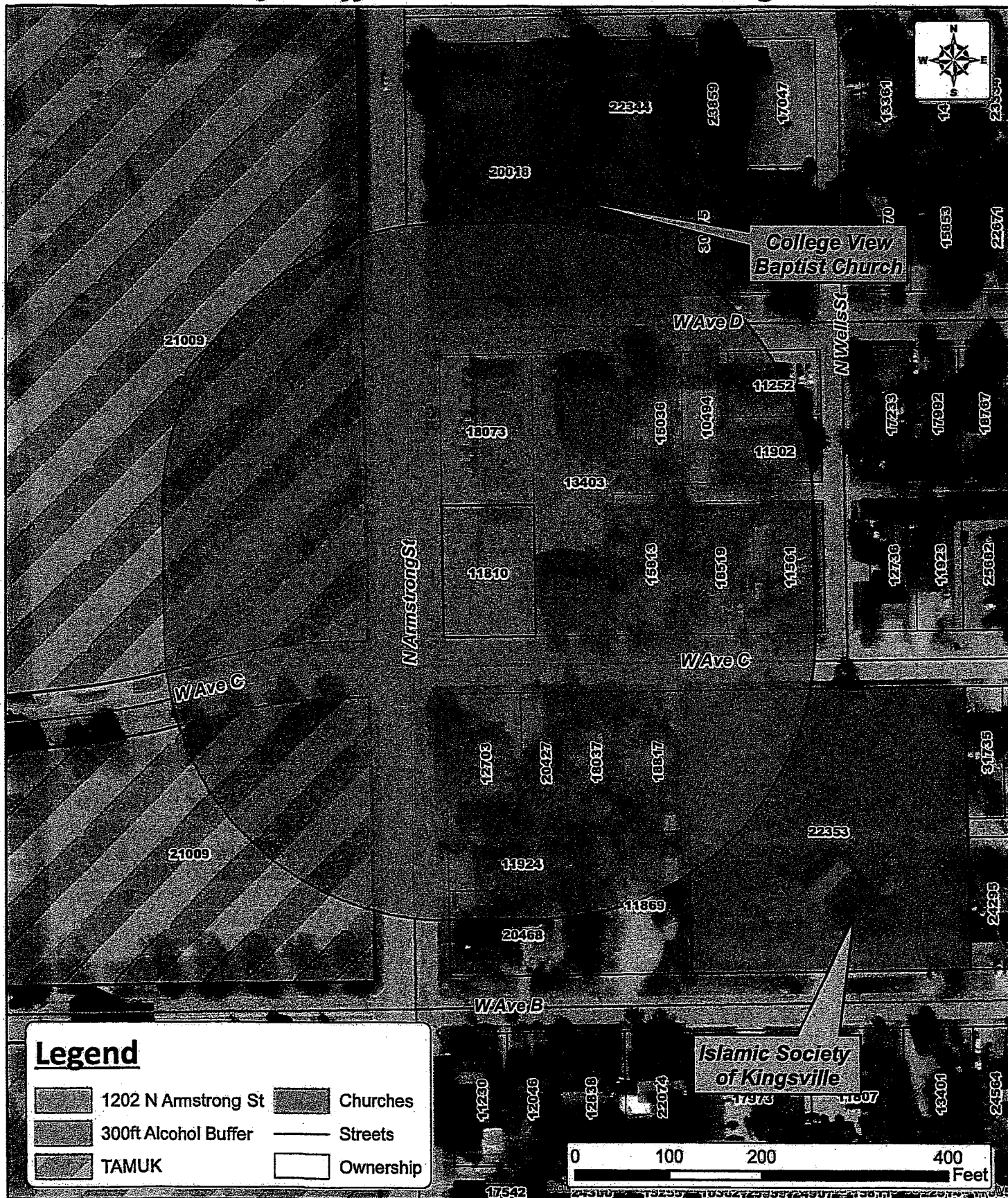
Contact your local TABC office for assistance.

LOCATION INFORMATION

1. Trade Name of Location (Name of restaurant, bar, store, etc.) Javelina Mart			
2. Owner of Business/Applicant (Name of Corporation, LLC, etc.) Kingsville Exploits LLC			
3. Type of Owner <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Other: _____			
4. Location Address 1202 N Armstrong St			
City Kingsville	County Kleberg	State TX	Zip Code 78363
5. Mailing Address 4938 Sabine Terrace Dr			
City Sugar Land	County Fort Bend	State TX	Zip Code 77479
6. Business Telephone Number pending		Alternate Telephone Number 832/713-0311	
		E-mail Address asim@bizbrothers.net	
7. Application for:			
<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Reinstatement	License/Permit Number	<input type="checkbox"/> Reinstatement and Change of Trade Name
	<input type="checkbox"/> Change of Location	License/Permit Number	<input type="checkbox"/> Change of Location and Trade Name
8A. Type of Off-Premise Retailer License/Permit:			
<input type="checkbox"/> BF Retail Dealer's Off-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> P Package Store Permit	
<input type="checkbox"/> BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit	<input type="checkbox"/> ET Third-Party Local Cartage Permit	<input type="checkbox"/> Q Wine Only Package Store	
<input type="checkbox"/> LP Local Distributor's Permit			
8B. Type of On-Premise Retailer License/Permit			
<input type="checkbox"/> BE Retail Dealer's On-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> MB Mixed Beverage	
<input checked="" type="checkbox"/> BG Wine and Malt Beverage Retail Dealer's On-Premise Permit	<input type="checkbox"/> FB Food and Beverage Certificate	<input type="checkbox"/> WP Waterpark Permit	
<input type="checkbox"/> BP Brewpub License	<input checked="" type="checkbox"/> LH Late Hours Certificate		
8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit			
<input type="checkbox"/> BB General Distributor's License	<input type="checkbox"/> D Distillers and Rectifiers Permit - allows on-premise consumption	<input type="checkbox"/> S Nonresident Seller's Permit	
<input type="checkbox"/> BC Branch Distributor's License	<input type="checkbox"/> DS Out-of-State Winery Direct Shipper's Permit	<input type="checkbox"/> SD Brewer's Self-Distribution License	
<input type="checkbox"/> BN Nonresident Brewer's License	<input type="checkbox"/> G Winery - allows on-premise consumption	<input type="checkbox"/> W Wholesaler's Permit	
<input type="checkbox"/> BW Brewer's License	<input type="checkbox"/> J Bonded Warehouse	<input type="checkbox"/> X General Class B Wholesaler Permit	
<input type="checkbox"/> JD Bonded Warehouse (Dry Area)			
9. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location			
<input type="checkbox"/> Bar	<input type="checkbox"/> Grocery/Market	<input type="checkbox"/> Package Store	<input type="checkbox"/> Sexually Oriented
<input type="checkbox"/> Civic Center	<input type="checkbox"/> Hotel	<input type="checkbox"/> Public Entertainment Fac. (PEF as defined in Sec. 108.73)	<input type="checkbox"/> Sporting Arena
<input checked="" type="checkbox"/> Convenience Store	<input type="checkbox"/> Motel	<input type="checkbox"/> Racetrack	
<input type="checkbox"/> Delivery Company	<input type="checkbox"/> Movie Theater	<input type="checkbox"/> Restaurant	

alistarls@icloud.com

300ft Buffer at 1202 N Armstrong St



Page:
2 / 2

Drawn By: G. AMAYA

Last Update: 10/25/2023

Note: Please see attached documents.

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



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

400 W King Ave; Kingsville, TX 78363

Office: (361) 595-8007

Fax: (361) 595-8064

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Board Of Regents Of The
Texas A & M University System
System Real Estate Office
301 Tarrow St, 5th Floor
College Station, TX 77840
#21009

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

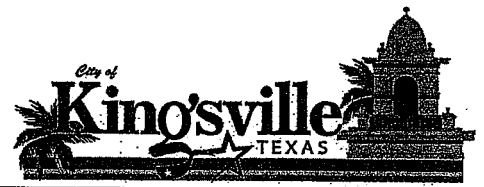
Your property is located within 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20468

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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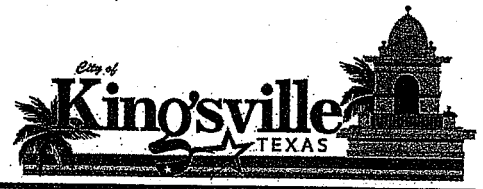
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Thank you.

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11869

Dear Property Owner,

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Thank you

Yours Sincerely,

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Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#22344

Dear Property Owner,

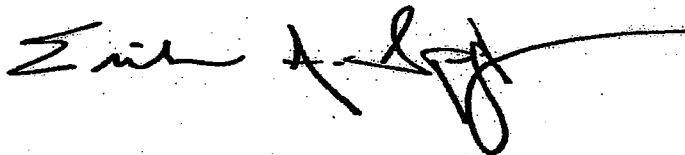
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Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11924

Dear Property Owner,

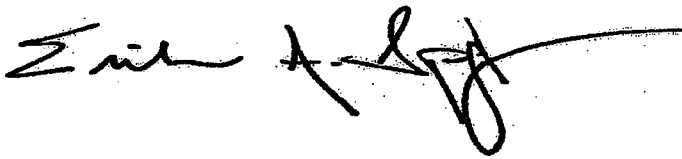
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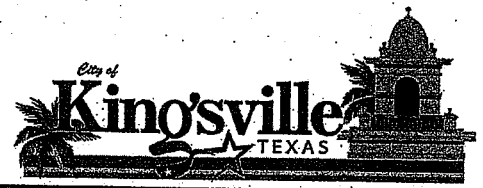
Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#12703

Dear Property Owner,

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Patricia A Mendez
707 W C Ave
Kingsville, TX 78363
#18817

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20427

Dear Property Owner,

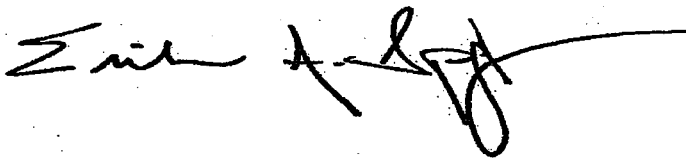
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Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

OMV Investments LLC
3312 Texas Star LN
Austin, TX 78746
#18037

Dear Property Owner,

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Thank you

Yours Sincerely,

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Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Adam Reid Stehle
702 W Ave C
Kingsville, TX 78363
#11561

Dear Property Owner,

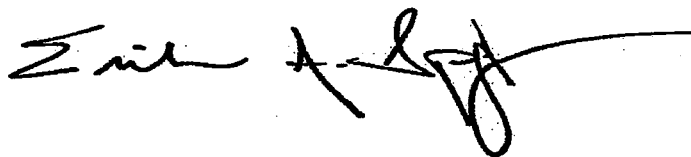
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Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Daniel Mendieta
Etux Anna D Est
708 W C Ave
Kingsville, TX 78363
#18519

Dear Property Owner,

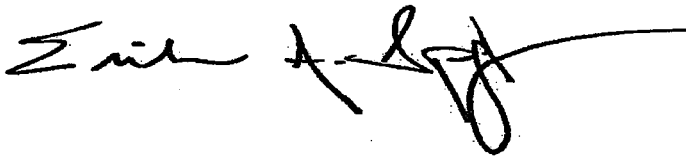
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Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Marla Salinas ETAL
Juan A Cantu Trustee
725 W Henrietta Ave
Kingsville, TX 78363
#15813

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment kown as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

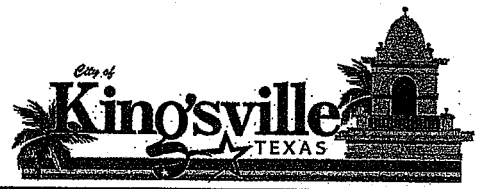
Your property is located withing 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you.

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Cairnes Revocable Trust
Jack & Andra Cairnes (TR)
787 S County Road 1145
Riviera, TX 78379
#13403

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, King'sville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, King'sville, Texas

Your property is located within 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

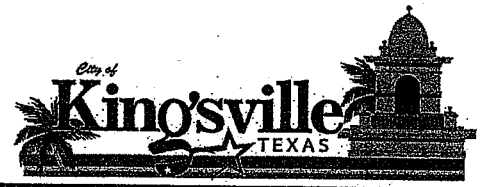
Thank you

Yours Sincerely,

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

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Leila Samadi
5611 S Oso Parkway
Corpus Christi TX, 78414
#18073

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Elsie Salinas
513 Fairfield Dr
Corpus Christi, TX 78412
#15036

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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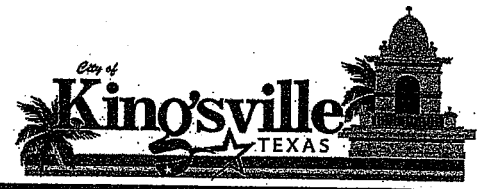
Thank you

Yours Sincerely,

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

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Anna Lee Vela
1219 N Wells
Kingsville, TX 78363
#11902

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing Monday January 22, 2024, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

Your property is located within 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Jose M Graveley
343 W County Road 2170
Kingsville, TX 78363
#10494

Dear Property Owner,

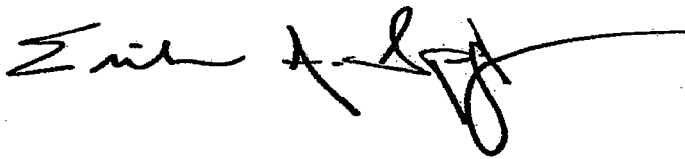
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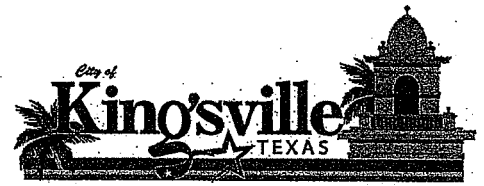
Thank you.

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

College View Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#20018

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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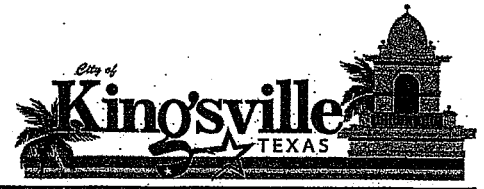
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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#30175

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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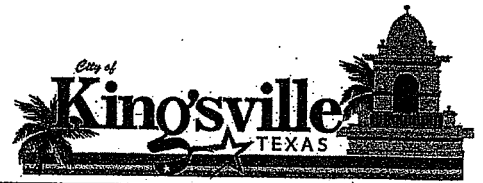
Your property is located within 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 08, 2024

Dennis L Yaklin
618 W Ave C (Office)
Kingsville, TX 78363
#11252

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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Thank you

Yours Sincerely,

A handwritten signature in black ink, which appears to read "Erik Spitzer", is written over a horizontal line.

Erik Spitzer
Director of Planning & Development Services

Board Of Regents Of The
Texas A & M University System
System Real Estate Office
301 Tarrow St, 5th Floor
College Station, TX 77840
#21009

Daniel Mendieta
Etux Anna D Est
708 W C Ave
Kingsville, TX 78363
#18519

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20468

Marla Salinas ETAL
Juan A Cantu Trustee
725 W Henrietta Ave
Kingsville, TX 78363
#15813

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11869

Cairnes Revocable Trust
Jack & Andra Cairnes (TR)
787 S County Road 1145
Riviera, TX 78379
#13403

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#22344

Leila Samadi
5611 S Oso Parkway
Corpus Christi TX, 78414
#18073

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11924

Elsie Salinas
513 Fairfield Dr
Corpus Christi, TX 78412
#15036

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#12703

Anna Lee Vela
1219 N Wells
Kingsville, TX 78363
#11902

Patricia A Mendez
707 W C Ave
Kingsville, TX 78363
#18817

Jose M Graveley
343 W County Road 2170
Kingsville, TX 78363
#10494

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20427

College View Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#20018

OMV Investments LLC
3312 Texas Star LN
Austin, TX 78746
#18037

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#30175

Adam Reid Stehle
702 W Ave C
Kingsville, TX 78363
#11561

Dennis L Yaklin
618 W Ave C (Office)
Kingsville, TX 78363
#11252

County renews mutual aid agreement

By JT Strasner
Editor

Kleberg County Commissioners tackle a short agenda on Dec. 27.

Commissioners Marcus Salinas and Jerry Martinez were in attendance and Commissioner Chuck Schultz made it a quorum by joining by video teleconference.

County Judge Rudy Madrid and Commissioner David Rosse were absent.

Among the agenda items for action was the setting of dates for the cafeteria enrollment plan for county employees.

On Jan. 9-11, county employees may



COUNTY OF KLEBERG
KINGSVILLE, TEXAS

visit with officials regarding the plan from 9-11:30 a.m. and 1-4:30 p.m.

Commissioners also approved a payment to Tj Electric in the amount of \$28,888 for work performed at the

Riviera Pier Restrooms. The funds will come from ARPA, but will be reimbursed by GOMESA grant funds when they become available, Martinez said. County Auditor Melissa Greene warned that commissioners "should stop doing that" in regards to the grant reimbursement process that has been utilized by Madrid previously.

Commissioners also approved renewing an agreement for emergency dispatch services between Padre Island National Seashore and the Kleberg County Sheriff's Office. A mutual aid agreement renewal between Kleberg and Kenedy county was renewed as well.



Law enforcement participate in Shop with a Cop event

Area law enforcement agencies participated in the 2023 Shop with a Cop last month. They provided toys, clothes and shoes for local youth. (Submitted photo)

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, January 22, 2024, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas.

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

?? TRIVIA ?? HOW SMART ARE YOU?

- Think you know something about everything?
- What do you know about our area?

Play Kingsville Trivia brought to you by Harrel's Pharmacy

Questions:

1. Which part of rhubarb is poisonous if eaten?
2. Which fish has green bones?
3. What is the largest bird still alive today?
4. Crabs can evade danger by doing what?
5. What is the largest can in the Americas?
6. What purpose does the thyroid serve?
7. What is the cause of swelling after touching a stinging nettle?
8. What is the common name of sodium bicarbonate?
9. What camera did Edwin Land create?
10. Thoracic medicine specializes in what part of the body?

(Answers will be in the next issue)

HOW SMART ARE YOU:

- 9-10. Okay Einstein, quit bragging
- 7-8 Pick up your PhD at TAMUK
- 5-6 You are on your way to your B.S. degree
- 3-4 Do not skip any more school
- 2 or less—don't leave home without a chaperon

For all your pharmacy needs, contact Harrel's. Lots of great items and downtown Kingsville's best eats!

Harrel's
Kingsville Pharmacy
204 E. Kleberg • Kingsville, Tx
(361) 592-3354

TRIVIA ANSWERS

Dec. 28, 2023 issue

1. 1907
2. Waterford Crystals
3. 46 BC
4. Donuts
5. Grapes
6. Black eyed peas
7. 360 million
8. Times gone by
9. Everyone in the room.
10. New York City, New York
Las Vegas, Nevada
Orlando, Florida - (Disney World)

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Political Accountability
Local Business Support
Community Connection
Education, Jobs & Housing
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CONSENT AGENDA

AGENDA ITEM #1

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

Action Item - sup



MEMO

Date: January 3, 2024

To: Mark McLaughlin (City Manager)

From: Erik Spitzer (Director of Planning and Development Services)

Subject: Michael L. Currie, applicant, requesting a Special Use Permit for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10, also known as 825 West King, Kingsville, TX 78363.. (Property ID 15273 also known as the 800 Block of West King, Kingsville, TX 78363)

The Planning and Zoning Commission meeting was held as scheduled this evening, January 3rd, 2024, with 6 members in attendance.

Members deliberated over the issue of granting approval for the **Special Use Permit** for a liquor store use in C2 zoned for Retail at **BROOKS, BLOCK 8, LOT 1-10, also known as 825 West King Avenue, Kingsville, TX 78363** to enable the applicant to sell alcohol. Notice letters were sent out to neighbors within the 300 feet buffer and the City received no feedback.

Commissioners, after deliberations, voted to approve the recommendation for the Special Use Permit for Liquor Store use at the said property. A recorded vote of all members present was taken and Board Commissioners Brian Coufal, Larry Garcia, Mike Klepac, Rev. Idotha Battle, Debbie Tiffie and the Chairman – Steve Zamora all voted “YES.”

The meeting was adjourned by 6.10 p.m.

Thank you.

Erik Spitzer
Director of Planning and Development Services

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



MEMO

Date: December 22, 2023

To: Mark McLaughlin (City Manager)

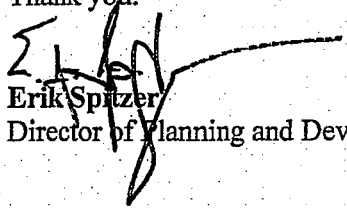
From: Erik Spitzer (Director of Planning and Development Services)

Subject: Michael L. Currie, applicant, requesting a Special Use Permit for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10 also known as 825 West King, Kingsville TX 78363. (Property ID 15273 also known as the 800 Block of West King, Kingsville TX 78363)

Michael. L. Currie, the applicant, approached the department requesting a Special Use Permit to open a Liquor Store. The current location is unoccupied and requires approval. 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 code of ordinances. Therefore, it is recommended that you consider the said application and approve same since this will encourage development within the City of Kingsville.

Thank you.


Erik Spitzer
Director of Planning and Development Services

CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION

SUITE 825 W. KING

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 800 W. KING SUITE 825 W. KING Nearest Intersection WANDA / W. KING

(Proposed) Subdivision Name BROOKS Lot 1-10 Block 8

Legal Description: BROOKS BLOCK 8, LOT 1-10

Existing Zoning Designation C2 Future Land Use Plan Designation LIQUOR STORE

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent MICHAEL L. CURRIE Phone 361-701-1243 FAX _____

Email Address (for project correspondence only): MLCURRIE@SECGLOBAL.NET

Mailing Address 4718 GEMINI City CORPUS CHRISTI State TX Zip 78405

Property Owner MARIN RENTAL MGT. Phone 361-442-7101 FAX 361-452-5035

Email Address (for project correspondence only): WILLIAMPOPEYES@AOL.COM

Mailing Address 4718 GEMINI City CORPUS CHRISTI State TX Zip 78405

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:

CONVERTING PREVIOUS RENTAL PROPERTY (TATTOO PARLOR) INTO
LIQUOR STORE

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 Michael L. Currie Date: 11.30.23
Property Owner's Signature [Signature] Date: 11/30/23
Accepted by: 21. [Signature] Date: 6 Dec 2023

PRINTED ON LINEMARK PAPER - HOLD TO LIGHT TO VIEW FOR ADDITIONAL SECURITY FEATURES SEE BACK

CASHIER'S CHECK

0648510336

0006485 11-24
Office AU # 1210(6)
Remitter: MICHAEL CURRIE
Operator ID: u035142

November 30, 2023

PAY TO THE ORDER OF ***CITY OF KINGSVILLE***

Two Hundred Fifty and 00/100 -US Dollars **

\$250.00

VOID IF OVER US \$ 250.00

Michael Currie
CONTROLLER

Payee Address:
Memo:

WELLS FARGO BANK, N.A.
1128 E MAIN ST
ALICE, TX 78332
FOR INQUIRIES CALL (480) 394-3122

Security Features Included. Details on Back.

0648510336

Kleberg CAD

Property Search > 15273 MARIN'S COMMERCIAL RENTAL
MANAGEMENT LLC for Year 2023

Tax Year: 2023 - Values not available

Property

Account

Property ID:	15273	Legal Description:	BROOKS, BLOCK 8, LOT 1-10
Geographic ID:	106800801000192	Zoning:	C2
Type:	Real	Agent Code:	71526
Property Use Code:			
Property Use Description:			

Location

Address:	800 W KING BLK TX	Mapco:	
Neighborhood:		Map ID:	A2
Neighborhood CD:			

Owner

Name:	MARIN'S COMMERCIAL RENTAL MANAGEMENT LLC	Owner ID:	69616
Mailing Address:	4542 BARNARD DR CORPUS CHRISTI, TX 78413	% Ownership:	100.0000000000%

Exemptions:

Values

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

Taxing Jurisdiction

Owner: MARIN'S COMMERCIAL RENTAL MANAGEMENT LLC
 % Ownership: 100.0000000000%
 Total Value: N/A

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

CKI	CITY OF KINGSVILLE	N/A	N/A	N/A	N/A
GKL	KLEBERG COUNTY	N/A	N/A	N/A	N/A
SKI	KINGSVILLE I.S.D.	N/A	N/A	N/A	N/A
WST	SOUTH TEXAS WATER AUTHORITY	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 14774.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SCT2L	EW5	1965	14774.0
CN1	CANOPY BASIC (20%)	NV		1965	66.0
CN1	CANOPY BASIC (20%)	NV		1965	1555.0
ASP	ASPHALT (100%)	NV		1965	19761.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.8035	35000.00	250.00	140.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2024	N/A	N/A	N/A	N/A	N/A	N/A
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$472,130	\$70,000	0	542,130	\$0	\$542,130
2021	\$445,040	\$70,000	0	515,040	\$0	\$515,040
2020	\$445,040	\$70,000	0	515,040	\$0	\$515,040
2019	\$351,900	\$70,000	0	421,900	\$0	\$421,900
2018	\$258,820	\$70,000	0	328,820	\$0	\$328,820
2017	\$258,820	\$70,000	0	328,820	\$0	\$328,820
2016	\$258,820	\$70,000	0	328,820	\$0	\$328,820
2015	\$231,400	\$70,000	0	301,400	\$0	\$301,400
2014	\$229,870	\$70,000	0	299,870	\$0	\$299,870
2013	\$229,870	\$70,000	0	299,870	\$0	\$299,870
2012	\$229,870	\$70,000	0	299,870	\$0	\$299,870
2011	\$229,870	\$70,000	0	299,870	\$0	\$299,870
2010	\$229,870	\$70,000	0	299,870	\$0	\$299,870


Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Numb
1	2/1/2022	GWD	GENERAL WARRANTY DEED	MARIN WILLIAM	MARIN'S COMMERCIAL RENTAL MANAGEMENT LLC			329242
2	10/15/2018	SPWD/VL	SPECIAL WARRANTY DEED WITH VENDORS LEIN	CT ALLEN LTD	MARIN WILLIAM			316260

3 4/24/2009 OT Other

JOHNSON C T ALLEN
GLENDA LTD
ALLEN**Tax Due**

Property Tax Information as of 12/06/2023

Amount Due if Paid on: 

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

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

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

Website version: 1.2.2.33

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Image

Salazar named to state board

A Kleberg County business leader recently earned a statewide workforce appointment.

