

# City of Kingsville, Texas

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**AGENDA**  
**CITY COMMISSION**  
**MONDAY, FEBRUARY 26, 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.**

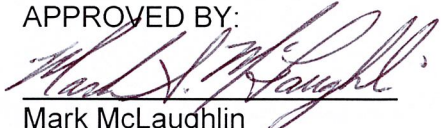
**OPEN MEETING**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – February 12, 2024

APPROVED BY:

  
Mark McLaughlin  
City Manager

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

1. None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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.<sup>3</sup>**

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

**V.**

**Consent Agenda**  
**Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Chamberlain Place, Block 6, Lot 1-32 (old Flato School), also known as 400 Block of West Santa Gertrudis (Property ID#18241), Kingsville, Texas from R1 (Single Family District) to C2 (Retail District); 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 professional services fee for the creation of a Kings Plaza TIRZ District. (old Flato School Property off 400 Block of W. Santa Gertrudis area). (Economic Development Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase of a range ball picker for the golf course. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the animal shelter and current project balances. (Purchasing Manager).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 4, Bicycles, Sections 15-22; providing for the removal of bicycle licensing regulations. (City Attorney).
6. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Sections 15-6-115, 116 and 126, providing for revisions to the sign ordinance to reflect legislative changes. (City Attorney/Director of Planning and Development Services).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for plumbing work approved last FY22-23, but completed this FY23-24 for the Tourism Department. (Tourism Director).
8. Motion to approve reappointment of Charlie Williams, Justin Bray, Rodney Rodriguez, and Sharon Pennington as at-large members to Economic Development Grant Administrative Board each for a two-year term. (3/01/24-2/28/26). (Economic Development Director).

**REGULAR AGENDA**

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

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



9. Consider the appointment of Kristen Jones as an at-large member to the Economic Development Grant Administrative Board for a two-year term. (3/01/24-2/28/26). (Economic Development Director).
10. Consider the appointment of Lupe Ruiz for a resident position on Main Street Advisory Board for a two-year term (2/26/24-2/26/26). (Downtown Manager).
11. Consider a resolution of the City of Kingsville supporting the Competitive Housing Tax Credit application of Casitas Los Ebanos, LP for an affordable rental housing development in Kingsville, Texas. (City Manager/City Attorney).
12. Consider a resolution authorizing the City Secretary to enter into the 2024 Election Services Agreement between the City of Kingsville and Kleberg County Clerk. (for May 4, 2024 General Election and any run-off elections) (City Secretary).
13. Consider a resolution authorizing the City Manager to execute Change Order No.3 for construction contract with Gerke Excavating Inc. for Project 3 of the Community Development Block Grant-Mitigation Program (CDBG-MIT) General Land Office (GLO) State Contract Number 22-082-016-D218 (to increase contract time). (City Engineer).
14. Consider a resolution authorizing the Mayor to execute Amendment No. 2 for Grant Administration Services Agreement with GrantWorks for GLO State Contract Number 22-085-009-D237. (City Engineer).
15. Consider a resolution authorizing the application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2025 Operation Lone Star Grant Program (OLS); authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
16. Consider a resolution participation in Local Border Security Program FY2025 from the Office of the Governor, Public Safety Office, Homeland Security Grants Division for law enforcement personnel costs, fuel, and equipment; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).
17. Consider a resolution applying for and accepting funds for Operation Stonegarden Grant #3194309 with the Homeland Security Grants Division of the Governor's Office for border security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).
18. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Operation Stonegarden Grant for Kingsville Police Department. (Police Chief).
19. Consider a resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized City Representatives with full authority for investment purposes; and providing for disclosure of financial interest. (Finance Director).
20. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).

## **VII. Adjournment.**

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

NOTICE

This City of Kingsville and 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:

February 22, 2024, at 3:45 P.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Mary Valenzuela, TRMC, City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

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

**FEBRUARY 12, 2024**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 12, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, Director of Information & Technology  
Derek Williams, IT  
Bill Donnell, Public Works Director  
Kwabena Agyekum, Senior Planner/HPO  
Rudy Mora, Engineer  
Susan Ivy, Parks Director  
Charlie Sosa, Purchasing Manager  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director  
John Blair, Chief of Police  
Nick Chavez, IT  
Diana Gonzalez, Human Resources Director  
Erik Spitzer, Director of Planning & Development Services

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 P.M. with all five commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – January 8, 2024**

**Regular Meeting – January 22, 2024**

Motion made by Commissioner Lopez to approve the minutes of January 8, 2024 and January 22, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting “FOR”.