Gov. Greg Abbott has appointed Manny Salazar to the Lone Star Workforce of the Future Fund Advisory Board for a term set to expire on Sept. 1, 2025. The Advisory Board was created by HB 1755 during the 88th Legislative Session to make recommendations to the Texas Workforce Commission on awarding grants from the Lone Star Workforce of the Future Fund.

Salazar is president and CEO of the Kingsville Chamber of Commerce and Greater Kingsville Economic Develop-

ment Council. He is a member of the USS Kingsville Commissioning Committee, Kleberg County Communities In Schools Board of Directors, Kingsville Independent School District (ISD) and Riviera ISD Career and Technical Education Advisory Boards, Frank H. Dotterweich College of Engineering Dean's Leadership Board and Centennial Committee for Texas A&M University - Kingsville, and Workforce Services of the Coastal Bend Board, where he chairs the Workforce Services Committee.

Previously, he served on the Product Development and Small Business Incu-

bator Board. Salazar received a Bachelor of Arts in Political Science from Texas A&M University - Kingsville.

"I am excited to serve on this board and thankful that Gov. Abbott appointed me for the position," said Salazar. "Creating training programs to help Texans fill job openings is not only great for the employer, it can provide the sort of job that can completely change the trajectory for a family."

The grant program will provide funds to public junior colleges, public technical schools, and nonprofit organizations to create training programs, focusing on high-demand occupations.



Manny Salazar

Alianza de Oro hold election meeting, introduce new officers

Alianza de Oro officers for 2024 and previous officers were recognized at the election meeting held Dec. 6 at the Kleberg County Human Services Center. Pictured, seated, from left are Domingo Puentes - two-year trustee, Carmen Cortez - treasurer, Mary Ann Sanchez - secretary, Ester Perez - fraternity committee, Gloria Daniels - vice-president, activities committee, Gino Castillo - previous treasurer. Standing, from left are Norma Olivares - previous secretary, Alicia Garza - one-year trustee, Gloria Soliz - three-year trustee, Alfredo "Chito" Mendietta - sergeant-at-arm, Mary McElrain - president, Griseida Trevino - by-laws committee and Fanny Lerma - bingo committee. People over 60 and live in Kleberg or Kenedy counties may join the organization. Meetings are held at 12:30 p.m. on the first Wednesday of each month. The Alianza de Oro has more than 60 members and sponsors a monthly activity, luncheons, free bingos and a trip to the Lucky Eagle Casino in Eagle Pass. (Photo by Gloria Bigger-Cantu)



Dr. Jose Ugarte and the staff of the Ugarte Family Medical Clinic wish everyone a very

Merry Christmas

Now accepting new patients

Phone : 361-221-1087 Fax: 361-488-5030

Welcome to a friendly atmosphere where the patient's welfare is top priority.

PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, January 03, 2024, 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:

Michael L. Currie, applicant, requesting a Special Use Permit for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10 also known as 825 West King, Kingsville TX 78363 (Property ID 15273 also known as 800 West King, 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, January 08, 2024, 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:

Michael L. Currie, applicant, requesting a Special Use Permit for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10 also known as 825 West King, Kingsville TX 78363. (Property ID 15273 also known as 800 West King, 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)

Merry Christmas & Happy New Year

From the staff at **EmbroidMe**

(361) 592-4700 - 230 E. King Ave.

PEST RUDY'S CONTROL

Did you know mice and rats can carry a variety of disease producing germs including Salmonella and Hantavirus?

NOT CUTE

Protect your family and pets with our safe and effective pest control solutions against these and other potentially harmful household pests.

*Ask about our affordable maintenance plans for a pest-free home.

365 days a year

• Roaches • Ants • Fleas • Ticks • Bees • Scorpions • Termites • Other pests

816 N. 14th Street
Kingsville, TX 78363

595-RUDY

PUBLIC HEARING NOTICE

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

300ft Buffer at 825 W King Ave



Cynthia Ann Gonzales
907 W Kleberg Ave
Kingsville, TX 78363
#22667

Gilberto & Olga Uresti
Family Limited Partnership
830 W King Ave
Kingsville, TX 78363
#24187

Yolanda B Flores
828 W Kenedy Ave
Kingsville, TX 78363
#18440

Celso Abundez Jr
Zolia Vita Abundez
829 W Kleberg Ave
Kingsville, TX 78363
#24620

Brian C Sabala
PO Box 6033
Kingsville, TX 78364
#25715

Jose Luis De Leon
Etux Isabell L
221 S Wanda Dr
Kingsville, TX 78363
#11915

Mary Villarreal
823 W Kleberg Ave
Kingsville, TX 78363
#17791

Ellen D Young (Life Est)
Robert Walter Kuenzle Jr
7300 County Road 2347
Sinton, TX 78387
#24921

Lionel G Deleon
906 W Kenedy
Kingsville, TX 78363
#12729

Ricardo G Vega
805 W Kleberg Ave
Kingsville, TX 78363
#20127

Dembski Holdings LLC
1359 Glenwood Loop
Bulverde, TX 78163
#25673

Roberto Luis Quintanilla
7402 Lake Run LN
Richmond, TX 77407
#13544

Ponciano Barrientos Jr
813 W Kleberg
Kingsville, TX 78363
#19325

Marin's Commercial
Rental Management LLC
4542 Barnard Dr
Corpus Christi, TX 78413
#15273

Cruz C Garza III
902 E Ave C
Kingsville, TX 78363
#14353

Patricia Deleon Mcelhaney
821 W Kleberg
Kingsville, TX 78363
#18579

Paul J Loney Jr
1004 Gibson Dr
Alice, TX 78332
#21427

Sylvester Lewis
Etux Gloria & Paul Lewis
803 W Kenedy Ave
Kingsville, TX 78363
#26015

Luis Humberto Marquez
1918 John St
Kingsville, TX 78363
#14838

Robert Villa
Etux Barbara
808 W Kenedy Ave
Kingsville, TX 78363
#22207

Pete Mirles
Etux Juanita G De La Rosa
301 S Francis St
Kingsville, TX 78363
#19413

D & B Environmental Services Inc
810 W King
Kingsville, TX 78363
#42236

Aida Orozco
814 W Kenedy Ave
Kingsville, TX 78363
#22974

Jack Poland Est
Etux Clara J Poland
PO Box 1085
Kingsville, TX 78364
#19453

Sabala Properties LLC
816 W King
Kingsville, TX 78363
#25485

Raul R Soliz
Etux Patricia L
816 W Kenedy Ave
Kingsville, TX 78363
#23730

Marcel C Alaniz
Revoe Living Trust
Marcel C Alaniz (TR)
301 S Wanda
Kingsville, TX 78363
#19594

Gilberto & Olga Uresti
Family Limited Partnership
830 W King Ave
Kingsville, TX 78363
#19451

William P Rogers
818 W Kenedy Ave
Kingsville, TX 78363
#24502

Ernesto Vera Jr
2804 N Armstrong St
Kingsville, TX 78363
#20095

Celeste A Morales
307 Frances St
Kingsville, TX 78363
#18783

Ali Sana LLC
4733 Tuscan Way
Corpus Christi, TX 78410
#19082

ORDINANCE NO. 2024-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR PACKAGE LIQUOR STORE USE IN C2 (RETAIL DISTRICT) AT BROOKS, BLOCK 8, LOT 1-10, ALSO KNOWN AS 825 WEST KING, KINGSVILLE, TEXAS (PROPERTY ID 15273 ALSO KNOWN AS THE 800 BLOCK OF WEST KING, KINGSVILLE, TX); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Michael L. Currie (applicant), Marin Rental Mgt. (owner) for amendment to the zoning map of the City of Kingsville;

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

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

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

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, January 3, 2024, during a meeting of the Planning Commission, and on Monday, January 8, 2024, a public hearing was held during a meeting of the City Commission, in the Helen Kleberg Groves Community Room/Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning and Zoning Commission voted 6-0 to APPROVE, with 0 abstentions, the requested special use permit; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for package liquor store use on the premises known as Brooks, Block 8, Lot 1-10, also known as 825 West King, Kingsville, TX (Property ID 15273

also known as the 800 Block of West King, Kingsville, TX 78363), as more specifically describe on site plan attached as Exhibit A.

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

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

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

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

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

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

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

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

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

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

INTRODUCED on this the 8th day of January, 2024.

PASSED AND APPROVED on this the 22nd day of January, 2024.

Effective Date: _____, 2024

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

OK



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 W King Ave; Kingsville, TX 78363
Office: (361) 595-8007
Fax: (361) 595-8064

AGENDA ITEM #2

**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: January 8, 2024
SUBJECT: Consider Approving Agreement with Ardurra for Professional Surveying Services at 811 E. Vela Avenue.

Summary:

Ardurra will create a boundary survey of the City property at 811 E. Vela Avenue and determine the extents of the encroachment.

Background:

The City owns property 811 E. Vela Avenue, located at the intersection of N. 12th Street and E. Vela Avenue and is north of and adjoins Tranquitas Creek. The property owner at 813 E. Vela Ave has made substantial improvements on City property. The Engineering Department created an exhibit of the area and they are approximately 7,660 square feet of encroachment onto City property. The encroachment obstructs the operation and maintenance of an existing 24" wastewater line; it also includes a concrete parking pad, fences, and building structures. None of the encroachment improvements were permitted or approved.

Financial Impact:

Professional Services will be funded by account 001-5-1601-80098 Planning Professional Services in the amount of \$5,500.00.

Recommendation:

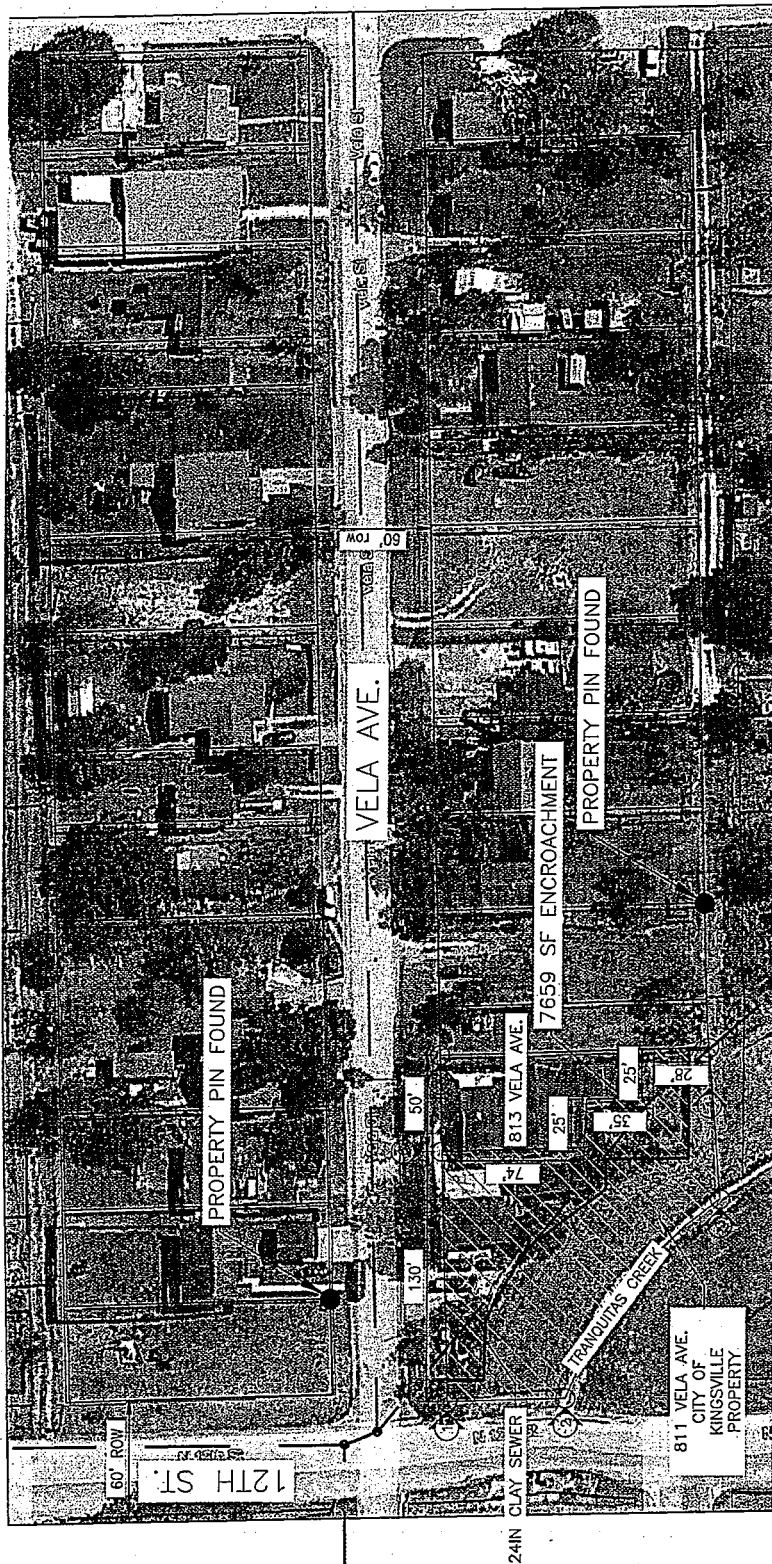
Staff recommends:

1. Approving the Professional Services agreement with Ardurra in the amount \$5,500.00.
2. Authoring the City Manager to sign the Agreement.

Attachments:

Exhibit
Professional Services Agreement





A VELA AVE.
1 SCALE: 1:60



LEGEND

- PROPERTY PIN FOUND
- PROPERTY PIN NOT FOUND

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR SURVEYING 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 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#20

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures – 5</u>					
1030	City Special	Budget Amend Reserve	86000		\$5,500
1601	Planning	Professional Services	80098	\$5,500	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for surveying services. Funding will come from the General 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 January 2024.

PASSED AND APPROVED on this the 22nd day of January, 2024.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3



MEMO

Date: December 15, 2023

To: Mayor & City Commission Members

Cc: Mr. Mark McLaughlin (City Manager)

From: Kobby Agyekum (Senior Planner/ Historical Preservation Officer)

Subject: Consider and discuss the request to amend and reduce the membership of the boards below from 9 members to 7 members in order to attain a quorum at all times.
They are:

1. Board of Adjustment
- ② Planning and Zoning Commission
3. Historical Development Board

Exhibits:

The Board of Adjustment, the Planning and Zoning Commission, and the Historical Development Board have been designated membership of 9 each according to our city ordinances. Sec. 15-6-157 (A), Sec. 3-3-15. & Sec. 15-5-16 (A)
While 9 members is an appropriate number for each of these boards, of late it has become a slight obstacle to reaching our quorum and there have been some cancellations making it longer for citizens to get decisions and feedback on their applications.

Recommendations:

Consequently, Planning and Development Services recommend that the membership of the Board of Adjustment, the Planning and Zoning Commission and the Historical Development Board be reduced to 7 members per board and the ordinances be amended to state as such. This will allow the boards to have the opportunity to attain a quorum of 4 members that would be sustainable to the operation of the boards.

Benefits:

The designation will allow for members to meet and deliberate with flexibility in a timely manner for citizens requests and decision making.

This option will have a significant impact on the operations of the Planning and Development Services and the citizens project timeframes.

PART 2 - CODE OF ORDINANCES
Chapter III - ADMINISTRATION
ARTICLE 3. - DEPARTMENTS, BOARDS AND COMMISSIONS
PLANNING AND ZONING COMMISSION

PLANNING AND ZONING COMMISSION

Sec. 3-3-15. Commission created.

There is hereby created and established for the city a Planning and Zoning Commission which shall be composed of seven nine members. The members shall be resident citizens, taxpayers and qualified voters of the city, all of whom shall be appointed by the City Commission, to serve for terms of two years. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. Members of the Commission may be removed by the City Commission, after public hearing and for cause assigned in writing. The members of the Commission shall serve without compensation. The City Attorney shall be an ex-officio member of the Commission.

(1962 Code, § 2-1-1)

Statutory reference—State law concerning a Zoning Commission, see Tex. Loc. Gov't Code, § 211.007.

Sec. 3-3-16. Organization.

- (A) The Planning and Zoning Commission shall elect a Chairman and Vice Chairman from its membership and shall have power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Commission and to pay for their services and such other necessary expenses, provided that the cost of such services and expenses shall not exceed the amount appropriated by the City Commission for the use of the Planning and Zoning Commission. It shall also have the power to make rules, regulations, and by-laws for its own government, which shall also conform as nearly as possible with those governing the City Commissioners, and same shall be subject to approval by such Commission.
- (B) Such by-laws shall include, among other items, provisions for:
- (1) Regular and special meetings, open to the public;
 - (2) Records of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the City Commission and the public, from time to time and annually; and
 - (4) For the holding of public hearings on its recommendations.

(1962 Code, § 2-1-2)

Statutory reference—Open Meetings Act, see Tex. Gov't Code, §§ 551.001 et seq.; Public Information Act, see Tex. Gov't Code, §§ 552.001 et seq.

Sec. 3-3-17. Powers and duties.

The Planning and Zoning Commission shall have the power and it shall be its duty to make and recommend for adoption a master plan, as a whole or in parts, or the future development and redevelopment of the municipality and its environs and shall have the power and duty to prepare a comprehensive plan and zoning regulations for the city in accordance with Chapter 283, Acts of the Regular Session of the Legislature, 1927, (Tex.

Loc. Gov't Code, §§ 211.001 et seq.). The Commission shall perform such other duties as may be prescribed by the provisions of this code.

(1962 Code, § 2-1-3; Ord. —, passed 12-12-49)

Secs. 3-3-18—3-3-24. Reserved.

ORDINANCE NO. 2024- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER III, ARTICLE 3, SECTION 15 PROVIDING FOR A REDUCTION IN BOARD POSITIONS; 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;

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as the Planning & Zoning Commission (P&Z) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the City has experienced difficulties obtaining and retaining full board membership at the current number of board positions;

WHEREAS, the City needs an adequate number of board members to attend to conduct the Board's business for the City;

WHEREAS, staff proposes to reduce the number of board positions to better ensure a quorum of the board is able to be achieved to conduct business in a timely manner.

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

I.

THAT Section 3-3-15 of Article 3: Departments, Boards & Commissions of Chapter III Administration, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§3-3-15 COMMISSION CREATED.

There is hereby created and established for the city a Planning and Zoning Commission which shall be composed of seven ~~nine~~ members. The members shall be resident citizens, taxpayers and qualified voters of the city, all of whom shall be appointed by the City Commission, to serve for terms of two years. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. Members of the Commission may be removed by the City Commission, after public hearing and

for cause assigned in writing. The members of the Commission shall serve without compensation. The City Attorney shall be an ex-officio member of the Commission.

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 8th day of January, 2024.

PASSED AND APPROVED on this the 22nd day of January, 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4



MEMO

Date: December 15, 2023

To: Mayor & City Commission Members

Cc: Mr. Mark McLaughlin (City Manager)

From: Kobby Agyekum (Senior Planner/ Historical Preservation Officer)

Subject: Consider and discuss the request to amend and reduce the membership of the boards below from 9 members to 7 members in order to attain a quorum at all times.
They are:

1. Board of Adjustment
2. Planning and Zoning Commission
- ③. Historical Development Board

Exhibits:

The Board of Adjustment, the Planning and Zoning Commission, and the Historical Development Board have been designated membership of 9 each according to our city ordinances. Sec. 15-6-157 (A), Sec. 3-3-15. & Sec. 15-5-16 (A)
While 9 members is an appropriate number for each of these boards, of late it has become a slight obstacle to reaching our quorum and there have been some cancellations making it longer for citizens to get decisions and feedback on their applications.

Recommendations:

Consequently, Planning and Development Services recommend that the membership of the Board of Adjustment, the Planning and Zoning Commission and the Historical Development Board be reduced to 7 members per board and the ordinances be amended to state as such. This will allow the boards to have the opportunity to attain a quorum of 4 members that would be sustainable to the operation of the boards.

Benefits:

The designation will allow for members to meet and deliberate with flexibility in a timely manner for citizens requests and decision making.

This option will have a significant impact on the operations of the Planning and Development Services and the citizens project timeframes.

PART 2 - CODE OF ORDINANCES
Chapter XV - LAND USAGE
ARTICLE 5. - HISTORIC DISTRICTS AND LANDMARKS
BOARD OF REVIEW FOR HISTORIC DISTRICTS AND LANDMARKS

BOARD OF REVIEW FOR HISTORIC DISTRICTS AND LANDMARKS

Sec. 15-5-15. Creation; duties.

- (A) There is hereby created a Board of Historical Development whose primary duties will be to act out in an advisory capacity to the City Commission and to advise the city in the following particulars:
- (1) To effect and accomplish the protection, enhancement and perpetuation of such historic structures and landscape features and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
 - (2) Safeguard the city's historic, aesthetic and cultural heritage;
 - (3) Foster civic pride in the beauty and noble accomplishments of the past;
 - (4) Protect and enhance the city's attraction to tourists and visitors and the support to business and industry thereby provided;
 - (5) Strengthen the economy of the city;
 - (6) Promote the use of historic districts, landmarks, and structures for the education, pleasure and welfare of the citizens of the city; and
 - (7) Designate historic landmarks, districts, subjects, areas and sites.
- (B) Duties.
- (1) The Board shall make an annual report to the City Commission on the state of historic preservation and development in the city and shall include in the report a summary of its activities for the past year and a proposed program for the next year.
 - (2) The Board shall have the further responsibility of recommending to the City Commission, City Manager, and city departments the adoption of policies, the sources of funds, and designation of districts and landmarks, that may further the city's preservation and development effort.
 - (3) The Board shall provide recommendations to the City Commission concerning the establishment of city policies, approvals or projects, designations of additional historic landmarks and any other project or efforts which might affect a designated historic landmark or historic district.
 - (4) The Board shall, with staff advice and support, determine a suitable emblem for marking buildings, structures, and sites within historic districts and for designated landmarks, both public and private. This emblem shall be submitted for approval to the Texas Historical Commission and then recommended for approval to the City Commission, along with a list of locations and sites and estimates as to cost, for approval by the City Commission.
 - (5) The Board may adopt such rules and regulations as it deems necessary to carry out its duties and responsibilities as set forth in this article. All such rules and regulations shall not be inconsistent with any law, statute or city ordinance presently in existence or hereafter enacted or amended.
 - (6) Maintain an inventory of designated historical buildings, structures, districts, landmarks, subjects, areas, sites within the city and surrounding areas as may be requested by citizens in the county.
 - (7) Approve, approve with recommended changes, or disapprove applications as outlined in this article.

(1962 Code, §§ 2-10-1, 2-10-16; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97; Ord. 2012-07, passed 3-8-2012)

Sec. 15-5-16. Composition; membership; functions.

- (A) The members of the Board of Historical Development shall be appointed by the City Commission and shall serve without compensation. The members of the Board, if possible, shall include ~~nine~~ seven members representing the following professions or organizations: history, business, attractions, economic development, architectural, engineering, education, and the like. All members, at the time of their selection must be taxpayers of the city.
- (B) The Board shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise, except as specifically provided for herein regarding applications. It shall be the function of the Board to advise the City Commission concerning all public policy matters related to the protection, enhancement, and perpetuation of historic sites, buildings, historic districts and historic landmarks.

(1962 Code, § 2-10-6; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02; Ord. 2012-07, passed 3-8-2012)

Sec. 15-5-17. Secretary of board.

The Administrative Assistant from the City Planning and Development Serviced Department to act as Secretary and keep minutes of all meetings and shall not have voting rights.

(1962 Code, § 2-10-7; Ord. 91034, passed 10-28-91; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-18. Terms of members.

Each member of the Board shall be appointed for a term of three years, except that of the members of the first Board to be appointed, ~~two three~~ shall be appointed to serve for three years, ~~two three~~ shall be appointed to serve for two years and three shall be appointed to serve for one year. The members of the Board shall likewise from the voting membership fill any vacancy in either of the offices of Chairman or Vice-Chairman. Any vacancy on the Board shall be filled by appointment by the City Commission for the remainder of the unexpired term. Any member of the Board who does not attend three consecutive Board meetings without good cause, may be replaced for the remainder of his or her term, after being sent proper notice. Proper notice shall be notice by certified mail sent to the last known address of the member.

(1962 Code, § 2-10-8; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-19. Meetings.

- (A) The Board shall hold regularly scheduled meetings with advance notice posted according to the Texas Open Meetings Law. Additionally, meetings may be called upon request of the Chairman, or upon written request of three members, or upon notice from the Secretary of the Board that a matter requires the consideration of the Board.
- (B) A majority of the members appointed pursuant to § 15-5-16 of this article, shall constitute a quorum and action taken at a meeting shall require the affirmative vote of a majority of the members of the Board present at the meeting.

-
- (C) All decisions of the Board shall be in writing and shall state its findings, pertaining to approval, denial or recommended modification to the application. Copies shall be furnished to the applicant and to the Director of Development Services, or designee, and filed as part of the Board's public record.

(1962 Code, § 2-10-9; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02; Ord. 2012-07, passed 3-8-2012; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-20. Appointment of historic preservation officer.

- (A) The Board shall appoint a qualified city official or staff person to serve as Historic Preservation Officer. This officer shall administer this article and advise the Board on matters submitted to it.
- (B) In addition to serving as representative of the Board, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

(1962 Code, § 2-10-11; Ord. 91034, passed 10-28-91; Ord. 2016-32, passed 6-13-16)

Secs. 15-5-21—15-5-29. Reserved.

ORDINANCE NO. 2024-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 5, HISTORICAL DISTRICTS AND LANDMARKS, SECTION 15-5-16, PROVIDING FOR A REDUCTION IN BOARD POSITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, Chapter 211 Texas Local Government Code, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land;

WHEREAS, the City has experienced difficulties obtaining and retaining full board membership at the current number of board positions;

WHEREAS, the City needs an adequate number of board members to attend to conduct the Board's business for the City;

WHEREAS, staff proposes to reduce the number of board positions to better ensure a quorum of the board is able to be achieved to conduct business in a timely manner;

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

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

I.

THAT Section 15-5-16 of Article 5: Historical Districts and Landmarks of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 15-5-16 COMPOSITION; MEMBERSHIP; FUNCTIONS.

- (A) The members of the Board of Historical Development shall be appointed by the City Commission and shall serve without compensation. The members of the Board, if possible, shall include ~~seven~~ nine members representing the following professions or organizations: history, business, attractions, economic development, architectural, engineering, education, and the like. All members, at the time of their selection must be taxpayers of the city.
- (B) The Board shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise, except as specifically

provided for herein regarding applications. It shall be the function of the Board to advise the City Commission concerning all public policy matters related to the protection, enhancement, and perpetuation of historic sites, buildings, historic districts and historic landmarks.

...

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 8th day of January, 2024.

PASSED AND APPROVED on this the 22nd day of January, 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

Date: January 12, 2024

To: City Commission via City Manager Mark McLaughlin

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

From: Alicia Tijerina, Downtown Manager

Summary: The City of Kingsville was re-certified as a Texas Main Street City in 2011 and has participated in the program every year since. Each year the City enters into a contract with the Texas Historical Commission (THC) for continued participation in the program and pays an annual participation fee. It is time to renew Kingsville's annual commitment to the program.

Background: The mission of the Texas Main Street Program is "to provide technical expertise, resources and support for Texas communities in the preservation and revitalization of historic downtowns and commercial neighborhood districts." Local Main Street programs focus on responsibly utilizing a community's historic assets for economic benefit and increased quality of life.

Texas Main Street has a staff of eight dedicated solely to serving the 90 communities that currently participate in the program. These staff members provide a variety of specialized services in the areas of localized economic development, professional design services (architect, project designers); program capacity building and maintenance, planning and small business assistance. In addition, the Texas Historical Commission provides Main Street Managers and Main Street Board members free training opportunities throughout the year. These services come at no cost beyond the program's annual participation fee. Being a Main Street community also opens us up to special grant opportunities.

Financial Impact: The 2024 annual fee for participation in the Texas Main Street Program is \$535. The funding will come from Membership & Dues Tourism Fund already budgeted.

Recommendation: Staff recommends that the City continue to participate in the Texas Main Street Program.

RESOLUTION NO. 2024-_____

A RESOLUTION AUTHORIZING THE CITY OF KINGSVILLE TO CONTINUE PARTICIPATION IN THE TEXAS MAIN STREET PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE THE TEXAS MAIN STREET LOCALLY DESIGNATED PROGRAM 2024 CONTRACT, AND DESIGNATING DOWNTOWN MANAGER ALICIA TIJERINA AS THE MAIN STREET PROGRAM MANAGER FOR THE CITY OF KINGSVILLE TO COORDINATE PROGRAM ACTIVITIES.

WHEREAS: The Texas Main Street Program of the Texas Historical Commission has been created to assist small cities to develop a public/private effort to revitalize their "Main Street" area, and Kingsville was selected in 2011 to participate in the Texas Main Street Program, has participated since then, and would like to continue to participate in 2024; and,

WHEREAS: The City of Kingsville desires to maintain its designation as a Texas Main Street to assist with the improvement and revitalization of our downtown area; and,

WHEREAS: The City Manager needs to execute the Texas Main Street Locally Designated Program 2024 Contract on behalf of the City to continue participation in this program, as well as the Trademark Sublicense Agreement; and,

WHEREAS: The City of Kingsville has hired Alicia Tijerina as the Downtown Manager to assist the City with overseeing the "Main Street" area and the Texas Main Street Program.

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

SECTION 1. That the City of Kingsville will continue participation in the 2024 Main Street Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings.

SECTION 2. That the City of Kingsville will provide an adequate budget to employ a full-time Main Street Program Manager for a minimum of three years from its original designation date in 2011, which it has done, and provide funds for the training of the Main Street Program Manager and the operating expenses of the program.

SECTION 3. That the City Manager be authorized to execute the Texas Main Street Locally Designated Program 2024 Contract on behalf of the City of Kingsville as well as the Trademark Sublicense Agreement.

SECTION 4. That Alicia Tijerina, the City's Downtown Manager, be designated to supervise the Main Street Manager activities.

SECTION 5. That this Resolution shall be and become effective on or after adoption.

PASSED, APPROVED, AND ADOPTED by a majority vote of the City Commission this 22nd day of January, 2024.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Texas Main Street Locally Designated Program 2024 Contract

I. PARTIES TO THE CONTRACT

This contract and agreement concerning Kingsville Main Street Program (“Agreement”) is entered into between the City of Kingsville (hereinafter referred to as “Participant”) and the **Texas Historical Commission** (hereinafter referred to as “THC”). Kingsville Main Street Program (hereinafter referred to as “Local Program”) is part of a larger program within the **Texas Main Street Program** (hereinafter referred to as “TMSP”), as defined in 13 TAC sec. 19.3(1), wherein the Participant qualifies as a Texas Main Street Small City, as defined in 13 TAC sec. 19.3. The purpose of the Local Program is to assist Participant with the development, revitalization, restoration, and preservation of its historic downtown or commercial neighborhood districts in accordance with the national Main Street Approach. This Agreement shall be governed by Texas Government Code, Section 442.014, and Texas Administrative Code, Title 13, Part 2, Chapter 19.

II. NATIONAL MAIN STREET CENTER BRAND AND NETWORK

This Agreement constitutes a designation of Participant as an official Texas Main Street City (as defined in 13 TAC sec. 19.3(2)) and allows the use of the National Main Street Center, Inc. brand, including MAIN STREET AMERICA™ controlled by National Main Street Center, Inc. 53 West Jackson Blvd., Suite 350 Chicago IL 60604. If Participant’s participation in the TMSP ceases, Participant may no longer use the term ‘Main Street’ to describe its local development, restoration, and preservation program; nor utilize or display the trademarks or branding of the National Main Street Center, Inc. The designation as a Texas Main Street City allows for full participation in the TMSP network, which includes eligibility to receive Texas Main Street publications and participate in Texas Main Street networking opportunities. Designated Texas Main Street Cities, such as Participant, shall execute and submit to the TMSP office the National Main Street Center’s Trademark Sublicense Agreement (“TM Sublicense Agreement”), which grants the right to use the registered trademark, logos and brand of National Main Street Center’s membership program - MAIN STREET AMERICA™. Participant hereby agrees to, and shall comply with, all terms and conditions of the TM Sublicense Agreement, which is attached hereto as Exhibit A, and incorporated herein by reference. Additionally, Participant acknowledges and agrees that in the event National Main Street Center develops and/or releases an updated TM Sublicense Agreement (“Updated TM Sublicense Agreement”) during the Term of this Agreement, Participant shall be required to execute, and comply with, the Updated TM Sublicense Agreement or otherwise be subjected to termination pursuant to the terms of VII. (B) below. In the event National Main Street Center develops and/or releases an Updated TM Sublicense Agreement, THC will provide Participant with sixty (60) days’ notice for Participant to consider, prepare and execute an updated Sublicense Agreement. Furthermore, the parties acknowledge and agree that the execution of such Updated TM Sublicense Agreement shall not require amendment of this Agreement and shall become part of this Agreement upon its execution. In the event of conflict between multiple TM Sublicense Agreements, the most recently executed version shall control.

III. RESPONSIBILITIES OF THE PARTICIPANT AND LOCAL PROGRAM

A. Local Program Staffing and Leadership.

In operation of the Local Program, Participant shall employ a full-time paid program manager who will attend at least two professional development segments annually as outlined in subsection B below. A Texas Main Street Urban City (as defined by 13 TAC 19.3(4)) shall additionally employ a full-time assistant program manager who shall also participate in the professional development under subsection B below.

If necessary and subject to TMSP approval, a Texas Main Street Small City may, after the first three years of participating in the TMSP, permit the program manager position to also perform specific economic development, tourism, and other relevant duties while remaining as a full-time paid program manager.

For the purposes of this Agreement, full-time employment means that the program manager works at least forty (40) hours per week dedicated toward the Local Program and downtown revitalization. Employees of the Participant shall be subject to the sole control and direction of the Participant. Participant shall move forward in an efficient manner to fill a program manager vacancy. Participant shall notify the TMSP immediately upon vacancy, identify an interim Local Program contact, and keep TMSP apprised monthly of progress in filling vacancies. Lengthy periods of staff vacancies may demonstrate a failure to adequately staff the program per Stipulation E Probation.

Participant shall establish and maintain a Main Street local advisory board to direct priorities of the program, provide human and fiscal support to program planning and activities, and advocate for the livelihood of the local program. Board will have a chair who is the primary spokesperson for the board and the primary point of contact for program manager. Make-up and duties of this board are to be defined locally by Participant with consultation from local program stakeholders.

B. Professional development.

The program manager will attend at least two professional development opportunities in their entirety, per year, from the list below:

1. Real Places: Preserving Texas History Conference of the THC.
2. TMSP basic training orientation series for new program managers.
3. TMSP annual professional development retreat for all program managers.
4. National Main Street Now Conference.
5. Certification programs of MAIN STREET AMERICA™.
6. Texas Downtown Conference of the Texas Downtown organization.
7. PastForward Conference of the National Trust for Historic Preservation.

With prior THC approval, experienced program managers may request to substitute an equivalent historic preservation, downtown revitalization, or economic development course, for one of the above opportunities. New program managers shall complete the TMSP basic training orientation series within their first three months of employment. If there is an assistant Main Street employee in addition to the program manager/s referenced above, that

person should also attend at least one segment of Main Street professional development annually.

If a replacement program manager is hired during this contract period who has not previously attended TMSP basic training or without significant Main Street knowledge and experience as determined by TMSP, the manager is required to complete one TMSP basic training orientation series. A \$500 training fee shall be charged to Participant for the training series required under these circumstances.

To help ensure an effective Local Program, board members and volunteers are encouraged to attend TMSP educational opportunities or to contact TMSP for on-site training. No training fee is charged for their participation.

C. Commitment.

Participant agrees to carry out their Local Program work according to the Main Street Approach as promulgated by the National Main Street Center and displayed at <https://www.mainstreet.org/mainstreetamerica/theapproach>. Participant agrees to incorporate into their Local Program work, the following Main Street Community Accreditation Standards:

1. Broad-based Community Commitment
2. Leadership & Organizational Capacity
3. Diverse and Sustainable Funding
4. Strategy-Driven Programming
5. Preservation-Based Economic Development
6. Demonstrated Impact & Result

D. Reporting.

To measure progress, Participant shall track reinvestment statistics and quarterly activity in an approved format submitted to the TMSP office by the 10th of the month following the end of each calendar quarter. Even if there has not been reinvestment or activity in a quarter, Participant shall still submit a report noting such. Additionally, Participant shall submit an annual accreditation report that includes an evaluation of the Local Program implementation of the Main Street Community Accreditation Standards outlined in Section III. C. above for the previous calendar year.

E. Probation.

Participant agrees that their Local Program may be placed on probation, which may result in the suspension of TMSP services or possible removal from the TMSP, for any of the following reasons:

1. Failure to submit an annual accreditation report pursuant to Section III. D above;
2. Failure to achieve accreditation objectives more than two (2) consecutive years;
3. Failure to submit activity reports for more than two (2) consecutive quarters;
4. Failure to submit reinvestment reports for more than two (2) consecutive quarters;
5. Failure to adequately staff or fund the program;
6. Failure to abide by this Agreement.

THC shall notify Participant in writing prior to implementing probation in accordance with Texas Administrative Code, Title 13, Part 2, Chapter 19. In the case of probation, Participant will work with the THC's State Coordinator or delegate to overcome any deficiencies. THC may terminate the Local Program's participation in the TMSP if Participant fails to remediate identified deficiencies within a reasonable time. No fees will be refunded in cases of probation and any outstanding fees under this Agreement will remain due. During probationary status, the stipulations called for in sections III and IV of this Agreement may be temporarily altered or suspended upon THC's discretion.

F. National Main Street America™ membership.

Participant shall budget for and maintain membership in the National Main Street Center.

IV. SERVICES TO BE PERFORMED BY TMSP

A. On-site visits and technical expertise.

TMSP services are available to designated Texas Main Street Cities in good standing and will be delivered in accordance with Texas Administrative Code, Title 13, Part 2, Chapter 19 subject to available THC resources. Services may include, but are not limited to: consultations, trainings, or site visits to address design, organization, promotion, economic vitality, and historic preservation.

B. Assistance Securing a Main Street Manager.

Should a replacement program manager be needed, the TMSP office can assist with elements of the hiring process, including job description examples, job posting options, and interview questions. Upon Participant's request, the TMSP office may assist in the hiring process; however, the responsibility for selection, salary, employment and employee-related legal matters will remain with Participant. Participant is responsible for, and shall hold THC and TMSP harmless from, all acts and omissions of its managers and all of its employees, agents, representatives, contractors and/or subcontractors.

V. GENERAL TERMS AND RESPONSIBILITIES.

A. Confidentiality and Public Information Act.

Notwithstanding any provisions of this Agreement to the contrary, Participant and THC will comply with the Texas Public Information Act, Texas Government Code, Chapter 552, as interpreted by judicial opinions and opinions of the Attorney General of the State of Texas. THC and Participant agree to notify each other in writing within a reasonable time from receipt of a request for information related to Participant's work under this Agreement. Participant and THC will cooperate in the production of documents responsive to the request. Participant will notify THC within twenty-four (24) hours of receipt of any third-party requests for information that was provided by the State of Texas for use in performing the Agreement. This Agreement and all data and other information generated or otherwise obtained in its performance may be subject to the Texas Public Information Act. Subject to the Texas Public Information Act, Participant agrees to maintain the confidentiality of

information received from the State of Texas during the performance of this Agreement, including information which discloses confidential personal information.

B. Dispute Resolution.

The dispute resolution process provided for in Texas Government Code, Chapter 2260, shall be used by THC and Participant to resolve any dispute arising under the Agreement.

If Participant's claim for breach of Agreement cannot be resolved in the ordinary course of business, it shall be submitted to the negotiation process provided in Chapter 2260. To initiate the process, Participant shall submit written notice, as required by Chapter 2260, to the individual identified in the Agreement for receipt of notices. Compliance by Participant with Chapter 2260 is a condition precedent to the filing of a contested case proceeding under Chapter 2260.

The contested case process provided in Chapter 2260 is Participant's sole and exclusive process for seeking a remedy for an alleged breach of Agreement by THC if the parties are unable to resolve their disputes as described above.

Compliance with the contested case process provided in Chapter 2260 is a condition precedent to seeking consent to sue from the Legislature under Chapter 107, Civil Practices and Remedies Code. Neither the execution of the Agreement by Participant and THC nor any other conduct of any representative of the Participant or THC relating to the Agreement shall be considered a waiver of sovereign immunity to suit by THC or any governmental immunity to which Participant is otherwise entitled under Texas law.

C. Indemnification.

TO THE EXTENT ALLOWABLE BY LAW, PARTICIPANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND THC, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF PARTICIPANT OR ITS AGENTS, EMPLOYEES, SUBCONTRACTORS, ORDER FULFILLERS, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE AGREEMENT AND THE TM SUBLICENSE AGREEMENT AND/OR UPDATED TM SUBLICENSE AGREEMENT. THE DEFENSE SHALL BE COORDINATED BY PARTICIPANT WITH THE OFFICE OF THE ATTORNEY GENERAL ("OAG") WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND PARTICIPANT MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM OAG. PARTICIPANT AND THC AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

TO THE EXTENT ALLOWABLE BY LAW, PARTICIPANT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS, THC AND/OR THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL THIRD PARTY

CLAIMS INVOLVING INFRINGEMENT OF UNITED STATES PATENTS, COPYRIGHTS, TRADE AND SERVICE MARKS, AND ANY OTHER INTELLECTUAL OR INTANGIBLE PROPERTY RIGHTS IN CONNECTION WITH THE PERFORMANCES OR ACTIONS OF PARTICIPANT PURSUANT TO THIS AGREEMENT AND/OR UPDATED TM SUBLICENSE AGREEMENT. PARTICIPANT AND THC AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM. PARTICIPANT SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS' FEES. THE DEFENSE SHALL BE COORDINATED BY PARTICIPANT WITH THE OAG WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND PARTICIPANT MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM OAG.

D. Independent Contractor.

Participant or Participant's employees, representatives, agents and any subcontractors shall serve as an independent contractor in providing goods or services. Participant or Participant's employees, representatives, agents and any subcontractors shall not be employees of THC. Should Participant subcontract any of the services required in this Agreement, Participant expressly understands and acknowledges that in entering into such subcontract(s), THC is in no manner liable to any subcontractor(s) of Participant. In no event shall this provision relieve Participant of the responsibility for ensuring that the services rendered under all subcontracts are rendered in compliance with this Agreement and the TM Sublicense Agreement or Updated TM Sublicense Agreement.

E. Ownership of Intellectual Property.

For the purposes of this Agreement, the term "Work Product" is defined as all reports, analyses, work papers, work products, materials, approaches, designs, specifications, systems, documentation, methodologies, concepts, knowledge, know-how, ideas, improvements, plans, advice, research, materials, intellectual property or other property developed, produced, or generated in part or in full by THC and/or in cooperation with Participant, in connection with this Agreement. Work Product specifically excludes pre-existing material owned by Participant, or material developed during the Term of this Agreement independently and exclusively by Participant without any THC involvement or contribution, and that does not include or incorporate any Work Product or Work Product components ("Independent Participant Material"). All Work Product generated pursuant to this Agreement is made the exclusive property of THC. All right, title and interest in and to said Work Product shall vest in THC upon creation and shall be deemed to be, and is expressly intended by the parties to be, a work made for hire and made in the course of the services rendered pursuant to this Agreement. To the extent that title to any such Work Product may not, by operation of law, vest in THC, or such Work Product may not be considered a work made for hire, all rights, title and interest therein are hereby irrevocably assigned to THC. THC shall have the right to obtain and to hold in its name any and all patents, copyrights, registrations or such other protection as may be appropriate to the Work Product subject matter, and any extensions and renewals thereof.

Furthermore, if and to the extent THC provides Participant any Work Product and/or other property owned by THC ("THC Property") to assist Participant to further the Local Program and the purpose of this Agreement, THC hereby grants Participant, commencing

upon the date that Participant is designated as a Texas Main Street City, a nonexclusive, revocable, worldwide, fully paid, royalty-free, license, for the Term of this Agreement while Participant remains designated as a Texas Main Street City, to reproduce, modify, distribute, publicly perform, publicly display and use the THC Property only to the extent such use is in furtherance of the Local Program. To the extent Participant provides any Independent Participant Material to THC in connection with this Agreement, Participant hereby grants THC, and THC accepts, a nonexclusive, perpetual, irrevocable, worldwide, fully paid, royalty-free license to use, reproduce, copy, modify distribute, publicly perform, publicly display, store, post on the Internet and creative derivative works of such Independent Participant Material, and to sublicense and transfer such Independent Participant Material to third parties to use in accordance with these license terms for THC purposes.

F. State Auditor.

In addition to and without limitation on the other audit provisions of this Agreement, and to the extent applicable, pursuant to Section 2262.154 of the Texas Government Code, the State Auditor's Office may conduct an audit or investigation of Participant or any other entity or person receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. The acceptance of funds by Participant or any other entity or person directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the State Auditor's Office, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. Under the direction of the Legislative Audit Committee, Participant or other entity that is the subject of an audit or investigation by the State Auditor's Office must provide the State Auditor's Office with access to any information the State Auditor's Office considers relevant to the investigation or audit. Participant further agrees to cooperate fully with the State Auditor's Office in the conduct of the audit or investigation, including providing all records requested. Participant shall ensure that this paragraph concerning the authority to audit funds received indirectly by subcontractors through Participant and the requirement to cooperate is included in any subcontract it awards. The State Auditor's Office shall at any time have access to and the right to examine, audit, excerpt, and transcribe any pertinent books, documents, working papers, and records of Participant related to this Agreement.

G. Assignment.

Participant may not assign this Agreement, in whole or in part, and may not assign any right or duty required under it, without the prior written consent of THC. Any attempted assignment in violation of this provision is void and without effect.

VI. CONTRACT AMOUNT

In accordance with Texas Government Code, sec.442.014(d) and 13 TAC sec.19.5(d), Participant shall pay THC a fee in the amount of ** \$535.00 to defray cost of staff time and expenses for services provided under the Local Program. THC shall invoice for the fee and Participant shall tender payment within 60 days.

VII. TERM and TERMINATION

A. Term.

This Agreement begins upon the latest date the Agreement becomes fully executed by individuals who have the authority to bind the party on whose behalf he or she is signing ("Effective Date") and shall expire on December 31, 2024 unless terminated at an earlier date pursuant to subsection B below.

B. Termination.

1. Either party shall have a right to terminate all performances to be rendered under this Agreement by notifying the other party in writing at least ten (10) days in advance of the termination date.
2. In the event Participant refuses or fails to execute any Updated TM Sublicense Agreement pursuant to the terms of Section II. above within sixty (60) days of receipt thereof, THC shall have the right to immediately terminate this Agreement by written notice to the Participant.
3. Upon termination of this Agreement under subsections 1 and 2 above, Participant will no longer be designated as an official Texas Main Street City (as defined in 13 TAC sec. 19.3(2)), and will no longer be allowed the use of any Work Product or THC Property, as defined herein, or the registered trademark, logos and brand of National Main Street Center's membership program MAIN STREET AMERICA™. In such event, Participant agrees to return to THC any Work Product and THC Property in its possession.
4. No funds paid under Section VI. Above shall be refunded in any case of termination.

VIII. CHANGES AND AMENDMENTS

Any alterations, additions, or deletions to the terms of this Agreement shall be in writing and signed by both parties.

IX. APPLICABLE LAW AND VENUE; NO WAIVER; SEVERABILITY

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The venue of any suit arising under this Agreement is fixed in any court of competent jurisdiction of Travis County, Texas.

Nothing in this Agreement shall be construed as a waiver of THC's sovereign immunity or any governmental immunity to which Participant is entitled under Texas law. This Agreement shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to Participant, THC or the State of Texas. The failure to enforce, or any delay in the enforcement, of any privileges, rights, defenses, remedies, or immunities available to Participant, THC or the State of Texas under this Agreement or under applicable law shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel.

In the event that any provision of this Agreement is later determined to be invalid, void, or unenforceable, then the remaining terms, provisions, covenants, and conditions of this Agreement shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated.

X. PROHIBITED FOREIGN BUSINESSES

In accordance with Texas Government Code, Chapter 2252, Subchapter F, Participant hereby represents and warrants that it is not a company identified on the lists prepared and maintained under Texas Government Code §§ 806.051 (companies with business operations in Sudan), 807.051 (companies with business operations in Iran), or 2252.153 (companies known to have contracts with or provide supplies or services to a foreign terrorist organization).

Notwithstanding the foregoing, a company that the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran, or to a foreign terrorist organization, is not subject to contract prohibition under this clause. A company claiming such exemption must submit the official copy of the declaration.

XI. FORCE MAJEURE

THC shall not be responsible for performance under this Agreement should it be prevented from performance by an act of war, order of legal authority, act of God, or other unavoidable cause not attributable to the fault or negligence of THC.

Participant shall not be liable to THC for non-performance or delay in performance of a requirement under this Agreement if such non-performance or delay is due to one of the following occurrences, which occurrence must not be preventable through the exercise of reasonable diligence, be beyond the control of Participant, cannot be circumvented through the use of alternate sources, work-around plans, or other means and occur without its fault or negligence: fire; flood; lightning strike; weather damage; earthquake; tornado; hurricane; snow or ice storms; equipment break down; acts of war, terrorism, riots, or civil disorder; strikes and disruption or outage of communications, power, or other utility.

In the event of an occurrence under the above paragraph, Participant will be excused from any further performance or observance of the requirements so affected for as long as such circumstances prevail, and Participant continues to use commercially reasonable efforts to recommence performance or observance whenever and to whatever extent possible without delay. Participant shall immediately notify the THC's State Coordinator by telephone (to be confirmed in writing within five (5) calendar days of the inception of such occurrence) and describe at a reasonable level of detail the circumstances causing the non-performance or delay in performance.

XII. NOTICES.

Any notices and/or documents required hereunder shall be deemed to have been duly provided if in writing and delivered personally or by pre-paid guaranteed overnight delivery service, or sent postage prepaid by United States certified mail, return receipt requested. Any such notice shall be effective on the date of delivery if delivered personally, on the next business day following delivery to the guaranteed overnight delivery service if the notice was so delivered and the charges were prepaid, or on the date the recipient signed for the notice if sent by certified mail.

Notices shall be addressed as follows, or at such other address as any party hereto shall notify the other of in writing:

If to THC:
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

If to Participant:

THE UNDERSIGNED PARTIES BIND THEMSELVES TO THE FAITHFUL
PERFORMANCE OF THIS AGREEMENT.

Authorized Signature
(City Manager, Mayor, or Board Chair)

Date: _____

Signer title: _____

Signer printed name: _____

Signer address: _____

Signer phone: _____

Amy Hammons, State Coordinator
Texas Main Street Program
P.O. Box 12276 Austin, TX 78711
512-463-5758 amy.hammons@thc.texas.gov

Date: _____

Texas Historical Commission
P.O. Box 12276 Austin, TX 78711
512-463-6100

Date: _____

TRADEMARK SUBLICENSE AGREEMENT

This Trademark Sublicense Agreement ("Sublicense Agreement") is entered into between Texas Historical Commission ("**Coordinating Program**") and _____ ("**Sublicensee**"), effective as of the last date written below. For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Background.