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

**1. Public Hearing on request to replat Chamb Pl, Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner). (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:04 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. Additional time cannot be extended by the City Commission.



Mr. Erik Spitzer, Director of Planning & and Development Services reported that the applicant approached the department on January 9, 2024 representing Alejandro Zaragoza requesting a replat of this location which is also known as 400 West Nettie. The Planning & Zoning Commission met on February 7, 2024 where deliberated over the request of a replat. Notices were mailed to neighbors within the 200-foot buffer and the city received no feedback. The Planning and Zoning Commission voted unanimously to approve recommendation of the requested replat.

There being no further comments or discussion, Mayor Fugate closed this public hearing at 5:07 p.m.

**2. Public Hearing on request to rezone Chamb PI, Block 6, Lot 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID#18241), Kingsville, TX 78363 from R1 (Single Family District) to C2 (Retail District). (James Maddalone, applicant; MVGG Isaiah 6 Kingsville Series, owner). (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:07 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. Additional time cannot be extended by the City Commission.

Mr. Spitzer reported that Mr. James Maddalone, the applicant, approached his department on January 11, 2024, requesting the rezone from R1 Single Family to C2 Retail of the old Flato School Building. The Planning & Zoning Commission met on February 7, 2024, and deliberated over the request for a rezone. Notices were mailed to neighbors within the 200-foot buffer and the city received no feedback. The Planning and Zoning Commission voted unanimously to approve the recommendation of the request for a rezone.

Commissioner Torres commented that this location extends to current residents and the department received no feedback from those who were mailed a notice.

Mr. Spitzer stated that city staff received no feedback from those who were mailed a notice.

Mr. James Maddalone, 400 W. Santa Gertrudis, commented that he is looking forward to this project in Kingsville. They have also developed the London Square Plaza in Corpus Christi. This project will have retail and restaurants with outdoor activities for all. He further stated that as of the creation of the Kingsville Plaza Facebook page, the page has received 60,000 hits, so people are interested in what is coming to the area.

There being no further comments or discussion, Mayor Fugate closed this public hearing at 5:13 p.m.

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

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

Mr. Mark McLaughlin, City Manager gave a brief update on streets and reported on the Kingsville Racial Profiling Report he recently received from Police Chief, John Blair.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for Monday, February 26, 2024, with a deadline for staff to submit their agenda items no later than Thursday, February 15, 2024. She further reported that city offices will be closed on Monday, February 19, 2024, for President's Day.

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

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

Mr. Lance Hamm, 912 South Creek, commented that he is here to speak about agenda item #22 regarding sidewalks. He stated that he emailed the commission earlier today regarding speed limits and the dangers of certain speed limits on certain roadways. Throughout the years there has been some development in the area of General Cavazos, which the speed limit for this road should be 35mph. With so much development in this area, there is little to no sidewalk access to businesses in the area. With the limited sidewalks in this location, it doesn't allow the citizens to push a stroller and walk to the store to get necessary items they may need. It requires the citizen to get in their car and drive to these locations which is kind of a slap in the face and in return it has been seen over the years that they return that slap in the face as they leave and retire in other communities. Mr. Hamm commented that we can start with a sidewalk policy and put a budget line item for the most drastic sidewalks that are needed now for safety. He further commented that there is no reason for a city of this size to not have a policy for sidewalk improvements. He further thanked staff for their work in the downtown area and for slowing down traffic in that area. Mr. Hamm stated that this is not new information, he is only reading the information and passing it along. This is information that has been documented and factual information that is slowing down traffic to prevent serious injuries and deaths.

#### **V.**

##### **Consent Agenda**

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

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

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

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

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

**1. Motion to approve final passage 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).**

**2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from TJ Electric for Police Department luncheon. (Police Chief).**

3. Motion to approve reappointment of Kathy Pawelek as the Conner Museum representative on the Hotel Occupancy Tax Advisory Board for a two-year term (2/12/24-2/12/26). (Tourism Director).
4. Motion to approve reappointment of Sandra Seymour and Clarice Williams to Park Advisory Board each for a one-year term that would expire on February 11, 2025. (Parks Director).
5. Motion to approve reappointment of David Thibodeaux, Sylvia Molina, Rose Morales, and Ryder Takesuye (Downtown Merchant Reps); Todd Lucas (TAMUK Rep); Gloria Bigger-Cantu (Resident Rep) to the Main Street Advisory Board each for a two-year term (2/12/24-2/12/26). (Downtown Manager).
6. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).

## REGULAR AGENDA

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

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

7. Consider a request to replat Chamb PI (Chamberlain Place), Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner). (Director of Planning and Development Services).

Motion made by Commissioner Lopez to approve the request to replat Chamb PI (Chamberlain Place), Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Chamberlain Place, Block 6, Lot 1-32 (old Flato School), also known as 400 Block of West Santa Gertrudis (Property ID#18241), Kingsville, Texas from R1 (Single Family District) to C2 (Retail District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

9. Consider the appointment of Sally Macias to Park Advisory Board to fill an unexpired two-year term ending February 8, 2025. (Parks Director).

Motion made by Commissioner Torres to approve the appointment of Sally Macias to Park Advisory Board to fill an unexpired two-year term ending February 8, 2025, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

10. Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA). (SECRETARIA MUNICIPAL).

Motion made by Commissioner Lopez to approve the resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting 'FOR'.

**11. Consider a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 4, 2024. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2024.) (SECRETARIA MUNICIPAL).**

Motion made by Commissioner Lopez to approve the Consider a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 4, 2024. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2024.) (SECRETARIA MUNICIPAL), seconded by Commissioner Alvarez and Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate for "FOR".

**12. Consider awarding TIRZ Creation Services to David Pettit Economic Development, LLC., as per staff recommendation, and approving a resolution authorizing the City Manager to execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC. (for Kings Plaza TIRZ-Flato School site). (Economic Development Director).**

Mr. Manny Salazar, Economic Development Director stated that utilization of a Tax Increment Reinvestment Zone is a widely used economic development incentive tool that is designed to spur development within a specific geographic area. This is designed to build infrastructure, encourage development, and reduce the costs of private developers by providing for the reimbursement of funds for eligible public improvements. The TIRZ will not implement a new tax rate, it will instead redirect some of the ad valorem tax from the property in a geographic area to the TIRZ to pay for improvements within the zone. This agreement will allow the hiring of David Pettit Economic Development for a tax increment reinvestment zone creation.

Motion made by Commissioner Lopez to award TIRZ Creation Services to David Pettit Economic Development, LLC., as per staff recommendation, and approving a resolution authorizing the City Manager to execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC. (for Kings Plaza TIRZ-Flato School site), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

**13. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for professional services fee for the creation of a Kings Plaza TIRZ District. (old Flato School Property off 400 Block of W. Santa Gertrudis area). (Economic Development Director).**

Introduction item.

**14. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase of a range ball picker for the golf course. (Parks Director).**



Mrs. Susan Ivy, Parks Director stated that the range ball picker at the Golf Course is currently not working and will cost approximately \$2,000 to get it fixed with a new range ball picker costing \$3,206.

Introduction item.

**15. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the animal shelter and current project balances. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that the city previously allocated \$200,000 of GF ARP funding for the construction of the new animal shelter. Staff is requesting an additional \$261,869.09 in remaining ARP funds for the new animal shelter building project. In the GF ARP fund there are some completed projects with leftover funds. It is proposed to send the remaining project balances to 1030-31400 to hold until it is decided what to do with the funding. He further stated that in the Tourism ARP funds there are uncommitted funds of \$26,510.72 and the Grounds and Permanent Fixtures line item is short \$1,268.72 of what was currently budgeted, so funds in the amount of \$1,268.72 are recommended for reallocation to get all remaining funds budgeted.

Introduction item.