A. The National Main Street Center, Inc. ("NMSC") operates a membership program called MAIN STREET AMERICA™. As a part of that program, MAIN STREET AMERICA™ Coordinating Program Membership is available to statewide, regional or citywide organizations that oversee multiple local downtown and neighborhood programs within their service area and work to preserve and revitalize commercial districts. Local Program membership in the MAIN STREET AMERICA™ program is available at the Affiliate or Accredited levels to individual programs or organizations that satisfy the membership eligibility criteria described on the NMSC website (currently located at: <http://www.preservationnation.org/main-street/about-main-street/main-street-america/main-street-america-tier.html#.VmYLY7grLIU>).

B. Organization is a Coordinating Program member of NMSC in good standing and has entered into a Trademark License Agreement with the NMSC which grants to the Coordinating Program the right to sublicense to its Local Programs the use of the NMSC name and trademarks described below.

C. Sublicensee is a Local Program Member in good standing of the MAIN STREET AMERICA™ program at the Affiliate level. Sublicensee is also located within the Coordinating Program's geographic service area. Therefore, Sublicensee has the opportunity to enter into this Trademark License Agreement, which grants certain rights to use the NMSC's name and trademarks, including MAIN STREET AMERICA™ and MAIN STREET®, as described below.

D. The NMSC's parent entity, the National Trust for Historic Preservation ("National Trust"), owns the following registered trademarks, which it has delegated to the NMSC the right to sublicense. NMSC and Coordinating Program have entered into a Trademark Licensing Agreement which grants the Coordinating Program the right to sublicense the following registered trademarks:

Mark	U.S. Registration Number
MAIN STREET	Reg. Nos. 3,365,568 and 2,057,207
NATIONAL MAIN STREET CENTER	Reg. No. 2,013,837

These registered trademarks owned by the National Trust, together with the MAIN STREET AMERICA™ word marks and logos referred to in Section 2.A.1 below, the NATIONAL MAIN STREET CENTER logo referred to in Section 2.A.ii below are referred to herein as the "Trademarks."

E. The Trademarks are well known and recognized by the general public and associated in the public mind with the NMSC and the National Trust. The Coordinating Program and the Sublicensee recognize the mutual benefits that accrue from the Sublicensee's use of the Trademarks in accordance with the terms and conditions of this Sublicense Agreement, including the recognition and credibility brought to the Sublicensee through its use of these Trademarks and the benefit to the Coordinating Program and NMSC from association with high-performing Local Programs.

National Main Street Center
Local Program Affiliate Member Sublicensing Agreement

2. Grant of Sub-License.

A. Subject to the terms and conditions of this Sublicense Agreement, the Coordinating Program hereby grants the Sublicensee the non-exclusive right and license to use the Trademarks to identify and promote its participation in the MAIN STREET AMERICA™ program, as well as its relationship and association with the Coordinating Program and NMSC, in connection with the following activities:

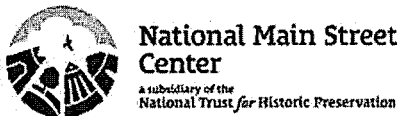
- i. **MAIN STREET AMERICA™ word and logo marks.** The Sublicensee's rights to use the MAIN STREET AMERICA™ word mark and the following MAIN STREET AMERICA logo are limited to Sublicensees which are members in good standing at the Affiliate membership level of the MAIN STREET AMERICA™ program:

For use by Local Programs who are Designated Members at the Affiliate Level:



As a Main Street America Affiliate™, INSERT PROGRAM NAME HERE is part of a national network of more than 1,200 neighborhoods and communities who share both a commitment to creating high-quality places and to building stronger communities through preservation-based economic development.

- ii. **NATIONAL MAIN STREET CENTER® word and logo marks.** The Sublicensee's right to use the NATIONAL MAIN STREET CENTER word mark and the following NATIONAL MAIN STREET CENTER logo solely and exclusively to indicate its association with the National Main Street Center:



- iii. **MAIN STREET® word mark.** The Sublicensee's right to use the MAIN STREET trademark is limited to use made to identify Sublicensee and/or its activities, including as part of the name of the Licensee (e.g. "Main Street Iowa"), in connection with commercial district revitalization and related consultation, education, and training.

3. Scope of and Limitations on Use. Use of the Trademarks by the Sublicensee will be subject to the following limitations:

A. Sublicensee must display the Affiliate level MAIN STREET AMERICA membership mark on their website. All uses of the MAIN STREET AMERICA word mark and logo by Sublicensee must follow the specific mark, color, and character usage set forth in the Brand Identity Guidelines attached as Exhibit A, which are incorporated by reference as if fully set forth herein. Sublicensee will not use or develop any different logos or designs (including any symbols or stylized

National Main Street Center
Local Program Affiliate Member Sublicensing Agreement

presentations), in connection with the MAIN STREET AMERICA mark or logo. Use of the MAIN STREET AMERICA word mark and logos by Sublicensee is a mandatory condition of membership in the MAIN STREET AMERICA program.

B. The MAIN STREET mark, as part of the name and identity of Sublicensee's organization, programs, and activities, can be used on materials designed to promote the work of Sublicensee (e.g., website, brochures, newsletter, letterhead or other printed promotional materials). The right to use the MAIN STREET mark by the Sublicensee is an optional benefit of membership in the MAIN STREET AMERICA program.

C. All uses of the NATIONAL MAIN STREET CENTER logo by Sublicensee must follow the specific mark, color, and character usage set forth in the Brand Identity Guidelines attached as Exhibit A, which are incorporated by reference as if fully set forth herein. Sublicensee will not use or develop any different logos or designs (including any symbols or stylized presentations) in connection with the NATIONAL MAIN STREET CENTER mark. Use of the NATIONAL MAIN STREET CENTER logo by Sublicensee is an optional benefit of membership in the MAIN STREET AMERICA program.

D. This Sublicense Agreement is subject to the terms, conditions, and limitations of the Trademark License Agreement between NMSC and the Coordinating Program.

E. Sublicensee will not apply to register any of the Trademarks, or any other trademark that incorporates any part of the Trademarks or "National Trust for Historic Preservation." Sublicensee will not state or imply that it owns any such trademarks.

F. The Sublicensee will not use the Trademarks in combination with or in juxtaposition with other trademarks except as may be approved in writing by the NMSC. The Sublicensee will apply and display the ® symbol and the ™ symbol next to or with respect to the Trademarks as directed by the Coordinating Program.

G. Other than as specifically provided herein, Sublicensee is not granted any other rights to use, license or sublicense the Trademarks.

4. Term. This Sublicense Agreement will become effective immediately upon the date of last signature below, and, unless terminated early under Sections 5 or 10, will be effective through December 31, 2024, at which time it may be renewed by mutual written agreement of the parties hereto.

5. Conditions. This Sublicense Agreement between Coordinating Program and Sublicensee is conditioned upon Sublicensee having an active MAIN STREET AMERICA membership at the Affiliate level with NMSC. The requirements of this membership are currently available at: <http://www.preservationnation.org/main-street/about-main-street/main-street-america/main-street-america-tier.html#.VmYLY7grLIU>, and are incorporated herein by reference.

6. Acknowledgment of Ownership. Use of the Trademarks indicates acknowledgment by the Sublicensee of the NMSC's and the National Trust's rights and title to the Trademarks, (i.e. MAIN STREET AMERICA, NATIONAL MAIN STREET CENTER, and MAIN STREET), and that Sublicensee will not at any time do, or permit to be done, any act or thing that will in any way impair the rights of the NMSC or the National Trust. All use of the Trademarks by the Sublicensee will inure to the benefit of the NMSC and the National Trust.

National Main Street Center
Local Program Affiliate Member Sublicensing Agreement

7. Good will and promotional value. Sublicensee recognizes and acknowledges the value of good will associated with the Trademarks and agrees that it will not conduct any activity, provide any service, or produce or distribute goods which in any way damages or reflects adversely upon the NMSC or the National Trust.

8. Non-assignment. This Sublicense Agreement is personal to the Sublicensee, and may not be assigned to any other individual, program, organization, or agency. Any attempted assignment will be null and void.

9. Compliance Verification. It is the responsibility of the Sublicensee to verify compliance with the terms of this Sublicense Agreement, and to provide complete and accurate usage reports to the Coordinating Program. If the Coordinating Program or the NMSC has reason to believe that the Sublicensee is in violation of this Sublicense Agreement, the Coordinating Program or NMSC shall have the right to make inquiries with Sublicensee as necessary to determine compliance. In such case, the Sublicensee will cooperate with the Coordinating Program and/or NMSC in its investigation and provide in a timely fashion any and all information that is requested.

10. Termination.

A. Coordinating Program may terminate this Sublicense Agreement if the Sublicensee violates any of the provisions of this Sublicense Agreement or fails to satisfy the membership criteria established by the NMSC for Affiliate Local Programs. Such termination will be effective thirty (30) days after the Coordinating Program sends written notice of such termination to Sublicensee. During this thirty (30) day period, Sublicensee may attempt to cure such violation. If the violation is not cured during this period, the termination will be effective upon the expiration of the thirty (30) day period.

B. This Sublicense Agreement will automatically terminate immediately without any notice required, notwithstanding the above paragraph, if the Coordinating Program or NMSC determines: (i) that sublicensee's actions could negatively affect the goodwill, image, or reputation of the NMSC, the National Trust for Historic Preservation, the Coordinating Program, or any of the Trademarks; (ii) the Sublicensee discontinues all or a significant portion of its business; (iii) the National Trust terminates, revokes, or fails to renew the NMSC's rights to use, license, or sublicense the Trademarks; or (iv) the NMSC terminates, revokes or fails to renew the Coordinating Program's rights to use, license or sublicense the Trademarks.

C. Upon the expiration or early termination of this Agreement, the Sublicensee will discontinue use of the Trademarks and will destroy and delete tangible and electronic documents and files containing any such marks, except for a limited number of copies retained for archival purposes only.

11. Governing Law. This Agreement is entered into in the District of Columbia and will be governed by and construed in accordance with the laws of the District of Columbia, USA, without giving effect to conflict of laws provisions.

12. Annual Report, Notices, Other Communication. Upon request by the Coordinating Program or NMSC, Sublicensee shall submit samples of any materials on which the Trademarks licensed under this agreement were used during the year. Such samples shall be submitted within ten business days of receipt of a written request from the Coordinating Program or NMSC.

**National Main Street Center
Local Program Affiliate Member Sublicensing Agreement**

13. Notices. Any notices which either party is required or may desire to serve upon the other party shall be in writing and may be served either personally or by depositing the same in the mail (first class postage prepaid, certified and return receipt requested) or with a reputable overnight express delivery service (with confirmed delivery, charge prepaid or billed to shipper), addressed to the party to be served as follows, unless a different address is designated in writing by the party to be served. Notice shall also be required to be given by electronic mail on the same date as deposited in the mail. Notice given by mail alone shall not be sufficient.

To Coordinating Program:

Name: Texas Historical Commission
Address: PO Box 12276
Austin, TX 78711-2276
Phone: 512-463-5758
Email: amy.hammons@thc.texas.gov

To Sublicensee:

Name: _____
Address: _____
Phone: _____
Email: _____

14. Successors. This Agreement shall be binding upon, and will inure to the benefit of, the parties and their respective permitted successors and assigns.

15. Modification. No amendment or modification of the terms or conditions of this License Agreement will be valid unless in writing and signed by both parties.

16. Waiver. The failure of either party to partially or fully exercise any right or the waiver by either party of any breach, shall not prevent a subsequent exercise of such right or be deemed a waiver of any subsequent breach of the same or any other term of this Sublicense Agreement. No waiver shall be valid or binding unless in writing and signed by the waiving party.

17. Severability. If any provision of this Sublicense Agreement or the application of any provision hereof to any person or circumstances is held to be void, invalid, or inoperative, the remaining provisions of this Agreement shall not be affected and shall continue in effect and the invalid provision shall be deemed modified to the least degree necessary to remedy such invalidity.

18. Entire Agreement. This Sublicense Agreement is the entire agreement between the parties with respect to the matters referred to herein and it supersedes and replaces all prior and contemporaneous oral and written understandings pertaining to the subject matter hereof.

Coordinating Program

By: _____
Name, Title

Date: _____

Sublicensee

By: _____
Name, Title

Date: _____

REGULAR AGENDA

AGENDA ITEM #6

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



MEMO

Date: January 11, 2024

To: Mark McLaughlin (City Manager)

From: Erik Spitzer (Director of Planning and Development Services)

Subject: **Kingsville Exploits LLC, applicant, requests a variance for Liquor Store in C2 (Retail District) at BROOKS, BLOCK 8, LOT 1-10, also known as 825 West King, Kingsville TX 78363. (Property ID 15273 also known as the 800 Block of West King, Kingsville TX 78363)**

Kingsville Exploits LLC, the applicant, approached the Planning Department requesting an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise and an LH-Late Hours certificate for an existing location (Javelina Mart) that is under new ownership. The property is currently zoned C2 (Retail).

This application is being submitted for your consideration to approve. Of note, the College View Baptist Church and the Islamic Society of Kingsville reside within a 300-foot radius of this business, thus requiring a variance. The Planning Department recommends approval.

Thank you.

A handwritten signature in black ink, appearing to read "Erik Spitzer", is written over the printed name and title.

Erik Spitzer
Director of Planning and Development Services

received
10-24-23

All Star License Service
10101 Southwest Freeway, Ste. 307
Houston, Texas 77074
713/644-2120
allstarls@icloud.com

October 19, 2023

To: City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364
361-595-8024

Attn: City Secretary

Re: New – Wine and Beer Application
Javelina Mart
1202 N Armstrong St
Kingsville, Texas 78363

Please find attached the beer application that requires your signature. Please certify the application and mail back in the return stamped envelope. If you have any questions or problems, please contact me at the phone number above.

Thank you,

Chris Manriquez
(



**TEXAS ALCOHOLIC
BEVERAGE COMMISSION**
Texans Helping Businesses & Protecting Communities

received
10-24-2023

**Required
Certifications**

Join TABC in the fight against human trafficking

L-CERT (7/2022)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.

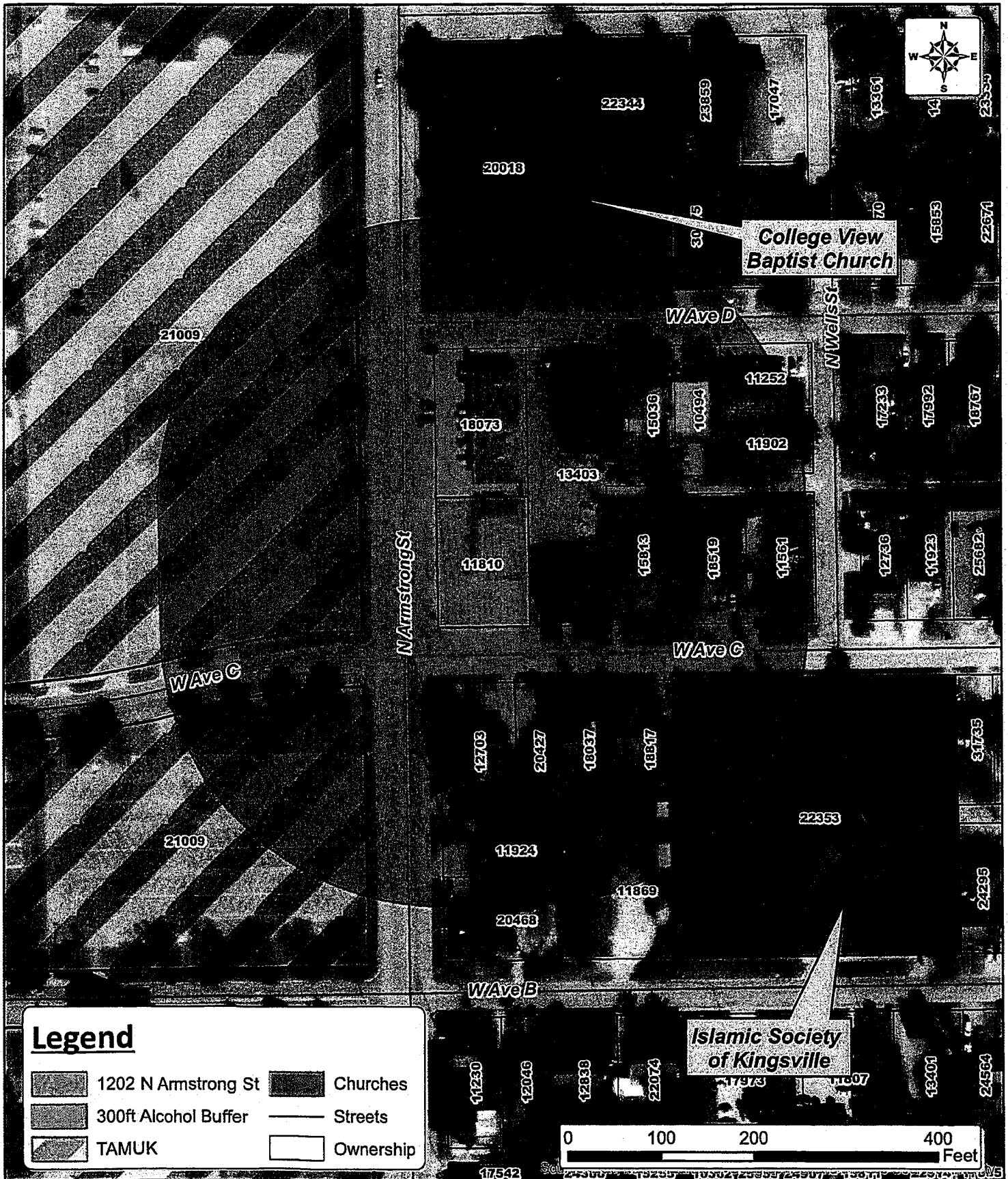
Contact your local TABC office for assistance.

LOCATION INFORMATION

1. Trade Name of Location (Name of restaurant, bar, store, etc.) Javelina Mart			
2. Owner of Business/Applicant (Name of Corporation, LLC, etc.) Kingsville Exploits LLC			
3. Type of Owner <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Other: _____			
4. Location Address 1202 N Armstrong St			
City Kingsville		County Kleberg	State TX
5. Mailing Address 4938 Sabine Terrace Dr			
City Sugar Land		County Fort Bend	State TX
6. Business Telephone Number pending		Alternate Telephone Number 832/713-0311	E-mail Address asim@bizbrothers.net
7. Application for:			
<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Reinstatement	License/Permit Number	<input type="checkbox"/> Reinstatement and Change of Trade Name
	<input type="checkbox"/> Change of Location	License/Permit Number	<input type="checkbox"/> Change of Location and Trade Name
8A. Type of Off-Premise Retailer License/Permit:			
<input type="checkbox"/> BF Retail Dealer's Off-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> P Package Store Permit	
<input type="checkbox"/> BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit	<input type="checkbox"/> ET Third-Party Local Cartage Permit	<input type="checkbox"/> Q Wine Only Package Store	
<input type="checkbox"/> LP Local Distributor's Permit			
8B. Type of On-Premise Retailer License/Permit			
<input type="checkbox"/> BE Retail Dealer's On-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> MB Mixed Beverage	
<input checked="" type="checkbox"/> BG Wine and Malt Beverage Retail Dealer's On-Premise Permit	<input type="checkbox"/> FB Food and Beverage Certificate	<input type="checkbox"/> WP Waterpark Permit	
<input type="checkbox"/> BP Brewpub License	<input checked="" type="checkbox"/> LH Late Hours Certificate		
8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit			
<input type="checkbox"/> BB General Distributor's License	<input type="checkbox"/> D Distillers and Rectifiers Permit - allows on-premise consumption	<input type="checkbox"/> S Nonresident Seller's Permit	
<input type="checkbox"/> BC Branch Distributor's License	<input type="checkbox"/> DS Out-of-State Winery Direct Shipper's Permit	<input type="checkbox"/> SD Brewer's Self-Distribution License	
<input type="checkbox"/> BN Nonresident Brewer's License	<input type="checkbox"/> G Winery - allows on-premise consumption	<input type="checkbox"/> W Wholesaler's Permit	
<input type="checkbox"/> BW Brewer's License	<input type="checkbox"/> J Bonded Warehouse	<input type="checkbox"/> X General Class B Wholesaler Permit	
<input type="checkbox"/> JD Bonded Warehouse (Dry Area)			
9. For On or Off-Premise Applicants, Indicate Primary Business Type at this Location			
<input type="checkbox"/> Bar	<input type="checkbox"/> Grocery/Market	<input type="checkbox"/> Package Store	<input type="checkbox"/> Sexually Oriented
<input type="checkbox"/> Civic Center	<input type="checkbox"/> Hotel	<input type="checkbox"/> Public Entertainment Fac. (PEF as defined in Sec. 108.73)	<input type="checkbox"/> Sporting Arena
<input checked="" type="checkbox"/> Convenience Store	<input type="checkbox"/> Motel	<input type="checkbox"/> Racetrack	
<input type="checkbox"/> Delivery Company	<input type="checkbox"/> Movie Theater	<input type="checkbox"/> Restaurant	

allstaris@icloud.com

300ft Buffer at 1202 N Armstrong St



Page:
2 / 2

Drawn By: G. AMAYA

Last Update: 10/25/2023

Note: Please see attached documents.

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



**CITY OF KINGSVILLE
ENGINEERING DEPARTMENT**

400 W King Ave; Kingsville, TX 78363

Office: (361) 595-8007

Fax: (361) 595-8064

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Board Of Regents Of The
Texas A & M University System
System Real Estate Office
301 Tarrow St, 5th Floor
College Station, TX 77840
#21009

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment kown as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

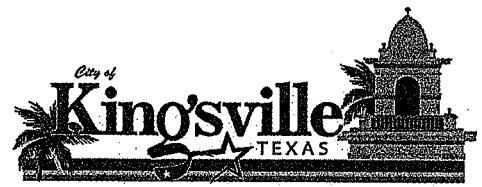
Your property is located withing 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20468

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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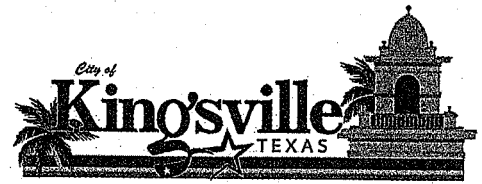
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Thank you.

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11869

Dear Property Owner,

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Your property is located withing 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#22344

Dear Property Owner,

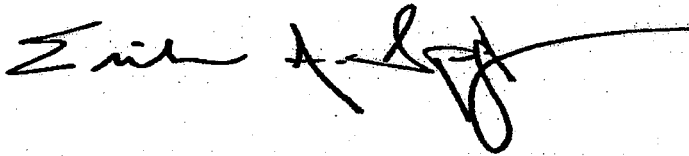
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Your property is located within 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11924

Dear Property Owner,

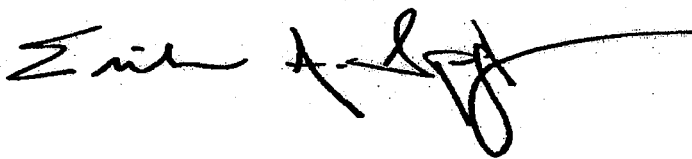
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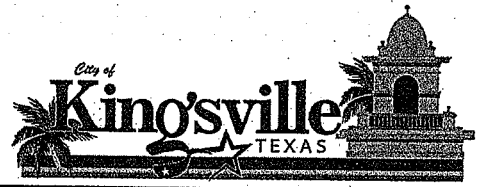
Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#12703

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment kown as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas

Your property is located withing 300 feet of this request. If you have any comments or questions in regard to this matter, please contact me at (361) 595-8055.

Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Patricia A Mendez
707 W C Ave
Kingsville, TX 78363
#18817

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20427

Dear Property Owner,

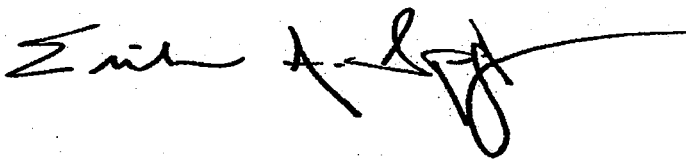
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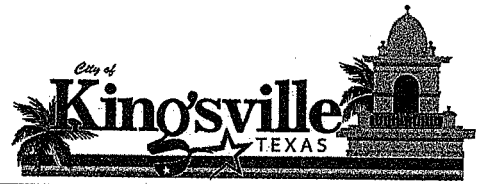
Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

OMV Investments LLC
3312 Texas Star LN
Austin, TX 78746
#18037

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, King'sville Texas. The following item will be heard:

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Thank you

Yours Sincerely,

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Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Adam Reid Stehle
702 W Ave C
Kingsville, TX 78363
#11561

Dear Property Owner,

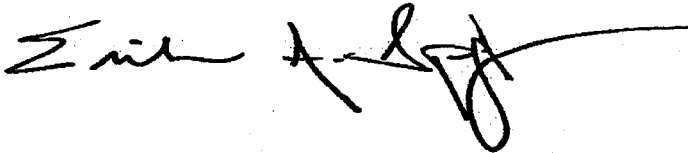
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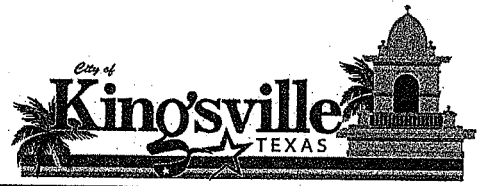
Thank you

Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Daniel Mendieta
Etux Anna D Est
708 W C Ave
Kingsville, TX 78363
#18519

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Marla Salinas ETAL
Juan A Cantu Trustee
725 W Henrietta Ave
Kingsville, TX 78363
#15813

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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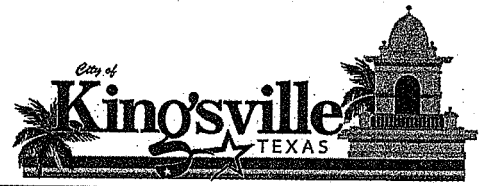
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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Cairnes Revocable Trust
Jack & Andra Cairnes (TR)
787 S County Road 1145
Riviera, TX 78379
#13403

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, King'sville Texas. The following item will be heard:

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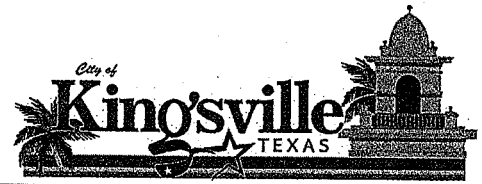
Thank you

Yours Sincerely,

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Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Leila Samadi
5611 S Oso Parkway
Corpus Christi TX, 78414
#18073

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024, at 5:00 p.m.** at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, King'sville Texas. The following item will be heard:

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Elsie Salinas
513 Fairfield Dr
Corpus Christi, TX 78412
#15036

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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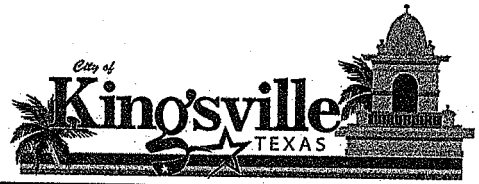
Thank you

Yours Sincerely,

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Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Anna Lee Vela
1219 N Wells
Kingsville, TX 78363
#11902

Dear Property Owner,

The City Commission of the City of King'sville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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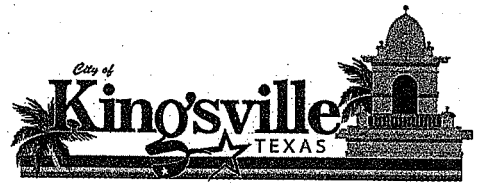
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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

Jose M Graveley
343 W County Road 2170
Kingsville, TX 78363
#10494

Dear Property Owner,

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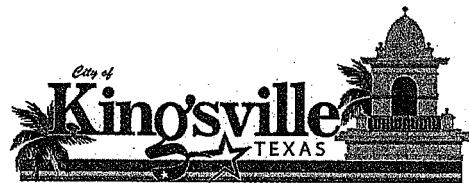
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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

College View Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#20018

Dear Property Owner,

The City Commission of the City of Kingsville will hold a Public Hearing **Monday January 22, 2024**, at 5:00 p.m. at the Helen Kleberg Groves Community Room, located at City Hall, 400 W. King, Kingsville Texas. The following item will be heard:

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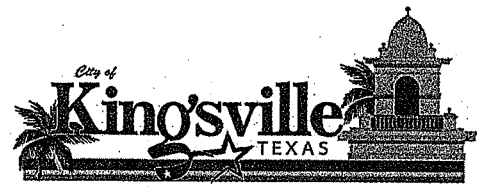
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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

CITY OF KINGSVILLE



P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 8, 2024

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#30175

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Thank you

Yours Sincerely,

Erik Spitzer
Director of Planning & Development Services

P.O. BOX 1458 - KINGSVILLE, TEXAS 78364

January 08, 2024

Dennis L Yaklin
618 W Ave C (Office)
Kingsville, TX 78363
#11252

Dear Property Owner,

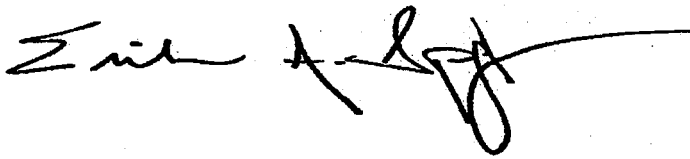
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Yours Sincerely,



Erik Spitzer
Director of Planning & Development Services

Board Of Regents Of The
Texas A & M University System
System Real Estate Office
301 Tarrow St, 5th Floor
College Station, TX 77840
#21009

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#20468

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11869

University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#22344

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#11924

Yolanda Zapata Est
Adriana Zapata (Ind Exec)
2012 Sherwood St
Kingsville, TX 78363
#12703

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Kingsville, TX 78363
#18817

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#10494

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University Baptist Church
1324 N Armstrong Ave
Kingsville, TX 78363
#30175

Dennis L Yaklin
618 W Ave C (Office)
Kingsville, TX 78363
#11252

County renews mutual aid agreement

By JT Strasner
Editor

Kleberg County Commissioners tackle a short agenda on Dec. 27.

Commissioners Marcus Salinas and Jerry Martinez were in attendance and Commissioner Chuck Schultz made it a quorum by joining by video teleconference.

County Judge Rudy Madrid and Commissioner David Rosse were absent.

Among the agenda items for action was the setting of dates for the cafeteria enrollment plan for county employees.

On Jan. 9-11, county employees may



COUNTY OF KLEBERG
KINGSVILLE, TEXAS

visit with officials regarding the plan from 9-11:30 a.m. and 1-4:30 p.m.

Commissioners also approved a payment to TJ Electric in the amount of \$28,888 for work performed at the

Riviera Pier Restrooms. The funds will come from ARPA, but will be reimbursed by GOMESA grant funds when they become available, Martinez said. County Auditor Melissa Greene warned that commissioners "should stop doing that" in regards to the grant reimbursement process that has been utilized by Madrid previously.

Commissioners also approved renewing an agreement for emergency dispatch services between Padre Island National Seashore and the Kleberg County Sheriff's Office. A mutual aid agreement renewal between Kleberg and Kenedy county was renewed as well.



Law enforcement participate in Shop with a Cop event

Area law enforcement agencies participated in the 2023 Shop with a Cop last month. They provided toys, clothes and shoes for local youth. (Submitted photo)

PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, January 22, 2024, at 5:00 P.M. to discuss and/or take action on the following item:

Request for an alcohol variance for a BG-Wine and Malt Beverage Retail Dealer's On-Premise permit and a LH-Late Hours certificate for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas.

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

?? TRIVIA ??

HOW SMART ARE YOU?

- Think you know something about everything?
- What do you know about our area?

Play Kingsville Trivia brought to you by Harrel's Pharmacy!

Questions:

1. Which part of rhubarb is poisonous if eaten?
2. Which fish has green bones?
3. What is the largest bird still alive today?
4. Crabs can evade danger by doing what?
5. What is the largest can in the Americas?
6. What purpose does the thyroid serve?
7. What is the cause of swelling after touching a stinging nettle?
8. What is the common name of sodium bicarbonate?
9. What camera did Edwin Land create?
10. Thoracic medicine specializes in what part of the body?

(Answers will be in the next issue)

HOW SMART ARE YOU:

- 9-10. Okay Einstein, quit bragging
- 7-8 Pick up your PhD at TAMUK
- 5-6 You are on your way to your B.S. degree
- 3-4 Do not skip any more school
- 2 or less—don't leave home without a chaperon

For all your pharmacy needs, contact Harrel's. Lots of great items and downtown Kingsville's best eats!

Harrel's
Kingsville Pharmacy

204 E. Kleberg • Kingsville, Tx
(361) 592-3354

TRIVIA ANSWERS

Dec. 28, 2023 issue

- | | |
|-----------------------|-----------------------------------|
| 1. 1907 | 8. Times gone by |
| 2. Waterford Crystals | 9. Everyone in the room. |
| 3. 46 BC | 10. New York City, New York |
| 4. Donuts | Las Vegas, Nevada |
| 5. Grapes | Orlando, Florida - (Disney World) |
| 6. Black eyed peas | |
| 7. 360 million | |

Local Newspapers are **IMPORTANT**

Any Way You Look At It

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Political Accountability
Local Business Support
Community Connection
Education, Jobs & Housing
An Informed Democracy

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AGENDA ITEM #7

To: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

From: Kingsville Economic Development Grant Administrative Board

Date: December 19, 2023

Subject: Kingsville Economic Development Grant Application Approvals

BACKGROUND:

On January 10, 2022 via Resolution #2022-03, the Kingsville City Commission approved an Economic Development Grant Program and Manual to spur new economic activity within the Kingsville city limits. The Commission subsequently appointed members to the Economic Development Grant Administrative Board to review and make recommendations on grant applications.

Application One World Children's Rehab, LLC:

Applicant: Adriana Martinez

Project Name: One World Children's Rehab, LLC

Project Location: 622 S. 6th Street

New or Existing Business: Existing Business- 10 months

Grant Request: \$50,000

Total Project Costs: \$200,208.21

Grant Request Percentage: 24.97%

Board Recommendation: \$50,000

Number of New Jobs:

- FT Year 1- 0
- PT Year 1- 1
- FT Year 2- 4
- PT Year 2- 0

Number of Jobs Retained:

FT Year 1- 5
PT Year 2- N/A
FT Year 2- 5
PT Year 2- N/A

Project Summary:

The applicant is seeking a grant to cover the following:

- Parking lot improvements: \$20,525.00
- Occupational therapist salary: \$22,615.00
- Children's equipment: \$6,860.00
 - Total of \$50,000

Manny Salazar moved to approve \$50,000 for the uses stated in the application.

Mark McLaughlin seconded the motion and it passed with unanimous consent. Total Project Costs: \$1,017,219

FINANCIAL IMPACT:

There is \$500,000 allocated in the City's FY22-23 budget for the Economic Development Grant Program in line item #123-5-1060-34900.

The recommended award total is \$50,000.

If the recommended award is approved by City Commission that would leave \$240,000 available for other applications.

RECOMMENDATION:

The Grant Administrative Board recommends approval of the grant application as follows:

1. Applicant: Adriana Martinez, One World Children's Rehab, LLC
 - a. Approval for \$50,00 grant application

Kingsville Economic Development Grant

Administrative Board Meeting

10:00AM, December 7, 2023

Present

Deborah Balli
Mark McLaughlin
Sharon Pennington
Stefanie Perryman
Manny Salazar
Erik Spitzer
Charlie Williams

Absent

Justin Bray
Rodney Rodriguez

Call to Order: Manny Salazar called the meeting to order. A quorum was present.

Discussion and Potential Approval of Applications:

Application 1: The Committee met with and reviewed an application by Adriana and Ernie Martinez of One World Children's Rehabilitation. The committee reviewed the business plan with the applicants. The applicants confirmed that they are fully approved by insurance, including tri-care.

The applicant requests \$50,000 for the following uses:

- a) Parking lot improvements: \$20,525.00
- b) Occupational therapist salary: \$22,615.00
- c) Children's equipment: \$6,860.00

The funds for the Occupational Therapist salary is a portion of the total salary. The applicant stated that the condition of the parking lot creates a safety hazard for the patients who may use a wheelchair, a walker, or braces.

Manny Salazar moved to approve \$50,000 for the uses stated in the application. Mark McLaughlin seconded the motion and it passed with unanimous consent.

Other Business:

Being no other business, Manny Salazar adjourned the meeting.

RESOLUTION #2024-_____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT BETWEEN THE CITY OF KINGSVILLE AND ADRIANA MARTINEZ FOR ONE WORLD CHILDREN'S REHAB, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City passed and approved an Economic Development Grant Program and Manual to spur new economic activity within the Kingsville city limits on January 10, 2022 via Resolution #2022-03;

Whereas, an Economic Development Grant ("EDG") Administrative Board was created to review and make recommendations on grant applications;

Whereas, the grant was widely publicized in the local newspaper, regional television, social media, newsletters, and speaking directly to community organizations, which resulted in several applications for the EDG Administrative Board to review and three were recommended for approval to City Commission;

Whereas, at a duly posted meeting of the City Commission on November 14, 2022 the Commission approved the three grant applications as recommended in a revised manner by the Board;

Whereas, the need for economic development exists within the City based on current demand and the City desires to increase the sales tax and ad valorem tax base of the City to the benefit of citizens and other local taxing entities;

Whereas, the City believes the offering of local economic incentives like this grant will stimulate new development and economic activity within the city;

Whereas, the City desires to approve qualifying applications for Economic Development Grant assistance to stimulate economic development within the city as a local incentive to create additional housing, a higher level of employment, economic activity and stability within the City of Kingsville, which serves a public purpose;

Whereas, the approved EDG Program and Manual provide for the administration of a program that provides money of the city to promote local economic development and to stimulate business and commercial activity in the city, pursuant to authority found in section 380.001 of the Local Government Code;

Whereas, the City has received an application, pursuant to the EDG Program and Manual, from Adriana Martinez for up to \$50,000 in funding for parking lot improvements, children's equipment, and base salary for occupational therapist for One World Children's Rehab, LLC located at 622 S. 6th Street, Kingsville,

Texas, pursuant to the terms of the Commitment Letter and EDG Program and Manual;

Whereas, the City believes providing economic incentives through this commitment letter with Ms. Martinez will further its objectives of stimulating business and commercial activity and expand the tax base;

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Economic Development Agreement between the City of Kingsville and Adrina Martinez (for One World Children's Rehab, LLC) in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
22nd day of January, 2024.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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{Drafted January 8, 2024}

Organization (Grant Recipient): Adriana Martinez

Amount of Award: \$50,000

Project Name: One World Children's Rehabilitation

Completion Date: February 1, 2025

Project Contact: Adriana Martinez

Expected New Jobs Creation: Year 1: 1 Part Time Year 2: 4 Full Time

City of Kingsville, Texas ("City") agrees to provide grant funding for the above referenced project in the amount and manner set out below as consideration for Grant Recipient satisfactorily performing the project described in the grant application received by the City, attached to and hereby made a part of this Agreement, and subject to the following additional terms and conditions:

1. Project Description: Full project disclosure is described in Exhibit 1, Grant Application. The summary below is the maximum amount of Commission-approved expenses that are eligible for grant funding for Project Contract: Adriana Martinez, One World Children's Rehabilitation

- a) Parking lot improvements: \$20,525.00
 - b) Occupational therapist salary (base salary only; no insurance or fringe): \$22,615.00
 - c) Children's equipment: \$6,860.00
- Total of \$50,000

2. Use of Funds: Funds shall be expended consistent with this Commitment Letter and the Economic Development Grant Program and Administration Manual, and solely on projects that meet the requirements as set forth by the Economic Development Grant Program and Administrative Manual, recommended by the Grant Administrative Board through the application process, and approved by the City of Kingsville City Commission.

2.1.1. Projects must be completed within twelve (12) months of Commitment Letter signature.

2.1.2. Assuming compliance with all requirements, funds shall be distributed by the City of Kingsville Finance Department to the banking institution established by the recipient at a rate equal to the recipient's expense of private resources until all EDG funds for the recipient have been transferred, or until the project is completed, whichever comes first.

2.1.3. Funds not expended within the terms of the Commitment Letter shall be retained by the City for use in future EDG applications.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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2.1.4. Funds may not be used for projects listed in the Economic Development Grant Program and Administrative Manual, Part I. B. 3: Anticipated EDG Investments, nor may funds be used for items other than those approved by Commission as noted above.

2.1.5. Funds are distributed in a semi-reimbursement method. Funds may either be for a reimbursable expense or with prior proof of invoice and City Manager approval funds may be forwarded to assist in the purchase of the approved project expense. Recipient is responsible for providing all receipts, or invoices, highlighting approved project expenses prior to any City transfer of funds for reimbursement within thirty (30) days of paying for such project expenses. Recipient is responsible for providing all receipts for approved project expenses within seven (7) days of purchase for items where funds are forwarded to assist with the purchase.

2.1.6. **No EDG funds shall be used for insurance related to labor including workman's compensation, long or short term disability, social security, Medicare, public or private insurance, or paid time off, etc..**

2.1.7. The City of Kingsville City Manager has final authority on approval of funds for release. Project costs in dispute between the City and the Recipient shall be forwarded to the City Manager for final adjudication.

2.1.8. Drawdown requests shall be in writing to the City of Kingsville City Manager, dated, with information explaining the nature of the expense and receipts (if reimbursed) or an invoice (programed expenses). Lack of necessary information to support compliance with the Economic Development Grant Program and Administrative Manual shall result in the City's withholding the release of funds, and possibly result in the Recipient paying back funds previously received from the City.

2.1.9. The City shall provide approved funding in the form agreeable by both parties and payable to the Recipient. Quarterly reports from the Recipient to the City shall show proof of all City funds deposited and expenses incurred.

2.1.10. The total drawdown request submitted to the City should be equal to or less than the total of all attached documentation for said request.

2.1.11. The Recipient shall keep records of all expenditures relating to economic development grant funding. Documents consisting of bills, invoices, canceled checks, receipts, quotes, estimates, etc., will be retained by the Recipient for three (3) years after the submission and acceptance of a final closeout of the EDG grant by the City.

3. Report(s): Recipient shall submit a written report monthly to the City summarizing and evaluating the accomplishments of their project covering the preceding thirty (30) days. Within sixty (60) days of the completion of the project, or no later the 60 days following the completion date shown on this Commitment Letter, Recipient shall provide a summarized report of the entire project, funds received, expenses incurred and reimbursed, and proof of the final building inspection (if required) per the City's adopted version of the applicable International Building Codes and Fire Code.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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4. Applicable Laws, Legal Advice, and Licenses: Recipient shall comply at their own expense with all laws of any municipal, county, state, federal or other public authority regarding the use of economic development grant funds, which may include public contracting laws. The Grant Recipient shall be responsible for obtaining their own legal advice, if necessary, concerning the applicability of such laws and/or compliance with such laws. The Grant Recipient shall be solely responsible for any licenses or permits required by law, and shall pay all costs, required taxes, fees and charges prescribed by law. The Grant Recipient, throughout the duration of this Agreement and any extensions, shall comply with all federal, state and local laws, regulations, and ordinances applicable to this Agreement or to the Grant Recipient's obligations under this Agreement, as those laws, regulations and ordinances may be adopted or amended from time to time.

4.1. Any violation of terms set forth in this Letter of Commitment shall constitute a material breach of this agreement. Any violation shall entitle the City to terminate this Agreement, to pursue and recover any and all damages that arise from the breach and the termination of this Agreement, to pursue and recover any and all funds provided to Recipient from the City, and to pursue any or all of the remedies available under this Agreement, at law, or in equity, including but not limited to:

- Termination of this Agreement, in whole or in part;
- Exercise of the right to withhold any grant amount not yet paid; and,
- Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. The City may seek reimbursement of funds provided to the Recipient. The City shall be entitled to recover any and all damages suffered as the result of Grant Recipient's breach of this Agreement, including but not limited to direct, indirect, incidental and consequential damages, costs of cure.

4.2. These remedies are cumulative to the extent the remedies are not inconsistent, and the City may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

4.3. This Agreement shall comply with the requirements of the Civil Rights Act of 1964, including the following provisions:

- No person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving this assistance.
- It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual or to otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, segregate, or otherwise adversely affect his status as an employee, because of such individual's race, color, sex, religion, or national origin.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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5. Insurance: Grant Recipient shall procure and maintain in force, for the entire duration of this Agreement, insurance providing coverage for bodily injury and property damage which may arise out of the operations of the Grant Recipient or his subcontractors, employees, agents, assigns or for anyone whose acts any of them may be liable. Such insurance shall have coverage limits equal to or greater than the minimum limits set forth herein.

5.1. Grant Recipient shall furnish to the City a certificate of insurance evidencing the existence of all insurance coverage(s) required by this Agreement prior to the commencement of any work.

5.2. Grant Recipient shall endorse the Grant Recipient's General Liability (CGL) insurance to include the City of Kingsville as an "additional insured", including coverage for products and completed operations, and a copy of this endorsement shall accompany each certificate.

5.3. **NOTICE OF CANCELLATION OR CHANGE.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days' prior written notice from the Grant Recipient or its insurer(s) to the City.

5.4. Grant Recipient's insurance shall be primary and not excess to, or contributory with any insurance coverage provided by the City. Grant Recipient's insurance shall be endorsed to provide project specific aggregate limits with respect to project covered by the Agreement.

5.5. Grant Recipient shall ensure that the City is provided with a renewal certificate at least thirty (30) days prior to the expiration date of the coverage in the event that the original certificate expires prior to the scheduled termination of this Agreement.

5.6. Personal Services Agreements should have the following:

~Commercial General Liability (including commercial board form; premises-operations; products/completed operations; contractual liability; independent contractors)- each occurrence \$1,000,000; \$2,000,000 aggregate

~Auto Liability (including owned; hired and non-owned; rented/leased)- Combined Single \$1,000,000

~Workers' Compensation- statutory limits

~Employers Liability- \$500,000/ \$500,000/ \$500,000

6. Indemnification: Grant Recipient agrees to defend, indemnify and save City, its agents, officers and employees harmless from any and all losses, claims, actions, costs, expenses, judgments, subrogation or other damages resulting from injury to any person (including injury resulting in death), or damage

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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(including loss or destruction) to property, arising or resulting from the fault, negligence, wrongful act or wrongful omission of Grant Recipient or its agents or employees. Grant Recipient agrees to defend and hold harmless the City of Kingsville from any claim or action alleging misuse, misappropriation, spending of funds for ineligible expenses, or inadequate oversight related to this grant.

7. Public Access and Use: If Grant Recipient's project includes any capital improvements, Grant Recipient agrees to maintain or ensure continued public access to such improvements.

8. Publicity and Acknowledgement of Support: Grant Recipient agrees to give appropriate credit to the City of Kingsville and the Kingsville Chamber of Commerce for the financial support in any and all press releases, publications, annual reports, video credits, dedications, and other public communications regarding services performed pursuant to this Agreement.

9. Amendments: Should there be any material change in the purpose, character, method of operation, budget, personnel, subcontractors, governance, or grant period for the project as approved by the City of Kingsville, the Grant Recipient will provide timely written notice of these changes to the Kingsville City Manager and City Commission. This Agreement and referenced attachments set forth the entire understanding of the parties and may be modified only by a written instrument duly executed by both the Grant Recipient and the City of Kingsville.

10. Termination: This Agreement may be terminated or modified upon the occurrence of the following circumstances:

10.1. Either party may terminate this Agreement upon thirty (30) days written notice to the other party. Failure to comply with the conditions of the Agreement is cause for the City of Kingsville to terminate and seek reimbursement of all funds provided to Recipient through every legal means available, and for the Grant Recipient to become ineligible for grant funds for the next five (5) years.

10.2. In the event of termination prior to project completion, the City of Kingsville shall cancel all unpaid installments of the project and will be entitled to return of any funding provided to Recipient by the City.

10.3. In the event Grant Recipient fails to comply this Agreement or documents incorporated by reference, Grant Recipient shall refund the entire grant award to the City of Kingsville within thirty (30) days of notice to do so.

10.4. The Agreement terminates no later than twelve (12) months following the date of Agreement signatures unless previously agreed to by both parties. No further drawdowns or extension to the Agreement shall be granted, regardless of project completion, unless the entire agreement is otherwise amended and approved by the City of Kingsville City Commission. All requests for funds and required supporting documentation must be received no later than twelve (12) months following this agreement signature date.

11. Subcontracts: All subcontractors must be licensed with the City of Kingsville.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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12. Third Party Beneficiaries: City of Kingsville and Grant Recipient are the only parties to this Agreement and are the only parties entitled to enforce the terms of this Agreement. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons unless the third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement. The City of Kingsville is an intended beneficiary of the terms of this Agreement.

13. HIPAA Compliance: If the services funded in whole or in part with financial assistance provided under this Agreement are covered by the Health Insurance Portability and Accountability Act or the federal regulations implementing the Act (collectively referred to as HIPAA), Grant Recipient agrees to deliver the services in compliance with HIPAA. Without limiting the generality of the foregoing, services funded in whole or in part with financial assistance provided under this Agreement are covered by HIPAA. Grant Recipient shall comply and cause all providers to comply with the following:

Privacy and Security of Individually Identifiable Health Information. Individually Identifiable Health Information about specific individuals is confidential. Individually Identifiable Health Information relating to specific individuals may be exchanged between Grant Recipient and City for purposes directly related to the provision of services to Grant Recipient's clients, which are funded in whole or in part under this Agreement. However, Grant Recipient shall not use or disclose any Individually Identifiable Health Information about specific individuals in a manner that would violate applicable state and federal law.

14. Severability: If any provision of this Agreement is declared by a court of competent jurisdiction to be illegal or otherwise invalid, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular provision held to be invalid.

15. Attorneys' Fees: Neither City nor Grant Recipient is entitled to recover attorney's fees, court and investigative costs, or any other fees or expenses associated with pursuing a remedy for damages arising out of or relating to this Agreement.

16. Conflict of Interest:

16.1. City of Kingsville desires to have Grant Recipient refrain from activities which could be interpreted as creating an organizational conflict of interest.

16.2. Grant Recipient agrees to avoid any activities which may influence the decisions of the City of Kingsville or which directly or indirectly affect the interest of the City where Grant Recipient has a personal interest in the matter which may be incompatible with the interest of the City of Kingsville as a governmental entity, and to promptly notify the City regarding any change in Grant Recipient's private interests or the services under this Agreement which may result or appear to result in a conflict of interest.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT LETTER OF COMMITMENT

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17. Authorization: The undersigned certifies under penalty of perjury both individually and on behalf of Grant Recipient that: The undersigned is a duly authorized representative of Grant Recipient, has been authorized by Grant Recipient to make all representations, attestations, and certifications contained in this Agreement and to execute this Agreement on behalf of Grant Recipient.

CITY OF KINGSVILLE:

City of Kingsville
400 W. King Ave
Kingsville, TX 78363
(361) 595-8003

GRANT RECIPIENT

One World Children's Rehab, LLC
622 S. 6th
Kingsville, TX 78363

Sam R. Fugate
Mayor

Adriana Martinez
Owner, One World Children's Rehab, LLC

AGENDA ITEM #8



BoA

MEMO

Date: December 15, 2023

To: Mayor & City Commission Members

Cc: Mr. Mark McLaughlin (City Manager)

From: Kobby Agyekum (Senior Planner/ Historical Preservation Officer)

Subject: Consider and discuss the request to amend and reduce the membership of the boards below from 9 members to 7 members in order to attain a quorum at all times.