**16. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2025; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).**

Mr. John Blair, Police Chief stated that the police department is requesting to apply for funds from the FY 2024-2025 OOG Solicitation Body-Worn Cameras Grant Program. The purchase will consist of hardware and software to allow for the replacement of outdated body-worn cameras. The upgraded system will improve the recording and downloading of the camera footage as well as software and hardware upgrades to allow for the storage of video from those cameras. Mr. Blair further stated that the grant has a 25% cash match.

Commissioner Torres asked what the dollar amount for the grant was. Ms. Alvarez responded that they will more than likely ask for the \$83,000 with a little over \$20,000 for the cash match from the city, if awarded.

**Motion made by Commissioner Torres to approve the resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2025; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**17. Consider a resolution authorizing the Mayor to execute Amendment No. 2 for Grant Administration Services Agreement with GrantWorks for GLO State Contract Number 22-082-016-D218. (City Engineer).**

Mr. Rudy Mora, City Engineer stated that Amendment No. 2 amends the contract for Administrative Services Agreement with GrantWorks Inc. to implement a progress billing approach for key milestones aligning with all not-to exceed percentages and implementation of LCPtracker of current and future projects with the General Land Office (GLO). LCPtracker is a software solution for certified payroll and workforce reports which will reduce common payroll issues and increase the efficiency of payroll submissions while introducing additional layers of validation to ensure regulatory compliance. He further stated that the contract price will not change if this amendment is approved.

Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to execute Amendment No. 2 for Grant Administration Services Agreement with GrantWorks for GLO State Contract Number 22-082-016-D218, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

**18. Consider a resolution of the City of Kingsville, Texas finding that the Statement of Intent of CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).**

Motion made by Commissioner Hinojosa to approve the resolution of the City of Kingsville, Texas finding that the Statement of Intent of CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

**19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 4, Bicycles, Sections 15-22; providing for the removal of bicycle licensing regulations. (City Attorney).**

Ms. Alvarez stated that it has been decades since bicycle licensing was done at the Police Department, so it is recommended this obsolete ordinance be removed.

Introduction item.

**20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Sections 15-6-115, 116 and 126, providing for revisions to the sign ordinance to reflect legislative changes. (City Attorney/Director of Planning and Development Services).**

Ms. Alvarez stated that the State Legislature revised the state statute that authorizes a city's ability to regulate political signs. Staff has been aware of the state statutory change to municipal regulation of political signs even though not currently referenced in the city ordinance. After consulting with the Planning Director, the belief is it would be easier for the public to understand and staff to enforce if the ordinance was updated to reflect the statute. She further stated that as there may be some confusion regarding municipal regulation of political signs, references are being added to that section. This will allow for any questions asked, and the code and statute can be looked at as both would need to be complied with.

Commissioner Alvarez asked if some of the changes were allowing them on personal property when before they were not allowed.

Ms. Alvarez responded that they have been allowed on personal properties, but there was a limitation with regard to the number and square footage. She further stated that if it has an area greater than 36 feet, more than eight feet high, illuminated, or has moving parts, the city can still regulate against those.

Introduction item.

**21. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for plumbing work approved last FY22-23 but completed this FY23-24 for the Tourism Department. (Tourism Director).**

Ms. Janine Reyes, Tourism Director stated that this project was budgeted in the previous year's budget, but the work was completed this current fiscal year, therefore requiring staff to move the funds from the previous fiscal year into the current fiscal year.

Introduction item.

**22. Discussion on ordinances and regulations regarding sidewalks. (Commissioner Lopez).**

Commissioner Lopez stated that she has received a couple of phone calls regarding sidewalks in an area where there are no neighbors and only acres of land. She stated that the most recent call was from Armstrong where the city requested for the property owner to build a sidewalk and as it was TxDOT property there was no way that a sidewalk could be built. She further stated that there was another property on Trant Road and there is no one around that area as it is farmland. She stated that she understands the need for sidewalks where there are neighborhoods and agrees with Mr. Hamm comment regarding sidewalks on General Cavazos. She also stated that Caesar also lacks sidewalks and this road has people walking on the side of the road. Commissioner Lopez stated that it is a burden to the people that are building, it is required to put a driveway in a new build, but to have them build a sidewalk where there are no connecting neighbors makes no sense.