They are:

- ① Board of Adjustment
2. Planning and Zoning Commission
3. Historical Development Board

Exhibits:

The Board of Adjustment, the Planning and Zoning Commission, and the Historical Development Board have been designated membership of 9 each according to our city ordinances. Sec. 15-6-157 (A), Sec. 3-3-15. & Sec. 15-5-16 (A)

While 9 members is an appropriate number for each of these boards, of late it has become a slight obstacle to reaching our quorum and there have been some cancellations making it longer for citizens to get decisions and feedback on their applications.

Recommendations:

Consequently, Planning and Development Services recommend that the membership of the Board of Adjustment, the Planning and Zoning Commission and the Historical Development Board be reduced to 7 members per board and the ordinances be amended to state as such. This will allow the boards to have the opportunity to attain a quorum of 4 members that would be sustainable to the operation of the boards.

Benefits:

The designation will allow for members to meet and deliberate with flexibility in a timely manner for citizens requests and decision making.

This option will have a significant impact on the operations of the Planning and Development Services and the citizens project timeframes.

Sec. 15-6-157. Board of adjustment.

- (A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. The Board of Adjustment shall also consist of three two alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A maximum of five members may attend and vote at a Board of Adjustment meeting.
- (B) *Chairman.* The Board shall elect a chairman and adopt rules to govern its proceedings in accordance with this article and the statutes of the State of Texas. Meetings shall be held at the call of the chairman or such times as designated by the Board. The Board shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon the question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Planning Department and shall be a public record.
- (C) *Appeals.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or department municipality affected by any decision of an administrative officer. Such appeal shall be made within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall secure all papers and facts constituting the basis of the action being appealed for transmittal to the Board.
- (D) *Stay of proceeding.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of acts stated in his certificate that a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by the District Court on applications and notice and on the cause shown.
- (E) *Notice.* The secretary of the Planning Division of the Management Services Department in charge of handling Board of Adjustment appeals shall: mail announcements of appeals to all property owners within 200 feet of the site or parcel in question; advertise the hearing; and collect an application fee of \$250.00 (to cover the actual costs of materials used, mailing and publication costs), which must be collected prior to scheduling any hearing or appeal. Interested parties may appear in person, or be represented by an agent or attorney.
- (F) *Powers of the Board of Adjustment.* The Board of Adjustment shall have the following powers: to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official. To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, the Board shall find specifically all of the following conditions exist:
- (1) The variance will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the variance is sought.
 - (2) The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this article, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district.
 - (3) The variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.

-
- (4) The variance will not alter the essential character of the district in which is located the property for which the variance is sought.
 - (5) The variance will not weaken the general purposes of this article or the regulations herein established for the specific district.
 - (6) The variance will be in harmony with the spirit and purposes of this article.
 - (7) The variance will not adversely affect the public health, safety, or welfare.
 - (8) The variance will not substantially affect the comprehensive plan or zoning in the city and that adherence to the strict letter of the article will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in or to carry out the general purpose of the plan.
 - (9) Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district.
 - (10) Because of the special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.
- (G) *Findings of fact.* Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this article shall be construed as limitation on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed findings of fact, and shall not be deemed compliance with this article.
- (H) *Decisions permitted.* The Board may affirm, modify, or reverse the order, requirement, decision or determination appealed.
- (I) *Vote for modification or reversal.* The concurring vote of four members of the Board shall be necessary to modify or reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the appellant or to effect any variation in the ordinance.
- (J) *Appeal from Board.* The city or any person aggrieved by any decision of the Board may have and maintain plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within 10 days after the filing of such decision in the office of the City Recorder.
- (K) *Advertisement and announcement procedure.* When required, advertisement giving the time, place and subject of the hearing shall be published in a newspaper of general circulation in the city no less than 15 days prior to such hearing for the Board of Adjustment. Mailings to property owners in the vicinity, when required, shall contain the time, place, and subject of the hearing and be mailed at least 10 days prior to the hearing.

(1962 Code, § 11-6-7; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 200022, passed 11-20-00; Ord. No. 2015-05, § I, passed 1-26-2015, eff. 2-11-2015)

Statutory reference—Board of Adjustment, see Tex. Loc. Gov't Code, §§ 211.008 et seq.

ORDINANCE NO. 2024- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 6, ZONING, SECTION 157 PROVIDING FOR A REDUCTION IN ALTERNATE BOARD POSITIONS; 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;

WHEREAS, this ordinance is necessary for the efficient and timely administration of city business as Zoning Board of Adjustment (ZBA) meetings must be noticed through advertisement in the newspaper and mailing out letters to property owners within 200 feet of the site or parcel in question, and when a meeting must be cancelled due to a lack of quorum it is costly and slows this process;

WHEREAS, the City has experienced difficulties obtaining and retaining full board membership at the current number of board positions;

WHEREAS, the City needs an adequate number of board members to attend to conduct the Board's business for the City;

WHEREAS, staff proposes to reduce the number of board positions to better ensure a quorum of the board is able to be achieved to conduct business in a timely manner;

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

I.

THAT Section 15-6-157 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§15-6-157 BOARD OF ADJUSTMENT.

(A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. The Board of Adjustment shall also consist of ~~two~~ three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the

unexpired term of any member whose term becomes vacant. A maximum of five members may attend and vote at a Board of Adjustment meeting.

...

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 8th day of January, 2024.

PASSED AND APPROVED on this the 22nd day of January, 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Jr., Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

City of Kingsville
Finance Department

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: December 15, 2023
SUBJECT: Purchase of One Commercial, Two Residential Garbage and Three Brush Trucks

Summary:

This item authorizes the purchase of one Commercial, two Residential Garbage and three Brush Trucks from Southwest International Trucks through the Buy Board Purchasing Cooperative Contract #723-23 for the City of Kingsville Sanitation Department.

Background:

The six new trucks will assist the current trucks in the garbage and brush pick-up schedule and be rotated to extend the lifespan of the current trucks thus eliminating the high maintenance cost. The purchase of the new garbage and brush trucks will increase productivity for the sanitation department. Southwest International Trucks is a member of the Buy Board Purchasing Cooperative which meets Local Government Code 271 Subchapter F allows for the use of a cooperative purchasing program. Section 271.102 (c) states that "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through 151-5-1702-71200, CO 2023-A, of which \$1,324,825.90 are available this fiscal year.

Recommendation:

It is recommended that the City purchase one Commercial, two Residential Garbage and three Brush Trucks from Southwest International Trucks Inc. through Buy Board Purchasing Cooperative Contract #723-23.



Texas Local Government Purchasing Cooperative
The Buy Board



PRICING WORKSHEET			
Buying Agency: City of Kingsville		Date Prepared: 12/8/2023	
Southwest International Trucks		Contract 601-19	
Product Description: New International HV607 6X4 62,000 GVWR Chassis with Heil Python 28CY RH Body/Dual Drive			
Charlie Sosa		MV607 4x2 is base chassis	
Contact Person:	Item:	Base Chassis Bid	\$ 74,640.13
B: Options Option cost is 80% of MSRP			
TOW HOOKS: (2) & FRAME DIMPLE: Ctr-Line	\$88.00	CLUTCH: Not Applicable	-\$222.40
AXLE CONFIGURATION: 6X4 & FRAME RAILS	\$2,190.40	AUTOMATIC NEUTRAL: Neutral w/ Park Brake	\$27.20
CROSSMEMBER: (1) 7 Piece & (1) 5 Piece	\$454.40	TRANSMISSION: Allison 3000RDS - 6 Speed	\$7,179.20
WHEELBASE RANGE: 221" thru 262"	\$510.40	TRANSMISSION: Shift Control & Synthetic Oil	\$202.40
AXLE FRONT: Meritor 20K & SUSPENSION:	\$2,496.80	AXLE, REAR: Meritor 46K with Lube Pump	\$3,976.80
AIR DRYER: Bendix AD9 & AIR DRYER LOCA.	\$400.00	SUSPENSION: Hendrickson HMX EX 460	\$4,208.00
AIR TANK, LOCATION: (3) Between Rails	\$1,372.00	REAR AXLE SUSPENSION: Transverse Rods	\$137.60
DUST SHEILDS, BRAKES: Front & Rear	\$140.00	REAR AXLE, LUBE: Synthetic	\$390.40
BRAKES: Front and Rear	\$452.00	FUEL WATER SEPARATOR: Raycor 400	-\$78.40
STEERING COLUMN: T&T & STEERING GEAR	\$1,297.60	FUEL TANK: 70 US Gallons	\$240.80
DRIVELINE: SPL 170 & SPL170	\$70.40	MIRRORS, HOOD MOUNTED: (2) Heated	\$244.00
EXHAUSTSYSTEM: Vertical TP & TAILPIPE	\$1,657.60	GRAB HANDLES: Exterior LHS	\$36.00
CIGAR LIGHTER & JUMP START STUD: (2)	\$185.60	SEAT, PASSENGER: Highback w/ Battery Box	\$403.20
BODY BUILDER WIRING & BATTERY SYSTEM	\$681.60	MIRRORS: (2) C Loop Powered, Heated	\$213.60
RADIO: AM/FM/WB w/BT & SPEAKERS: (4)	\$458.40	MONITOR, TIRE PRESSURE: Omit	-\$796.80
CB RADIO: Accom Pkg & BACK-UP ALARM	\$365.60	ARM REST, DRIVER SEAT & Tran Oil Cooler	\$754.40
BATTERY BOX: Under Passenger Seat	\$900.00	WHEELS, FRONT: 22.5X12.25 Accuride	\$608.00
AIR HORN: (1) & POWER SOURCE, ADDITION	\$162.40	WHEELS, REAR: 22.5X8.25 .472" Thick	\$296.00
FENDER EXTENSION: Rubber & DEF LABEL	\$89.60	TIRES, REAR: 11R22.5 Conti HDR2	-\$76.80
SAFETY TRIANGLES: FIRE EXTINGUISHER	\$160.80	TIRES, FRONT: 425/65R22.5 Conti HAC3	-\$888.00
MUD FLAPS, FRONT & ENGINE BLOCK HEAT	\$196.80	WHEEL BEARING LUBE, FRONT AXLE: Synt	\$47.20
ENGINE: Cummins L9 360HP / 1150 lbs. Tq.	\$5,057.60	BODY INTEGRATION: (3) Switches (1) PTO	\$118.40
CAB MOUNTING HEIGHT: High Cab	\$155.20	16VEX: Center Console Controls	\$666.00
EPA IDLE COMPLIANT: Clean Idle	\$97.00	TRANSPORTATION: Surcharge	\$500.00
ENGINE CONTROL: Remote Mounted PTO	\$48.00	RAW MATERIAL SURCHARGE: Per G797H	\$2,000.00
AIR CLEANER: Dual Element	\$86.40	SURCHARGE: 2024 CY Build	\$5,723.47
Subtotal Column 1:	\$ 19,774.60	Subtotal Column 2:	\$25,910.27
Total Options			\$45,684.87
CHASSIS WITH FACTORY OPTIONS			\$120,325.00
TOTAL BODY PRICE See attached body spec sheet			\$199,209.07
Heil Python Side Loader Body as Specified and Quoted by Heil of Texas as per Quote# 40			
Dual Drive Installed as Per Quote and Pictures from Knapheide 120723 / Add Stalk Shifter Upcharge/			\$15,329.00
Additional Options:			
Buy Board Fee			\$400.00
Transportation	Transportatio Charge to Move Chassis after Dual Drive (Knapheide) to Fort Payne, AL (Heil)		\$878.50
Transportation	Transportation Charges from Dallas, TX to Kingsville, TX / 410 Miles @ 1.75 Per Mile		\$717.50
DOT Inspection & Pre-Delivery			\$183.00
TOTAL BUY BOARD PRICE			\$337,042.07
Ed Smith	Note: Due to shortages of components and increases of raw materials as we		
Southwest International Trucks-Arlington.	as increases in trasportation cost, the cost for these items are subject to		
Arlington, Texas, 76010	change. The price supplied above includes all raw material and transportation		
Fax# 214-689-1421	charges as of the day this quote was sent to you. If an increase of these item		
Office# 214-689-1420	are implemented, we will send you the letter from the manufacturer of the		
E-mail Address: ed.smith@swit-tx.com	component implementing the additional surcharge with the amount of the		
	increase, the notification date and the date the surcharge goes in to effect.		
To purchase this unit, please issue a purchase order to Southwest International Trucks, Inc. and send it to the Buy Board.			
We will order your truck when we receive notification from the Buy Board of your purchase order.			
Thank you,			
Ed Smith			

Texas Local Government Purchasing Cooperative
The Buy Board

C

PRICING WORKSHEET			
Buying Agency: City of Kingsville		Date Prepared: 10/5/2023	
Southwest International Trucks		Contract 601-19	
Product Description: New International HV607 6X4 60,000 GVWR Chassis with SEC Champion 32yd LH Body			
Charlie Sosa		MV607 4x2 is base chassis	
Contact Person:	Item: Base Chassis Bid	\$	74,640.13
B: Options Option cost is 80% of MSRP			
TOW HOOKS: (2) & FRAME DIMPLE: Ctr-Line	\$88.00	CLUTCH: Not Applicable	-\$222.40
AXLE CONFIGURATION: 6X4 & FRAME RAILS	\$2,190.40	AUTOMATIC NEUTRAL: Neutral w/ Park Brake	\$27.20
CROSSMEMBER: (1) 7 Piece & (1) 5 Piece	\$454.40	TRANSMISSION: Allison 3000RDS - 6 Speed	\$7,179.20
WHEELBASE RANGE: 221" thru 262"	\$510.40	TRANSMISSION: Shift Control & Synthetic Oil	\$202.40
AXLE FRONT: D/S WT 20K & SUSPENSION:	\$3,325.60	AXLE, REAR: Meritor 40K with Lube Pump	\$532.80
AIR DRYER: Bendix AD9 & AIR DRYER LOCA.	\$400.00	SUSPENSION: Hendrickson HMX EX 400	\$2,862.40
AIR TANK, LOCATION: (3) Between Rails	\$1,372.00	REAR AXLE SUSPENSION: Transverse Rods	\$137.60
DUST SHEILDS, BRAKES: Front & Rear	\$140.00	REAR AXLE, LUBE: Synthetic	\$291.20
BRAKES: Front and Rear	\$452.00	FUEL WATER SEPARATOR: Raycor 400	-\$78.40
STEERING COLUMN: T&T & STEERING GEAR	\$1,297.80	FUEL TANK: 70 US Gallons	\$240.80
DRIVELINE: SPL 170 & SPL170	\$70.40	MIRRORS, HOOD MOUNTED: (2) Heated	\$244.00
EXHAUSTSYSTEM: Vertical TP & TAILPIPE	\$1,657.60	GRAB HANDLES: Exterior LHS	\$36.00
CIGAR LIGHTER & JUMP START STUD: (2)	\$185.60	SEAT, PASSENGER: Highback w/ Battery Box	\$403.20
BODY BUILDER WIRING & BATTERY SYSTEM	\$811.20	MIRRORS: (2) C Loop Powered, Heated	\$213.60
RADIO: AM/FM/WB w/BT & SPEAKERS: (4)	\$458.40	MONITOR, TIRE PRESSURE: Omit	-\$796.80
CB RADIO: Accom Pkg & BACK-UP ALARM	\$365.60	ARM REST, DRIVER SEAT:	\$36.00
BATTERY BOX: Under Passenger Seat	\$900.00	WHEELS, FRONT: 22.5X12.25 Accuride	\$608.00
AIR HORN: (1) & POWER SOURCE, ADDITION	\$162.40	WHEELS, REAR: 22.5X8.25 .472" Thick	\$296.00
FENDER EXTENSION: Rubber & DEF LABEL	\$89.60	TIRES, REAR: 11R22.5 Conti HDR2	-\$76.80
SAFETY TRIANGLES: FIRE EXTINGUISHER	\$160.80	TIRES, FRONT: 425/65R22.5 Conti HAC3	-\$888.00
MUD FLAPS, FRONT & ENGINE BLOCK HEAT	\$196.80	WHEEL BEARING LUBE, FRONT AXLE: Synt	\$47.20
ENGINE: Cummins L9 360HP / 1150 lbs. Tq.	\$5,057.60	BODY INTEGRATION: (3) Switches (1) PTO	\$118.40
EPA IDLE COMPLIANT: Clean Idle	\$97.00	TRANSPORTATION: Surcharge	\$500.00
ENGINE CONTROL: Remote Mounted PTO	\$48.00	RAW MATERIAL SURCHARGE: Per G797H	\$2,000.00
AIR CLEANER: Dual Element	\$86.40	SURCHARGE: 2024 CY Build	\$5,723.47
Subtotal Column 1:	\$ 20,577.80	Subtotal Column 2:	\$19,637.07
Total Options			\$40,214.87
CHASSIS WITH FACTORY OPTIONS			\$114,855.00
TOTAL BODY PRICE See attached body spec sheet			\$163,000.00
SEC Champion 32 CY LH Side Loader Body as Specified and Quoted by Attached Texas Pack and Load Quote			
Additional Options:			
Buy Board Fee			\$400.00
Transportation Transportation Charges from Dallas, TX to Kingsville, TX / 410 Miles @ 1.75 Per Mile			\$717.50
DOT Inspection & Pre-Delivery			\$183.00
TOTAL BUY BOARD PRICE			\$279,155.50
Ed Smith	Note: Due to shortages of components and increases of raw materials as we		
Southwest International Trucks-Arlington.	as increases in transportation cost, the cost for these items are subject to		
Arlington, Texas, 76010	change. The price supplied above includes all raw material and transportation		
Fax# 214-689-1421	charges as of the day this quote was sent to you. If an increase of these item		
Office# 214-689-1420	are implemented, we will send you the letter from the manufacturer of the		
E-mail Address: ed.smith@swit-tx.com	component implementing the additional surcharge with the amount of the		
	increase, the notification date and the date the surcharge goes in to effect.		
To purchase this unit, please issue a purchase order to Southwest International Trucks, Inc. and send it to the Buy Board.			
We will order your truck when we receive notification from the Buy Board of your purchase order.			
Thank you,			
Ed Smith			

Texas Local Government Purchasing Cooperative
The Buy Board

PRICING WORKSHEET			
Buying Agency: City of Kingsville		Date Prepared: 9/26/2023	
Southwest International Trucks		Contract 601-19	
Product Description: New International MV607 4X2 33,000 GVWR w/ 22' Dumping Brush Flatbed Bodies			
MV607 4x2 is base chassis			
Contact Person: Charlie Sosa	Item: Base Chassis Bid	\$	63,552.24
B: Options Option cost is 80% of MSRP			
TOW HOOKS: (2) Frame Mtd.	\$67.20	CLEAR-MARKER LIGHTS: LED & AIR HORN	\$131.20
FRAME RAILS: 10.375"X3.705"X.438"	\$820.80	HEADLIGHTS: W/DT Run & POWER SOURCE	\$182.40
LICENSE PLATE HOLDER: Includes Hdw.	\$23.20	GRILLE: Chrome Surround & BUG SCREEN	\$233.60
BUMPER, FRONT: Black - Heavy Duty	\$78.40	CLUTCH: Delete	-\$48.00
WHEELBASE RANGE: 199" - 254"	\$439.20	MUD-FLAPS: Front Whls & ENGINE HEATER	\$139.20
AXLE, FRONT: Meritor 12K lbs. cap.	\$266.40	ENGINE: Cummins B6.7 300HP	\$5,416.00
SUSPENSION, FRONT: 12K lbs. cap.	\$147.20	EPA, IDLE COMPLIANT & ENGINE CONTROL	\$145.00
BRAKE SYSTEM: Air, Dual	\$271.20	TRANSMISSION: Allison 2500 6 Spd	\$3,647.60
DRAIN VALVE: Pull Chains	\$24.00	TRANS. WIRING & TRANSMISSION OIL: Syn.	\$140.00
AIR BRAKE, ABS: 4S-4M w/ Traction Control	\$1,253.60	AXLE, REAR: Meritor 21K & SUSPENSION 31K	\$524.00
AIR DRYER: Wabco HP	\$397.60	LOCATION, FWS U. H. & FUEL TANK: 70 Gal	\$280.80
AIR COMPRESSOR: 18.7 CFM	\$55.20	REAR AXLE, LUBE: Syn. & AIR CONDITION	\$812.00
AIR TANK LOCATION: Under Battery Box LHS	\$126.40	GAUGE CLUSTER: Prem. & GRAB HANDLE	\$416.80
BRAKES, FRONT: Air Disc.	\$1,110.40	GAUGE: Oil Temp, Trans & EXTERIOR GRAB	\$108.00
BRAKES, REAR: Air Disc	\$1,246.40	DRIVER SEAT & PASSENGER SEAT	\$387.20
STEERING COLUMN: Tilting	\$100.00	MIRRORS: (2) Pedestal Powered & HOOD MIR	\$453.60
STEERING GEAR: Sheppard M100 P/S	\$96.00	CAB SUSPENSION: Air & POWERED WINDOW	\$751.20
DRIVELINE: D/S 1710 Series	\$76.80	HOURLMETER, PTO & CAB SOUND INSUL.	\$182.40
EXHAUST SYSTEM: Horizontal US RHS	\$928.80	FRESH AIR FILTER & PTO ACCOMMODATION	\$179.20
CIGAR LIGHTER & ELECTRIC HORN: (2)	\$26.40	WHEELS, FRONT & REAR: Painted	\$300.80
BODY BUILDER WIRING: To Back of cab	\$80.00	TIRES, FRONT & REAR	\$1,484.80
BATTERY SYSTEM: (3) & BATTERY BOX: LHS	\$367.20		\$0.00
RADIO: AM-FM-BT-Aux & SPEAKERS: (4)	\$496.80		\$0.00
BACK-UP ALARM & JUMP START STUD	\$230.40	TRANSPORTATION SURCHARGE:	\$500.00
TEST EXTERIOR LIGHTS & PARK BRK ALARM	\$67.20	CY 2024 CHASSIS BUILD SURCHARGE	\$5,325.26
Subtotal Column 1:	\$ 8,796.80	Subtotal Column 2:	\$21,693.06
Total Options			\$30,489.86
CHASSIS WITH FACTORY OPTIONS			\$94,042.10
TOTAL BODY PRICE		See attached body spec sheet	\$29,195.00
22' Frameless Dumping Brush Body as per Attached Quote from Warren Truck & Trailer Quote #WTTLLC00014674			
Additional Options:			
Buy Board Fee			\$400.00
Transportation			\$0.00
DOT Inspection with Fire Extinguisher and Road Flare Kit			\$225.00
TOTAL BUY BOARD PRICE			\$123,862.10
Ed Smith	Note: Due to shortages of components and increases of raw materials as well		
Southwest International Trucks-Arlington.	as increases in trasportation cost, the cost for these items are subject to		
Arlington, Texas, 76010	change. The price supplied above includes all raw material and transportation		
Fax# 214-689-1421	charges as of the day this quote was sent to you. If an increase of these items		
Office# 214-689-1420	are implemented, we will send you the letter from the manufacturer of the		
E-mail Address: ed.smith@swit-tx.com	component implementing the additional surcharge with the amount of the		
	increase, the notification date and the date the surcharge goes in to effect.		
To purchase this unit, please issue a purchase order to Southwest International Trucks, Inc. and send it to the Buy Board.			
We will order your truck when we receive notification from the Buy Board of your purchase order.			
Thank you,			
Ed Smith			

AGENDA ITEM #10

City of Kingsville
Finance Department

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: December 15, 2023
SUBJECT: Purchase of Three 14-yd. Dump Trucks

Summary:

This item authorizes the purchase of three 14-yd. Dump Trucks from Southwest International Trucks through the Buy Board Purchasing Cooperative Contract #723-23 for the City of Kingsville Street Department.

Background:

The three new trucks will assist the street department with street paving and miscellaneous material moving, thus eliminating the high maintenance cost. The purchase of the new dump trucks will increase productivity for the street department. Southwest International Trucks is a member of the Buy Board Purchasing Cooperative which meets Local Government Code 271 Subchapter F that allows for the use of a cooperative purchasing program. Section 271.102 (c) states that "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through 151-5-13050-71200, CO 2023-A, of which \$416,045.16 are available this fiscal year.

Recommendation:

It is recommended that the City purchase three 14-yd. Dump Trucks from Southwest International Trucks Inc. through Buy Board Purchasing Cooperative Contract #723-23.



Texas Local Government Purchasing Cooperative
The Buy Board

PRICING WORKSHEET			
Buying Agency: City of Kingsville		Date Prepared: 9/22/2023	
Southwest International Trucks		Contract 601-19	
Product Description: New International HV607 6X4 56,000 GVWR with 12-14CY Warren Dump Body			
MV607 4x2 is base chassis			
Contact Person: Charlie Sosa	Item: Base Chassis Bid	\$	74,640.13
B: Options Option cost is 80% of MSRP			
TOW HOOKS: (2) Frame Mounted	\$67.20	ENGINE CONTROL: Rem. Mtd. & EPA Idle Com	\$145.00
AXLE CONFIGURATION: Updated	\$1,658.40	TRANSMISSION: Allison 3000 RDS 6 Spd	\$7,179.20
FRAME RAILS: .437" Thick	\$532.00	AUTO NEUTRAL & TRANSMISSION OIL: Synt	\$265.60
FRAME DIMPLE: Axle CTL / WB Range:	\$180.80	TRANSMISSION SHIFT CONTROL: Column	\$40.00
FRONT AXLE: 16K Cap. / F-SUSPENSION: 16K	\$2,040.00	REAR AXLE: Meritor w/ Lockers	\$1,204.00
TRAILER CONNECTIONS: Air to EOF	\$433.60	SUSPENSION, REAR: Hendrickson	\$2,862.40
AIR DRYER: Bendix AD-9	\$360.00	REAR AXLE LUBE: Synt. & FUEL TANK CAP	\$333.60
AIR DRYER & AIR TANK LOCATIONS	\$166.40	FUEL WATER SEPERATOR: 12V Heat	-\$78.40
DUST SHIELDS: Front & Rear Axles	\$140.00	FUEL TANK: 50 Gallons LHS-UC	\$80.00
BRAKE CHAMBER POSITION" IS Whl Envelope	\$28.00	MIRRORS, HOOD MOUNTED: Heated	\$244.00
BRAKES FRONT: Meritor 16.5" X 6"	\$452.00	SEAT, PASSENGER & GRAB HANDLE: Black	\$330.40
STEERING COLUMN: Tilt & Tele	\$370.40	MIRRORS: Power Adjust, Heated	\$279.20
STEERING GEAR: Sheppard M110	\$357.60	ARMREST- DRIVER & WHEEL BRG LUBE: Sy	\$83.20
EXHAUST: Under Cab - Horizontal Pipe	\$928.80	BODY INTEGRATION: PTO Accom Pkg	\$118.40
ENGINE COMPRESSION BRAKE: Jacobs	\$1,956.80	WHEELS: FRONT & REAR	\$2,016.00
CIGAR LIGHTER & BODY BUILDER WIRING	\$276.00	FRONT & REAR TIRES:	\$710.40
TAIL PIPE:	-\$96.00		\$0.00
BATTERY SYSTEM & BATTERY BOX	\$336.80		\$0.00
RADIO: W/Bluetooth & SPEAKERS: (4)	\$458.40		\$0.00
CB RADIO ACCOM & BACK-UP ALARM	\$365.40		\$0.00
JUMP START STUD: Remote & AIR HORN	\$209.60		\$0.00
POWER SOURCE: ADDITIONAL	\$87.20		\$0.00
CLUTCH:	-\$222.40	TRANSPORTATION SURCHARGE:	\$500.00
ENGINE BLOCK HEATER & DUAL AIR CLNR.	\$164.80	MODEL YEAR CHARGE & BUILD 2024 CY	\$5,919.19
ENGINE: Cummins L9 360HP, 1150 Tq	\$5,057.60	RAW MATERIAL SURCHARGE: 10/22/2022 PP	\$2,000.00
Subtotal Column 1:	\$ 16,309.40	Subtotal Column 2:	\$24,232.19
Total Options			\$40,541.59
CHASSIS WITH FACTORY OPTIONS			\$115,181.72
TOTAL BODY PRICE See attached body spec sheet			\$22,875.00
14' Long / 12-14 CY Dump Body as Specified per Quote# WTTLLC00014673 / Warren Truck & Trailer, LLC			
Additional Options:			
Buy Board Fee			\$400.00
Transportation			\$0.00
DOT Inspection with Fire Extinguisher and Road Flare Kit			\$225.00
TOTAL BUY BOARD PRICE			\$138,681.72
Ed Smith	Note: Due to shortages of components and increases of raw materials as we		
Southwest International Trucks-Arlington.	as increases in trasportation cost, the cost for these items are subject to		
Arlington, Texas, 76010	change. The price supplied above includes all raw material and transportation		
Fax# 214-689-1421	charges as of the day this quote was sent to you. If an increase of these item		
Office# 214-689-1420	are implemented, we will send you the letter from the manufacturer of the		
E-mail Address: ed.smith@swit-tx.com	component implementing the additional surcharge with the amount of the		
	increase, the notification date and the date the surcharge goes in to effect.		
To purchase this unit, please issue a purchase order to Southwest International Trucks, Inc. and send it to the Buy Board.			
We will order your truck when we receive notification from the Buy Board of your purchase order.			
Thank you,			
Ed Smith			

AGENDA ITEM #11

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: December 20, 2023
SUBJECT: Purchase of New 2024 Etnyre Centennial Distributor

Summary:

This item authorizes the purchase of a new 2024 Etnyre Centennial Distributor from Cooper Equipment Company, through BuyBoard Purchasing Cooperative Contract #0685-22 for the City of Kingsville Street Department.

Background:

The existing distributor is approximately 12+ years old and used for the street department's sealcoat and asphalt application for streets. The new distributor is a major component to the street department's daily operation. The purchase of a new distributor will increase productivity for the street department. Cooper Equipment Company is a member of the BuyBoard Purchasing Cooperative which meets Local Government Code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c) states that "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through 151-5-3050-71200, CO 2023-A, of which \$ 278,743.15 are available this fiscal year.

Recommendation:

It is recommended the City Purchase the New 2024 Etnyre Centennial Distributor from Cooper Equipment Company, through BuyBoard Contract #0685-22.





COOPER EQUIPMENT COMPANY

5210 N 1604 E San Antonio, TX 78247

Phone: (210) 657-5151 Fax: (210) 657-5871



December 8, 2023

#685-22

City of Kingsville

Quotation

District Representative:

Eric Magiera: (210) 867-7034

Ericm@cooperequip.com

Attn: Charlie

New 2024 Etnyre Centennial Distributor

1	New Etnyre Centennial Distributor, 2000 gallon., with all standard equipment, including 1ft. Cab controls , BT-1 computer, ASME tank, 400 gpm pump...	\$ 138,200.00
	Heated Pump (from truck cooling sys)...	\$ 2,000.00
	18ft Variable bar...	\$ 18,000.00
	Provisions for additional bar 4ft ...	\$ 720.00
	Power wash-down system...	\$ 600.00
	Aluminum Hand spray wand...	\$ 300.00
	Dual diesel burner/flue system/ w/ rain covers...	\$ 15.00
	HD hyd. Pump (4.57 CID)...	\$ 2,750.00
	12' x 3" steel hose / fittings...	\$ 850.00
	Pto off transmission...	\$ 700.00
	Tank to hold spare pump screen W/ extra screen...	\$ 600.00
	Mid ship 3in drain/Man hole strainer...	\$ 1,000.00
	Bar end caps with pipe plugs ...	\$ 100.00
	Wet storage box...	\$ 300.00
	Front tank suction...	\$ 2,200.00
	Rear mounted Camera W/ display ...	\$ 1,500.00
	List Price...	\$ 169,835.00
7%	Discount...	\$ 11,888.45
	Total discounted Price...	\$ 157,946.55
5%	Factory Imminent increase...	\$ 6,852.00
5%	Steel Surcharge...	\$ 7,194.60
	Net Sales Price ...	\$ 171,993.15
	Mounted on white 2024 Freightliner M2-106, Cummins 260 hp	\$ 96,250.00
	Allison 8 speed Auto transmission...	
	Fright/PDI/ Start-up Assistance...	\$ 10,500.00
	Sales Price W/O tax - FOB SA...	\$ 278,743.15

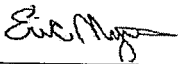
Will include day of Training

* 1 year Full Factory Warranty - on body *

EST Delivery Mid July 2024

Invoice will be from licensed truck dealer per state DMV law, make PO to
Doggett Freightliner

APPROVAL /ORDERED BY _____

Signed: 
Eric Magiera- District Manager, Cooper Equipment Co.

Quote is valid till 12/31/2023

AGENDA ITEM #12

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: January 8, 2024
SUBJECT: Purchase of 2024 John Deer 310G Backhoe

Summary:

This item authorizes the purchase of a 2024 John Deer 310G Backhoe from Doggett Heavy Machinery Service LLC. through Sourcewell Purchasing Cooperative Contract #032119-JDC for the City of Kingsville Street Department.

Background:

The existing backhoe is approximately 17+ years old and has been sent in for repairs frequently. The Street Department backhoe is a major component to the Street Department daily operations. The purchase of the backhoe will increase productivity and decrease operational expenses. Doggett Heavy Machinery is a member of the Sourcewell Purchasing Cooperative which meets Local Government Code 271 Subchapter F that allows for the use of a cooperative purchasing program. Section 271.102 (c) states "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through 151-5-3050-71200 on CO 2023-A, of which \$122,176.00 are available this fiscal year.

Recommendation:

It is recommended the City Purchase the 2024 John Deer 310G Backhoe from Doggett Heavy Machinery Service LLC., through Sourcewell Purchasing Cooperative Contract #032119-JDC.



AGENDA ITEM #13

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: January 8, 2024
SUBJECT: Purchase of 2024 John Deer 670G Motor Grader

Summary:

This item authorizes the purchase of a 2024 John Deer 670G Motor Grader from Doggett Heavy Machinery Service LLC., through Sourcewell Purchasing Cooperative Contract #032119-JDC for the City of Kingsville Street Department.

Background:

The existing Motor Grader is approximately 15+ years old and has been sent in for repairs frequently. The Street Department Motor Grader is a major component to the Street Department daily operation. The purchase of the Motor Grader will increase productivity and decrease operation expenses. Sourcewell is a member of the Purchasing Cooperative which meets Local Government Code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Financial Impact:

Funds are available through 151-5-3050-71200 on CO 2023-A, of which \$329,768.00 are available this fiscal year.

Recommendation:

It is recommended the City Purchase the 2024 John Deer 670G Motor Grader from Doggett Heavy Machinery Service LLC., through Sourcewell Purchasing Cooperative Contract #032119-JDC.



AGENDA ITEM #14

**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: January 22, 2024

SUBJECT: Consider Introduction of Ordinance Amending the Fiscal Year 2023-2024 Budget to Appropriate Funding for Printing and Publishing - Advertisement for General Land Office (GLO), Texas Water Development Board (TWDB) and Engineering In-house Projects.

Summary:

The Budget Amendment will be allocated for printing and publishing advertisements twice in the local paper, to meet Texas Local Government Code Chapter 2155. Over 20 projects are scheduled to be advertised this fiscal year.

Background:

The city was awarded several grants and loans for wastewater and drainage improvements by the General Land Office and Texas Water Development Board. The City Commission approved several drainage and street improvements in the FY23-24 Adopted Budget for the Engineering Department to design in-house. State law requires each project be advertised twice in the newspaper, so advertising funds are needed to cover those costs. It is anticipated to cost \$15,850.

Financial Impact:

The anticipated cost will be covered by the unappropriated balances in two funds, the Utility Fund 051 account 051-5-7001-86000 (\$5,250.00) and Fund 068 account 068-5-3050-53100 (\$10,600.00). The total Budget Amendment is \$15,850.00.

Recommendation:

Staff recommends approval of the Budget Amendment.

Attachments:

Ordinance No. 2024- _____



**City of Kingsville
Engineering Dept.**

City's Procurement Policies and Procedures for Federal Grants
Updated Project Schedule



ID	Duration		M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	
1		CITY OF KINGSVILLE GLO MASTER CONSTRUCTION SCHEDULE																												
2		WASTEWATER PROJECTS																												
3	120 days	Project 3 - To 3 MGD Plant																												
4	120 days	Project 2 - 78 Man Hole Rehab																												
5	360 days	Project 1 - 3 Pump Lift Station and Slip Line																												
6	120 days	Project 6 - 10th Street																												
7	120 days	Project 7 - 9 Lift Station Rehab																												
8	180 days	Project 5 - Lott Street																												
9	180 days	Project 4 - Alley Re-route on Johnson																												
10		STORMWATER PROJECTS																												
11	540 days	Location 3 - Caesar Ditch																												
12	540 days	Location 5 - Caesar																												
13	120 days	Location 1 - Fairview @ Santa Gertrudis																												
14	690 days	Location 4 - Brahma Blvd.																												
15	240 days	Location 7 - BU 77																												
16	120 days	Location 6 - Carlos Truan																												
17	180 days	Location 2 - 19th Street																												
18	240 days	Location 8 - Paulson Falls																												
19	180 days	Location 10 - Armstrong near University																												
20	360 days	Location 9 - Corral																												
21	180 days	Location 11 - King Street near HEB																												
22	180 days	Location 12 - 14th Street																												
23	240 days	Location 13 - Johnson near Memorial																												
24	360 days	Location 14 - Santa Gertrudis near University																												
25		TWDB PROJECTS																												
26	320 days	Location 1 - Fairview																												
27	320 days	Location 3 - 21st Street																												
28	320 days	Location 4 - Alexander																												
29	320 days	Location 7 - Pasadena																												
30	320 days	Location 8 - Paulson Falls																												
City of Kingsville Master Construction Schedule			Task Split Milestone Summary		Project Summary Inactive Task Inactive Milestone Inactive Summary		Manual Task Duration-only Manual Summary Rollup Manual Summary		Start-only Finish-only External Tasks External Milestone		Deadline Progress Manual Progress																			

Page 1

CITY OF KINGSVILLE Procurement Policies and Procedures for Federal Grants

Policies

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318 – 2 CFR 200.326 and Appendix II to Part 200.
2. All procurement transactions will be conducted in a manner providing full and open competition.
 - a. No unreasonable requirements are placed on firms in order for them to qualify;
 - b. No unnecessary experience or excessive bonding required;
 - c. Noncompetitive pricing practices between firms or between affiliated companies is disallowed;
 - d. Noncompetitive contracts to consultants that are on retainer contracts;
 - e. No organizational conflicts of interest;
 - f. If a "brand name" product is specified, an equal or like product is acceptable; and
 - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
5. If the City of Kingsville uses a prequalified list when acquiring goods or services, the City of Kingsville will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
6. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
7. Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Procedures

Procurement Cycle Steps

Need Defined—City of Kingsville Finance Department submits request and specifications. Purchaser reviews request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).

Procurement Method Selected—Based on type and estimated cost of good/service as well as purchasing authority, purchaser determines the procurement method that will result in a best value acquisition for the City of Kingsville.

Contract Cost and Price - A cost or price analysis must be conducted in connection with every procurement action more than the federal Simplified Acquisition Threshold including contract modifications (2 CFR 200.323).

The simplified acquisition threshold for federal procurement actions is currently set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions) and in accordance with 41 U.S.C. 1908 as \$50,000, but this threshold is periodically adjusted for inflation. 2 C.F.R. §200.88

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, an independent estimate must be made before receiving bids or proposals. 2 C.F.R. § 200.323(a).

Cost analysis is the evaluation of the separate elements (e.g., labor, materials, etc.) that make up a contractor's total cost proposal or price (for both new contracts and modifications) to determine if they are allowable, directly related to the requirement and ultimately, reasonable.

Price analysis is essentially price comparison. It is the evaluation of a proposed price (i.e., lump sum) without analyzing any of the separate cost elements of which it is composed.

Solicitation— City of Kingsville creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.

Receipt of Bids and Responses to Solicitation—Vendors submit their response to the solicitation.

Evaluation and Awards— City of Kingsville reviews the responses from vendors, determines compliance with the solicitation and makes an award recommendation based on the pre-defined best value criteria.

Negotiation of Profit - Federal Guidelines require negotiations of profit as a separate element of the price for each contract and modification in which there is no price competition and, in all cases, where cost analysis must be performed. 2 C.F.R. § 200.323(b)

The City of Kingsville will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold

For purposes of this section, the micro-purchase threshold is \$3,000.

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the City of Kingsville must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

2. Small Purchase

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost less than the lesser of the Federal Simplified Acquisition Threshold or the \$50,000 threshold defined in state law (Local Government Code §262.003 for counties and §252.021 for municipalities). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the City of Kingsville may receive quotes and award the contract to any reasonable and responsible bidder. The local governing body has the final authority to award contracts.

3. Construction and Materials Contracts

In order for sealed bidding to be feasible, the following conditions should be present:

- a. A complete, adequate, and realistic specification or purchase description is available;
- b. Two or more responsible bidders are willing and able to compete effectively for the business; and
- c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- a. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- b. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- c. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- d. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- e. Any or all bids may be rejected if there is a sound documented reason.

4. Professional Services Contracts

This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- b. Proposals must be solicited from an adequate number of qualified sources;
- c. The City of Kingsville must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- e. The City of Kingsville may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

5. Noncompetitive Proposals

This method may be used only when one or more of the following circumstances apply:

- a. The item is available only from a single source;
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
- d. After solicitation of a number of sources, competition is determined inadequate.

These Policies and Procedures are implemented through of the City of Kingsville's administrative team of:

LIST TITLES ONLY HERE:

City Manager

City Attorney

City Engineer

Finance Director

Purchasing Manager



Sam R. Fugate, Mayor

October 26, 2020

Date

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR ADVERTISEMENTS FOR GRANT PROJECTS AND ENGINEERING IN-HOUSE PROJECTS.

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 2023-2024 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#21**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 113 – CW WW Collection System					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer From Fund 051	75010	\$5,250.00	
<u>Expenditures - 5</u>					
7003	WW	Professional Services	31400	\$5,250.00	
Fund 051 – Utility Fund					
6900	Transfers	Transfer to Fund 113	80113	\$5,250.00	
7001	WW	Budget Amend Reserve	86000		\$5,250.00
Fund 116 – Drainage Master Plan Loc 7					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	
<u>Expenditures - 5</u>					
3050	Street	Professional Services	31400	\$500.00	
Fund 117 – Drainage Master Plan Loc 1					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Expenditures - 5					
3050	Street	Professional Services	31400	\$500.00	
Fund 118 – Drainage Master Plan Loc 3					
Revenues - 4					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	
Expenditures - 5					
3050	Street	Professional Services	31400	\$500.00	
Fund 119 – Drainage Master Plan Loc 4					
Revenues - 4					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	
Expenditures - 5					
3050	Street	Professional Services	31400	\$500.00	
Fund 128 – Drainage Master Plan Loc 8					
Revenues - 4					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	
Expenditures - 5					
3050	Street	Printing & Publishing	31500	\$500.00	
Fund 122 – GLO Hurr Harvey Mitigation Grant					
Revenues - 4					
0000	Non-Dept	Transfer from Fund 068	75068	\$7,100.00	
Expenditures - 5					
3050	Street	Professional Services	31400	\$7,100.00	
Fund 055 – Stormwater Drainage Capital Project					
Revenues - 4					
0000	Non-Dept	Transfer from Fund 068	75068	\$500.00	
Expenditures - 5					
8600	Stormwater	Professional Services	31400	\$500.00	
Fund 068 – CO Series 2013 Drainage					
Expenditures - 5					
3050	Street	Professional Services	31400	\$500.00	
6900	Transfers To	Transfers to Fund 116	80116	\$500.00	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
6900	Transfers To	Transfers to Fund 117	80117	\$500.00	
6900	Transfers To	Transfers to Fund 118	80118	\$500.00	
6900	Transfers To	Transfers to Fund 119	80119	\$500.00	
6900	Transfers To	Transfers to Fund 128	80128	\$500.00	
6900	Transfers To	Transfers to Fund 122	80122	\$7,100.00	
6900	Transfers To	Transfers to Fund 055	80055	\$500.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for advertisements for grant projects and in-house Engineering projects. Funding will come from the Utility Fund Budget Amendment Reserve line item and the unappropriated fund balance of Fund 068.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 22nd day of January 2024.

PASSED AND APPROVED on this the 12th day of February, 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #15



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: January 18, 2024
SUBJECT: Budget Amendment #22 – Donation From TJ Electric

Summary:

TJ Electric made a \$500 donation to provide lunch for the Police Department officers.

Financial Impact:

This Budget Amendment accepts the donation and sets up the budget for the actual donation and the corresponding expenditure for the donation purpose.

Recommendation:

Staff recommends the approval of this budget amendment.

AGENDA ITEM #16



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: January 18, 2024
SUBJECT: Budget Amendment #22 – Donation From TJ Electric

Summary:

TJ Electric made a \$500 donation to provide lunch for the Police Department officers.

Financial Impact:

This Budget Amendment accepts the donation and sets up the budget for the actual donation and the corresponding expenditure for the donation purpose.

Recommendation:

Staff recommends the approval of this budget amendment.

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND DONATION FROM TJ ELECTRIC FOR POLICE DEPARTMENT LUNCHEON.

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 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT – BA#22

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues - 4</u>					
2102	Patrol	Donations	72030	\$500.00	
<u>Expenditures – 5</u>					
2101	PD Admin	Catering	31900	\$500.00	

[To amend the City of Kingsville FY 23-24 budget to accept and expend donation from TJ Electric for Police Department luncheon. Funding will come from the Donation received for this 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 January 2024.

PASSED AND APPROVED on this the 12th day of February, 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #17

RESOLUTION #2024-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE RELATING TO VETERINARY TECHNOLOGY TRAINING PROGRAM; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, City of Kingsville (City) operates the City Health Department (Health Department), which has an Animal Control Division; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

WHEREAS, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

WHEREAS, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

WHEREAS, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

WHEREAS, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

WHEREAS, the City Commission previously approved an Interlocal Agreement with TAMUK relating to the Veterinary Technology Training Program on February 23, 2015 via Resolution #2015-20, on September 11, 2017 via Resolution #2017-57, on October 28, 2019 via Resolution #2019-98, and on January 27, 2020 via Resolution #2020-07; and

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

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

I.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Cooperation Agreement Between the City of Kingsville and the Texas A&M University-Kingsville relating to Veterinary Technology Training Program in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the
22nd day of January, 2024.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF KINGSVILLE
AND TEXAS A&M UNIVERSITY KINGSVILLE
RELATING TO
VETERINARY TECHNOLOGY TRAINING PROGRAM**

WITNESSETH:

WHEREAS, City of Kingsville (City) operates the City Health Department (Health Department), which has an Animal Control Division; and

WHEREAS, Texas A&M University-Kingsville (TAMUK) has started a Veterinary Technology Training Program (Vet Tech Program) that teaches animal care techniques such as immunization, hygiene, and health evaluations; and

WHEREAS, TAMUK has a need for cats and dogs to use in the Vet Tech Program as the students will benefit from, and are required by the American Veterinary Medical Association to have real world experience with animals to enhance their hands-on studies, much like aspiring doctors and dentists practice with patients under the watchful care of a trained professional during their schooling curriculum; and

WHEREAS, TAMUK would not be performing experiments on the animals it would be loaned from the Health Department for the Vet Tech Program; and

WHEREAS, the City and TAMUK would both benefit from the local university students performing basic care skills on animals from the Health Department, as the students gain experience and the animals would be in a better condition for future adoption; and

WHEREAS, the City is not required to pay for these veterinary technologist services or supplies, but only needs to supply the animals and TAMUK has agreed to provide students and staff supervisors, space and supplies for this project via their Vet Tech Program; and

WHEREAS, the City Commission has previously approved several similar Interlocal Agreement with TAMUK relating to students performing engineering design work under staff supervision; and

WHEREAS, the City Commission previously approved this agreement and it is set to expire so a new agreement is needed with new term dates; and

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

NOW, THEREFORE, the City of Kingsville and Texas A&M University Kingsville, in consideration of these mutual covenants and agreements, agree as follows:

1. PARTIES. The parties to this Interlocal Agreement ("Agreement") are the City of Kingsville ("City"), a Texas home rule municipality, and Texas A&M University Kingsville ("TAMUK"), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

2. PURPOSE.

- A. TAMUK will perform veterinary technologist procedures on animals loaned from the City Health Department's Animal Control Center under certain conditions stated below.
- B. The City will provide TAMUK animals from the City Health Department's Animal Control Center for students to perform veterinary technologist procedures under the University staff's supervision
- C. The parties agree that the following conditions will apply:
 - 1. Animals are provided by City's Health Department for educational use by the students enrolled in the Veterinary Technology program at TAMUK. All educational and medical procedures must be approved by the University's Animal Care and Use Committee before they are implemented.
 - 2. Animals that are found to be aggressive, severely ill or are otherwise not fit for adoption may be returned to the Health Department or euthanized.
 - 3. The students are not provided with liability or medical coverage on or off campus by TAMUK. Injuries that may occur to a student are not covered by TAMUK or by the City Health Department or the City. However, reasonable care will be taken by TAMUK to provide a safe environment and to educate the students on safety.
 - 4. City's Health Department is not responsible for any adverse effects that may occur to the animals as a result of educational or medical use of the animals.
 - 5. City's Health Department is not liable for costs or fees associated with the educational use of the animals.
 - 6. TAMUK is not held liable by City's Health Department for treatments, surgeries, and medications provided to the animals.
 - 7. It is further agreed that City's Health Department staff have only a limited time to evaluate the sociability and personality of each animal. Therefore, each student and faculty/staff member involved in the Veterinary Technology Program at TAMUK assumes the risk in working with the animal provided.

3. TERM.

- A. This Agreement shall be for an initial term of two years from January 22, 2024 through January 21, 2026. This Agreement will automatically renew at the end of the initial term for one (1) year renewal periods, until either party elects to terminate the agreement.
- B. This Agreement may be terminated at any time by any party with or without cause upon thirty (30) days advance written notice.

- C. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 4 of this agreement.

4. MISCELLANEOUS PROVISIONS.

A. Notice. Notice required by this Interlocal Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are:

City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364
Telephone: (361) 595-8002
Facsimile: (361) 595-8035

Texas A&M University Kingsville
Attention: Provost and Senior Vice President for Academic Affairs
955 University Blvd. MSC 102
Kingsville, Texas 78363-8202
Telephone: (361) 593-3106
Facsimile: (361) 593-3107

B. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Interlocal 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.

C. Amendment of Interlocal Agreement. This Agreement may be amended at any time. Any amendment to this Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the party.

D. Not for Benefit of Third Parties. This Agreement and all activities under this Agreement are solely for the benefit of the parties and not the benefit of any third parties.

E. Exercise of Police Powers. 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.

F. 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.

G. Mutual Indemnification: To the extent allowed by the Constitution and Laws of the State of Texas, TAMUK, and City 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 result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.

H. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

I. Fiscal Obligations. Each party which performs services or furnishes aid under this Agreement must do so with funds available from current revenues of the party.

J. Interlocal Cooperation Act Applies. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" and a "state agency" as those terms are defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code or that proper power and authority has been delegated by the governing body.

L. Severability. If any provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

M. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

N. 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 this agreement.

O. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.