Commissioner Hinojosa commented that this could be confusing as there are neighborhoods that have no sidewalks and yet the city has an ordinance that requires sidewalks, such as Alexander Street. Alexander Street only has one section down the road that has a sidewalk, as that property owner had to put in a sidewalk with their new build.

Mayor Fugate stated that the city has built a lot of sidewalks in the area, such as those on safe routes to school. He further stated that the problem is that streets on his neighborhood have no sidewalks, so when you have someone new coming into the those new neighborhoods, the city requires them to build a sidewalk. He further stated that it is not the new subdivisions that are going up, it's more the old neighborhoods that if someone builds a new home in an older street, the city is requiring them to build a sidewalk, no matter if there is existing sidewalks on that street.

Commissioner Lopez stated that she was told that if the people that don't have sidewalks right now, if they make someone build a sidewalk and people that don't have sidewalks, if they do anything to their yard then they will be made to put a sidewalk in.

Mr. McLaughlin stated that every project is different. He further stated that if you take a property and want to rebuild a house, then a sidewalk would be required as per city ordinance that has been in place since 1962. He further stated that there are areas in town that will never have a sidewalk as there is not enough right-of-way to build one. He also stated that a sidewalk has to be in a city's right-of-way as we would be creating public access. He stated that there have been newer subdivisions such as South Creek Subdivision and there are no sidewalks built in that area.

Commissioner Torres stated that this goes hand in hand as it is the driveway/sidewalk ordinance, which is together. This doesn't make sense as in her area on West Sage Road, which is one block that runs from Young to Armstrong where everyone is made to make a 200 yard driveway, to which now they have a ditch that now it rains and all the mud is in the culverts and there is no room for sidewalks.

Mr. McLaughlin commented that sidewalks have not been required on this street as it is not wide enough of a road.

Commissioner Lopez commented that West Sage Road currently does not have sidewalks on that street.

Commissioner Torres stated that a sidewalk and driveway cost a lot of money to be built, nothing less than \$10,000. She stated that if this is a 1962 ordinance it does not make sense as there are a lot of homes that have been built since 1962, and this is a pick-and-choose on who the city will allow to abide by the ordinance or who will be allowed to not abide the ordinance. She further stated that if what staff is saying that this is an ordinance from 1962, then she would like a list of all the homes that have been built since 1962 that were approved to be built without a sidewalk.

Mr. McLaughlin stated that if the commission decided to modify this ordinance, certain things would still be required, such as for commercial property, commercial property would require a sidewalk. He further stated that what it comes down to is the residential areas. There are no regulations that stipulate that you have to have a sidewalk in a residential area, other than the city's ordinance. There are some stipulations in the TDLR that if in a residential area feed into a commercial area and has obstructions in it, you will need to have the appropriate ramps and sidewalks. Mr. McLaughlin commented that this is a hard situation when it comes to sidewalks, as the Commission would need to direct staff to do something fair to all.

Commissioner Lopez asked if staff could look further into this and think of what would be fair for all and then present it to the Commission.

Mr. McLaughlin stated that staff has been working on this and cannot come up with an answer as this time. He further stated that staff has been looking at other communities and see how they are working with sidewalks.

Discussion item.

**23. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).**

Mayor Fugate read both executive session items #23 & 24 and convened the meeting into executive session at 6:05 p.m.

This executive session ended at 6:25 p.m.

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

This executive session began at 6:26 p.m. and ended at 6:36 p.m.

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:37 P.M.

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Sam R. Fugate, Mayor



**ATTEST:**

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Mary Valenzuela, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

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



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## MEMO

**Date:** February 7th, 2024

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

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

**Subject:** **James Maddalone, applicant, requesting the rezone from R1 (Single Family) to C2 (Retail) of CHAMB PL, BLOCK 6, LOT 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), Kingsville, TX, 78363**

The Planning and Zoning Commission meeting was held as scheduled this evening, February 7th, 2024, with 4 members in attendance.

Members deliberated over the request of a rezone of CHAMB PL, BLOCK 6, LOT 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), Kingsville, TX, 78363 from R1 (Single Family) to C2 (Retail). 27 Notice letters were sent out to neighbors within the 200 feet buffer and the City received no feedback.

The Planning and Zoning Commission board members voted to approve the rezone of the property mentioned above. A recorded vote of all members present was taken and board members Brian Coufal, Rev. Idotha Battle, Debbie Tiffie and the Chairman, Steve Zamora, all voted "YES."