P. Venue. Venue for an action arising under this Agreement is in Kleberg County, Texas.

Q. Effective Date. This Agreement is effective on the date when the last party executes this agreement.

R. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

S. Dispute Resolution: The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMUK and the City of Kingsville to attempt to resolve any claim for breach of this agreement by either party that cannot be resolved in the ordinary course of business. City shall submit written notice of a claim of breach of contract under this Chapter to Director of Procurement and General Services of TAMUK, who shall examine City's claim and any counterclaim and negotiate with City in an effort to resolve the claim.

EXECUTED by Texas A&M University – Kingsville on the _____ day of _____, 2024.

James Palmer, Ph.D.
Provost and Senior Vice President for Academic Affairs

ATTEST:

Martin Britain
Assistant Provost

EXECUTED by the City of Kingsville on the _____ day of _____, 2024.

Sam R. Fugate
Mayor

ATTEST:

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Courtney Alvarez
City Attorney

AGENDA ITEM #18

RESOLUTION #2024-_____

A RESOLUTION APPOINTING A NEW REPRESENTATIVE AND A NEW ALTERNATE REPRESENTATIVE TO THE COASTAL BEND COUNCIL OF GOVERNMENTS; REPEALING ALL CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville currently has two representatives to the Coastal Bend Council of Governments (COG) which are held by the City Manager and Commissioner Ann Marie Torres and two alternate representatives Commissioner Norma Alvarez and Commissioner Hector Hinojosa;

WHEREAS, a position on a COG executive board/committee is coming open that Commissioner Alvarez would like to serve on, but only representatives can vote and serve on any COG executive board/committees so she is presently not eligible to serve;

WHEREAS, the City Manager is currently a representative and has agreed to swap his position with Commissioner Alvarez's position as an alternate, which would make her eligible to serve on the COG executive board and any committees;

WHEREAS, after the approval of this resolution, the City's COG representatives will be Commissioners Torres and Alvarez and the City's COG alternate representatives will be Commissioner Hinojosa and City Manager McLaughlin;

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

I.

THAT Commissioner Ann Marie Torres and the Commissioner Norma Nelda Alvarez remain the appointed representatives of the City of Kingsville at the COG and that City Manager Mark McLaughlin and Commissioner Hector Hinojosa be alternates to represent the City at the COG when needed.

II.

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

III.

THAT this resolution shall be and become effective on and after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 22nd day of January, 2024.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #19

RESOLUTION #2024-_____

A RESOLUTION OF THE CITY OF KINGSVILLE CITY COMMISSION REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION CONDUCT A TRAFFIC SPEED STUDY OF GENERAL CAVAZOS BLVD. FROM US 77/I-69 TO 6TH STREET/BUSINESS US 77 WITHIN THE CITY LIMITS OF KINGSVILLE.

WHEREAS, the Texas Department of Transportation ("TXDOT") maintains General Cavazos Blvd. located within the city limits of the City of Kingsville, Texas ("City"); and

WHEREAS, the City can act and make requests for public health and safety issues; and

WHEREAS, the City desires to: (1) reduce the number or frequency of crashes and (2) minimize the risk of traffic fatalities and injuries and/or reduce the severity of any injury to persons or property; and

WHEREAS, there has been commercial development along General Cavazos Blvd. in the last several years since the prior traffic study for speed on that roadway was conducted; and

WHEREAS, the authorization of the TXDOT is required before any ordinance enacting such as a change to the speed limit can be approved by the City, signage changes made by TXDOT, and the speed enforced by law enforcement; and

WHEREAS, the City requests TXDOT conduct a new traffic speed study of General Cavazos Blvd. from US 77/I-69 to 6th Street/Business US 77; and

WHEREAS, the City further requests TXDOT provide and install the appropriate signage to reflect the change(s) if any be deemed necessary by the traffic speed study.

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

1. That the Texas Department of Transportation conduct a traffic speed study on General Cavazos Blvd. from US 77/I-69 to 6th Street/Business US 77 within the city limits of Kingsville and make recommendations for any proposed changes as well as changes to signage if needed.
2. That this Resolution shall be and become effective on or after adoption.
3. 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 the City Commission of the City of Kingsville this the 22nd day of January, 2024.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #20

Section 4. - Qualifications.

The Mayor and each Commissioner shall be citizens of the United States, and have resided in the City of Kingsville for a continuous period of 12 months immediately preceding election day, and have attained the age of 21 years at the time of filing as a candidate for such position; and have the other qualifications of an Elector in the City and as provided for candidates in the State Election Code. The Mayor and each Commissioner shall not be in arrears in the payment of any taxes or other liabilities to local taxing entities. ("In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.) The Mayor, Commissioners, and other officers and employees shall not hold any other public office of emolument, except the Office of Notary Public, and shall not be interested in the profits or emoluments or any contract, job, work or service for the municipality, or interested in the sale to or by the City of any property, real or personal. All such qualifications and requirements shall be fully complied with by any prospective candidate for the position of Mayor or Commission at the time of filing for election. Any Mayor or Commissioner of the City who shall cease to possess any of the qualifications herein required shall forthwith forfeit his office and any such contracts in which any officer or employee is or may become interested may be declared void by the Commission. No elected official shall otherwise accept any service, or anything of value, directly or indirectly, from any entity, upon terms more favorable than are granted to the public. All members present at Commission meetings shall vote "Yes" or "No" on all matters requiring a vote before such Commission; provided, however, any Commissioner having a conflict of interest regarding the matter or matters upon which a vote is to be taken shall abstain from voting and abstain from any discussion on such matter.

(Amended by electorate, 5-13-06; amended by electorate, 11-3-20)

Sec. 3-3-1. - Attendance at meetings.

All. members of every board, commission or committee appointed by the City Commission are required to attend all regular meetings of the board, commission or committee; and the absence of a member from three consecutive regularly scheduled meetings without a valid excuse shall be grounds for dismissal from such board, commission or committee.

(1962 Code, § 2-8-1; Ord. 81010, passed 3-23-81)

Sec. 3-3-15. - Commission created.

There is hereby created and established for the city a Planning and Zoning Commission which shall be composed of nine members. The members shall be resident citizens, taxpayers and qualified voters of the city, all of whom shall be appointed by the City Commission, to serve for terms of two years. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. Members of the Commission may be removed by the City Commission, after public hearing and for cause assigned in writing. The members of the Commission shall serve without compensation. The City Attorney shall be an ex-officio member of the Commission.

(1962 Code, § 2-1-1)

Statutory reference—State law concerning a Zoning Commission, see Tex. Loc. Gov't Code, § 211.007.

Sec. 15-5-16. - Composition; membership; functions.

- (A) The members of the Board of Historical Development shall be appointed by the City Commission and shall serve without compensation. The members of the Board, if possible, shall include nine members representing the following professions or organizations: history, business, attractions, economic development, architectural, engineering, education, and the like. All members, at the time of their selection must be taxpayers of the city.
- (B) The Board shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise, except as specifically provided for herein regarding applications. It shall be the function of the Board to advise the City Commission concerning all public policy matters related to the protection, enhancement, and perpetuation of historic sites, buildings, historic districts and historic landmarks.

(1962 Code, § 2-10-6; Ord. 91034, passed 10-28-91; Ord. 2002-01, passed 1-14-02; Ord. 2012-07, passed 3-8-2012)

Sec. 3-3-121. - Board membership.

- (A) The Main Street Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Main Street Advisory Board members shall serve without compensation. The members of the Board shall include:
 - a. Four members to represent the historical downtown district/merchants.
 - b. One member to represent Texas A&M University-Kingsville.
 - c. Two members must be residents of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kingsville Greater Area EDC Director shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

(Ord. No. 2017-23, § I, 6-26-17)

Sec. 3-3-50. - Board created.

There is hereby created a Board of Health for the city which shall be officially designated as the City Board of Health. The Board shall consist of members, not less than one of whom shall be of the male gender and one of whom shall be of the female gender. The members of the Board shall all be residents of Kingsville, Texas. In addition to the regular members of the Board, the City Manager, or their duly designated representatives, shall serve as ex-officio members of such Board but without voting privileges.

(1962 Code, § 2-7-1; Ord. 2006-03, passed 1-30-06; Ord. 2022-01, passed 1-10-22)

Sec. 3-3-51. - Members; terms.

Members of the City Health Board shall be appointed as follows: five members by the City Commission. The term of office of each member shall be for three years. Appointments and vacancies on the Board occurring by death, resignation, expiration of term of office or otherwise, shall be filled according to the City Commission.

(1962 Code, § 2-7-2; Ord. 2006-03, passed 1-30-06; Ord. 2022-01, passed 1-10-22)

authority established under Chapter 286, Health and Safety Code.
Added by Acts 2009, 81st Leg., R.S., Ch. 1415 (S.B. 1896), Sec. 1,
eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 69,
eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. 4559), Sec. 131,
eff. September 1, 2023.

Sec. 143.006. IMPLEMENTATION: COMMISSION. (a) On adoption of this chapter, the Fire Fighters' and Police Officers' Civil Service Commission is established in the municipality. The chief executive of the municipality shall appoint the members of the commission within 60 days after the date this chapter is adopted. Within 30 days after the date the municipality's first full fiscal year begins after the date of the adoption election, the governing body of the municipality shall implement this chapter.

(b) The commission consists of three members appointed by the municipality's chief executive and confirmed by the governing body of the municipality. Members serve staggered three-year terms with the term of one member expiring each year. If a vacancy occurs or if an appointee fails to qualify within 10 days after the date of appointment, the chief executive shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(c) A person appointed to the commission must:

- (1) be of good moral character;
- (2) be a United States citizen;
- (3) be a resident of the municipality who has resided in the municipality for more than three years;
- (4) be over 25 years of age; and
- (5) not have held a public office within the preceding three years.

(c-1) Notwithstanding Subsection (c)(5), the municipality's chief executive may reappoint a commission member to consecutive terms. A commission member may not be reappointed to more than a third consecutive term unless the member's

reappointment to a fourth or subsequent consecutive term is confirmed by a two-thirds majority of all the members of the municipality's governing body.

(c-2) Subsection (c)(5) does not prohibit the municipality's chief executive from appointing a former commission member to the commission if the only public office held by the former member within the preceding three years is membership on:

(1) the commission; or

(2) the commission and the municipality's civil service board for employees other than police officers and firefighters through a joint appointment to the commission and board.

(c-3) Subsections (c-1) and (c-2) do not apply to a municipality with a population of 1.5 million or more.

(d) In making initial appointments, the chief executive shall designate one member to serve a one-year term, one member to serve a two-year term, and one member to serve a three-year term. If a municipality has a civil service commission immediately before this chapter takes effect in that municipality, that civil service commission shall continue as the commission established by this section and shall administer the civil service system as prescribed by this chapter. As the terms of the members of the previously existing commission expire, the chief executive shall appoint members as prescribed by this section. If necessary to create staggered terms as prescribed by this section, the chief executive shall appoint the initial members, required to be appointed under this chapter, to serve terms of less than three years.

(e) Initial members shall elect a chairman and a vice-chairman within 10 days after the date all members have qualified. Each January, the members shall elect a chairman and a vice-chairman.

(f) The governing body of the municipality shall provide to the commission adequate and suitable office space in which to conduct business.

(g) The chief executive of a municipality commits an offense if the chief executive knowingly or intentionally fails to appoint the initial members of the commission within the 60-day period

Grant
Admin.
Bd.

CITY OF KINGSVILLE ECONOMIC DEVELOPMENT GRANT PROGRAM AND ADMINISTRATIVE MANUAL

January 2022

Contact:
Mark McLaughlin
City Manager
400 W. King Ave.
Kingsville, TX 78363
(361) 595-8002
mmclaughlin@cityofkingsville.com



Personal and confidential information will be redacted from the reports. Personal and confidential information will consist of personal addresses, dates of birth, bank account information, credit report information, driver's license information, and social security numbers, or other information deemed confidential under the law.

Part I. C. 5: Appraisal Reports

Independent appraisal reports will be required for the purchase of land, construction projects, or improvements to an existing facility which is owned by the applicant.

Appraisal reports from the Kleberg County Appraisal District shall not be the sole source for appraisal information and valuation.

In some cases, where an appraisal has previously been completed, but is over two years old, a letter of update will be requested. EDG projects involving construction will require an "as built appraisal." Appraiser certifications will be the minimum "state certified" or better. The appraisal information is incorporated into the grant application.

PART II. GRANT OPERATIONAL PROCEDURES

Part II. Organizational Structure

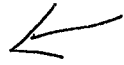
Part II. A. 1: Overview of the EDG Organizational Structure

Administration of all EDG's shall fall to the authority of the Grant Administrative Board. Final disposition on approval or denial of EDG applications rests solely with the Kingsville City Commission. The Grant Administrative Board will possess the ability to:

1. Find projects.
2. Screen and package grants.
3. Process applications and forward recommendations to the Kingsville City Commission.
4. Monitor and Close grants.

The Grant Administrative Board, the Kingsville Chamber of Commerce, the Kingsville Economic Development Corporation, and City of Kingsville shall not provide any legal, accounting, or professional assistance for applicants. Applicants needing assistance for professional services will be required to seek such assistance from other sources.

Part II. A. 2: Grant Administrative Board

The Grant Administrative Board shall be the membership responsible for receiving applications, assessing their validity and potential for success in accordance with this manual, and make a recommendation on approval or denial of EDG applications to the Kingsville City Commission. Currently serving Grant Administrative Board members are ineligible to apply for any EDG. 

The Grant Administrative Board shall consist of four fixed positions as follows:

- A. City Manager-Chair,
- B. City of Kingsville Planning Director-Vice Chair and voting member,

C. City of Kingsville Finance Director – voting member,
D. President/CEO of the Kingsville Economic Development Corporation/Chamber of Commerce-voting member, and
five (5) at-large voting members nominated by the Kingsville City Manager and approved by the Kingsville City Commission. The five at-large members shall represent a cross section of the local business community. The members of the board must have extensive business and financial expertise.

The Grant Administrative Board shall meet monthly or as needed by order of the chair.

The at-large Grant Administrative Board Members shall serve terms of two years with no limitation on the number of terms served.

The Grant Administrative Board shall follow Roberts Rules of Order and comply with provisions of the Texas Open Meetings Act. As an open meeting, the Grant Administrative Board shall conduct all business to include a vote on the final recommendation of each project before sending the package to the Kingsville City Commission.

As many of the details required for a thorough assessment of a EDG application contain personally identifiable information, and other sensitive information, the Grant Administrative Board Chair has the authority to appoint subcommittees of Grant Administrative Board Members to convene in private outside the Texas Open Meetings act to discuss each application, interview the applicant if necessary, and bring those recommendations to the full board for a discussion and vote during posted meetings.

Full Grant Administrative Board membership consists of nine voting members. A quorum is either 5 members that must contain either the Chair or Vice Chair, or if a membership slot is vacant, a quorum is 50% of the total membership plus one, and must include either the Chair or Vice Chair.

To consider a project and recommend it to the Kingsville City Commission, a quorum of the Grant Administrative Board is required, and the project may only be forwarded with a majority vote of the quorum either with a recommendation of approval or denial. In the event of a tie vote of the Grant Administrative Board, the tie-breaker will be an additional vote amongst the four fixed members only with the overall vote results forwarded to the Kingsville City Commission.

Part II. A. 3. EDG Selection Criteria

EDG applicants shall submit two copies of their application (one for each position below) and all required documentation in paper form, as well as submit any questions to both the Kingsville City Manager and the President/CEO of the Kingsville Economic Development Corporation/Chamber of Commerce at the Kingsville Chamber of Commerce. Addresses below:

City Manager
City of Kingsville, Texas
400 W. King Ave.

JAZB
Jan 2010

RESOLUTION _____

A RESOLUTION AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD AND INVESTING SUCH JOINT AIRPORT ZONING BOARD WITH THE POWERS SUCH BOARDS ARE AUTHORIZED TO EXERCISE UNDER THE PROVISION OF THE AIRPORT ZONING ACT, TEXAS LOCAL GOVERNMENT CODE §§ 241.001 ET SEQ.

WHEREAS, the City Commission of the City of Kingsville recognizes that the continued operation of Naval Air Station Kingsville (NAS Kingsville) is important to the economy of the City of Kingsville, Kleberg County, and the region and that its future operational capacity should be protected because it fulfills an essential community purpose; and

WHEREAS, a joint airport zoning board is necessary to coordinate future planning efforts of the City of Kingsville and Kleberg County to avoid airport hazards and to maintain the operational capacity of NAS Kingsville;

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

1. The City Commissioners of the City of Kingsville, Texas, as authorized by the provisions of the Airport Zoning Act, Texas Local Government Code, §§ 241.001 et seq., hereby creates a joint airport zoning board to be known as the Kingsville-Kleberg County Joint Airport Zoning Board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code, §§ 241.014.
2. The Kingsville-Kleberg County Joint Airport Zoning Board shall be composed of five (5) members, two (2) members to be appointed by the County Commission of Kleberg County, Texas; two (2) members to be appointed by the City Commission of the City of Kingsville; and, one (1) member elected by a majority of the members so appointed and said fifth member shall serve as chairman of the said Kingsville-Kleberg County Joint Airport Zoning Board.
3. Exercising its rights as an appointing authority, the City Commission of the City of Kingsville, Texas, shall appoint, by a majority vote, two members to a new joint airport zoning board. The initial term for one member shall be three years and a term of two years for the second member. Subsequent terms for both members shall be two years.
4. This resolution shall be in full force and effect from and after its passage by this City Commission.

PASSED AND APPROVED by a majority vote of the Kingsville City Commission
on the _____ day of _____, 20____.

Sam R. Fugate, Jr., Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

JAZB

TRLGC

SUBDIVISIONS WITH POPULATION OF MORE THAN 45,000. (a) A political subdivision with a population of more than 45,000 in which an airport used in the interest of the public to the benefit of the political subdivision is located may adopt, administer, and enforce:

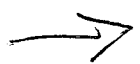
(1) airport hazard area zoning regulations applicable to an airport hazard area relating to the airport and located outside the political subdivision; and

(2) airport compatible land use zoning regulations applicable to a controlled compatible land use area relating to the airport and located outside the political subdivision.

(b) The political subdivision has the same power to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations under this section as that given a political subdivision by Sections 241.011 and 241.012.

(c) The airport hazard area zoning regulations or airport compatible land use zoning regulations must include a statement that the airport fulfills an essential community purpose.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 98, Sec. 1, 2, eff. Aug. 26, 1991.



Sec. 241.014. JOINT AIRPORT ZONING BOARD. (a) A political subdivision to whose benefit an airport is used in the interest of the public or in which an airport owned or operated by a defense agency of the federal government or the state is located may create a joint airport zoning board with another political subdivision in which an airport hazard area or a controlled compatible land use area relating to the airport is located. The political subdivisions must act by resolution or ordinance in creating the joint board.

(b) The joint airport zoning board has the same power to adopt, administer, and enforce airport hazard area zoning regulations or airport compatible land use zoning regulations under this section as that given a political subdivision by Sections 241.011 and 241.012.

(c) The joint airport zoning board must consist of two

members appointed by each of the political subdivisions creating the board and, in addition, a chairman elected by a majority of the appointed members.

(d) If an agency of the state owns and operates an airport located within an airport hazard area or controlled compatible land use area governed by a joint airport zoning board, the agency is entitled to have two members on the board.

(e) The joint airport zoning board for an airport that is owned or operated by a defense agency of the federal government and that is closed by the federal government may provide that zoning regulations adopted by the board continue in effect until the fourth anniversary of the date the airport is closed.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 352, Sec. 1, eff. May 27, 1997; Acts 1999, 76th Leg., ch. 1176, Sec. 1, eff. June 18, 1999.

Sec. 241.015. INCORPORATION OF AIRPORT ZONING REGULATION INTO COMPREHENSIVE ZONING ORDINANCE. A political subdivision may incorporate an airport zoning regulation in a comprehensive zoning ordinance and administer and enforce it in connection with the administration and enforcement of the comprehensive zoning ordinance if:

(1) the two zoning regulations apply, in whole or in part, to the same area; and

(2) the comprehensive zoning ordinance includes, among other matters, a regulation on the height of buildings.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 241.016. AIRPORT ZONING COMMISSION. (a) Before an airport zoning regulation may be adopted, a political subdivision acting unilaterally under Section 241.013 must appoint an airport zoning commission. If the political subdivision has a planning commission or comprehensive zoning commission, that commission may be designated as the airport zoning commission.

(b) The commission shall recommend the boundaries of the zones to be established and the regulations for these zones.

(c) The commission shall make a preliminary report and hold

Sec. 3-3-141. - Board membership.

- (A) The Parks and Recreation Advisory Board shall have seven (7) regular voting members who shall be appointed by the City Commission at the recommendation of the City Manager. The Parks and Recreation Advisory Board members shall serve without compensation. The members of the board should be interested in public parks and public recreation and the general use of leisure time of the people of the city.
- (B) Of the regular member positions, six (6) shall be filled by persons who reside within the city limits of Kingsville and one (1) may be a person who resides outside of the city limits of Kingsville but within Kleberg County.
- (C) In addition to the regular voting members of the board, the board has the discretion to identify and name one minor, who resides within Kleberg County, to serve on the board as an ex-officio, non-voting youth member of the board. The youth member shall be enrolled in grades 9—12 and serve a term in length identified by the Parks Board at the time of the youth member's selection, but not to exceed three (3) consecutive years.
- (D) In addition to the regular voting members of the Board, the City Parks and Recreation Director shall serve as an ex-officio member of the Board with no voting privileges.
- (E) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

(Ord. No. 2017-24, § I, 6-26-17)

Sec. 15-6-157. - Board of adjustment.

- (A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. The Board of Adjustment shall also consist of three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A maximum of five members may attend and vote at a Board of Adjustment meeting.
- (B) *Chairman.* The Board shall elect a chairman and adopt rules to govern its proceedings in accordance with this article and the statutes of the State of Texas. Meetings shall be held at the call of the chairman or such times as designated by the Board. The Board shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon the question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Planning Department and shall be a public record.
- (C) *Appeals.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or department municipality affected by any decision of an administrative officer. Such appeal shall be made within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall secure all papers and facts constituting the basis of the action being appealed for transmittal to the Board.
- (D) *Stay of proceeding.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of acts stated in his certificate that a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by the District Court on applications and notice and on the cause shown.
- (E) *Notice.* The secretary of the Planning Division of the Management Services Department in charge of handling Board of Adjustment appeals shall: mail announcements of appeals to all property owners within 200 feet of the site or parcel in question; advertise the hearing; and collect an application fee of \$250.00 (to cover the actual costs of materials used, mailing and publication costs), which must be collected prior to scheduling any hearing or appeal. Interested parties may appear in person, or be represented by an agent or attorney.

(F) *Powers of the Board of Adjustment.* The Board of Adjustment shall have the following powers: to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official. To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship; provided, that the spirit of the ordinance shall be observed and substantial justice done. Before any variance may be authorized, the Board shall find specifically all of the following conditions exist:

- (1) The variance will not authorize the operation of a use other than those uses specifically enumerated for the district in which is located the property for which the variance is sought.
- (2) The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provisions of this article, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district.
- (3) The variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
- (4) The variance will not alter the essential character of the district in which is located the property for which the variance is sought.
- (5) The variance will not weaken the general purposes of this article or the regulations herein established for the specific district.
- (6) The variance will be in harmony with the spirit and purposes of this article.
- (7) The variance will not adversely affect the public health, safety, or welfare.
- (8) The variance will not substantially affect the comprehensive plan or zoning in the city and that adherence to the strict letter of the article will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in or to carry out the general purpose of the plan.
- (9) Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same district.
- (10) Because of the special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

(G) *Findings of fact.* Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this article shall be construed as limitation on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed findings of fact, and shall not be deemed compliance with this article.

- (H) *Decisions permitted.* The Board may affirm, modify, or reverse the order, requirement, decision or determination appealed.
- (I) *Vote for modification or reversal.* The concurring vote of four members of the Board shall be necessary to modify or reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the appellant or to effect any variation in the ordinance.
- (J) *Appeal from Board.* The city or any person aggrieved by any decision of the Board may have and maintain plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within 10 days after the filing of such decision in the office of the City Recorder.
- (K) *Advertisement and announcement procedure.* When required, advertisement giving the time, place and subject of the hearing shall be published in a newspaper of general circulation in the city no less than 15 days prior to such hearing for the Board of Adjustment. Mailings to property owners in the vicinity, when required, shall contain the time, place, and subject of the hearing and be mailed at least 10 days prior to the hearing.

(1962 Code, § 11-6-7; Ord. 84009, passed 6-18-84; Ord. 90027, passed 6-25-90; Ord. 200022, passed 11-20-00; Ord. No. 2015-05, § I, passed 1-26-2015, eff. 2-11-2015)

Statutory reference—Board of Adjustment, see Tex. Loc. Gov't Code, §§ 211.008 et seq.

Sec. 3-3-101. - Board membership.

- (A) The Hotel Occupancy Tax Advisory Board shall have seven (7) voting members and be appointed by the City Commission at the recommendation of the City Manager. The Hotel Occupancy Tax Advisory Board members shall serve without compensation. The members of the Board shall include:
- a. Two members to represent the Hotel Industry within the City of Kingsville.
 - b. One member to represent the King Ranch.
 - c. One member to represent the Conner Museum.
 - d. One member to represent the historical downtown district/merchants.
 - e. One member to represent Texas A&M University-Kingsville.
 - f. One member must be a resident of the City of Kingsville.
- (B) In addition to the regular voting members of the Board, the City Manager and the Kleberg County Judge shall serve as ex-officio members of the Board with no voting privileges.
- (C) The members of the Board from the voting membership shall elect a Chairman and Vice-Chairman to conduct the meetings and the voting members shall fill any vacancy in either of the offices of Chairman or Vice-Chairman.

(Ord. 2016-24, passed 4-18-16; Ord. No. 2018-32, passed 6-25-18; Ord. No. 2023-58, § I passed 8-14-23)