The meeting was adjourned by 6:18 p.m.

**Erik Spitzer**  
Director of Planning and Development Services



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



## MEMO

**Date:** January 31st, 2024

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

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

**Subject:** James Maddalone, applicant, requesting the rezone from R1 (Single Family) to C2 (Retail) of CHAMB PL, BLOCK 6, LOT 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), Kingsville, TX, 78363

James Maddalone, applicant, approached the department on January 11<sup>th</sup>, 2024, requesting the rezone from R1 (Single Family) to C2 (Retail) of CHAMB PL, BLOCK 6, LOT 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), Kingsville, TX, 78363.

The department has reviewed the application and is recommending approval.

**Erik Spitzer**  
Director of Planning and Development Services

CITY OF KINGSVILLE  
PLANNING AND ZONING DIVISION  
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 400 W Santa Gertrudis Ave Nearest Intersection third street & Santa Gertrudis  
(Proposed) Subdivision Name Kings Plaza Lot 1-32 Block 6  
Legal Description: CHAMB PL (Flato School)  
Existing Zoning Designation R1 Future Land Use Plan Designation C-2

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent James Maddalone Phone 3 FAX \_\_\_\_\_  
Email Address (for project correspondence only): Sales@MaddaloneDevelopment.com  
Mailing Address 2506 CR 33 City CC State TX Zip 78415  
Property Owner MVgg, LLC Phone 361-877-0595 FAX \_\_\_\_\_  
Email Address (for project correspondence only): James@MaddaloneDevelopment.com  
Mailing Address 2506 CR 33 City CC State TX Zip 78415

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

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

Please provide a basic description of the proposed project:

convert Plato School to a Retail Plaza -  
Rezone from R-1 to C-2

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 James Maddalone Date: 1/11/24  
Property Owner's Signature James Maddalone Date: 1/11/24  
Accepted by: [Signature] Date: 1/14/24

## Kleberg CAD

Property Search > 18241 MVGG ISAIAH 6 Tax Year: 2024 - Values not available  
KINGSVILLE SERIES for Year 2024

## Property

**Account**

Property ID:	18241	Legal Description:	CHAMB PL, BLOCK 6, LOT 1-32, (FLATO SCHOOL)
Geographic ID:	112300601000192	Zoning:	
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

**Location**

Address:	W SANTA GERTRUDIS TX	Mapsco:	
Neighborhood:		Map ID:	A1
Neighborhood CD:			

**Owner**

Name:	MVGG ISAIAH 6 KINGSVILLE SERIES	Owner ID:	71966
Mailing Address:	2506 CR 33 CORPUS CHRISTI, TX 78415	% Ownership:	100.000000000000%
		Exemptions:	

## Values

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

(=) Appraised Value: = N/A

(-) HS Cap: - N/A

(=) Assessed Value: = N/A

## Taxing Jurisdiction

## Improvement / Building

**Improvement #1: COMMERCIAL State Code: F1 Living Area: 7920.0 sqft Value: N/A**

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SC2G		1950	3720.0
MA	MAIN AREA	SC2G		1950	4200.0
CN1	CANOPY BASIC (20%)	*		1950	2112.0
ASP	ASPHALT (100%)	*		1950	12486.0

**Improvement #2: COMMERCIAL State Code: F1 Living Area: 19346.0 sqft Value: N/A**

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	SC2G		1950	12074.0
MA	MAIN AREA	SC2G		1950	1598.0
MA	MAIN AREA	SC2G		1950	1950.0
MA	MAIN AREA	SC2G		1950	3724.0
BRZ	BREEZEWAY (20%)	*		1950	664.0
CN1	CANOPY BASIC (20%)	*		1950	2902.0
SG2	STORAGE UNFINISHED (30%)	*		1950	168.0
EP1	ENCLOSED PORCH FINISHED (40%)	*		1950	160.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	1.3774	60000.00	400.00	150.00	N/A	N/A
2	F1	F1	1.3774	60000.00	400.00	150.00	N/A	N/A
3	F1	F1	0.2755	12000.00	400.00	30.00	N/A	N/A

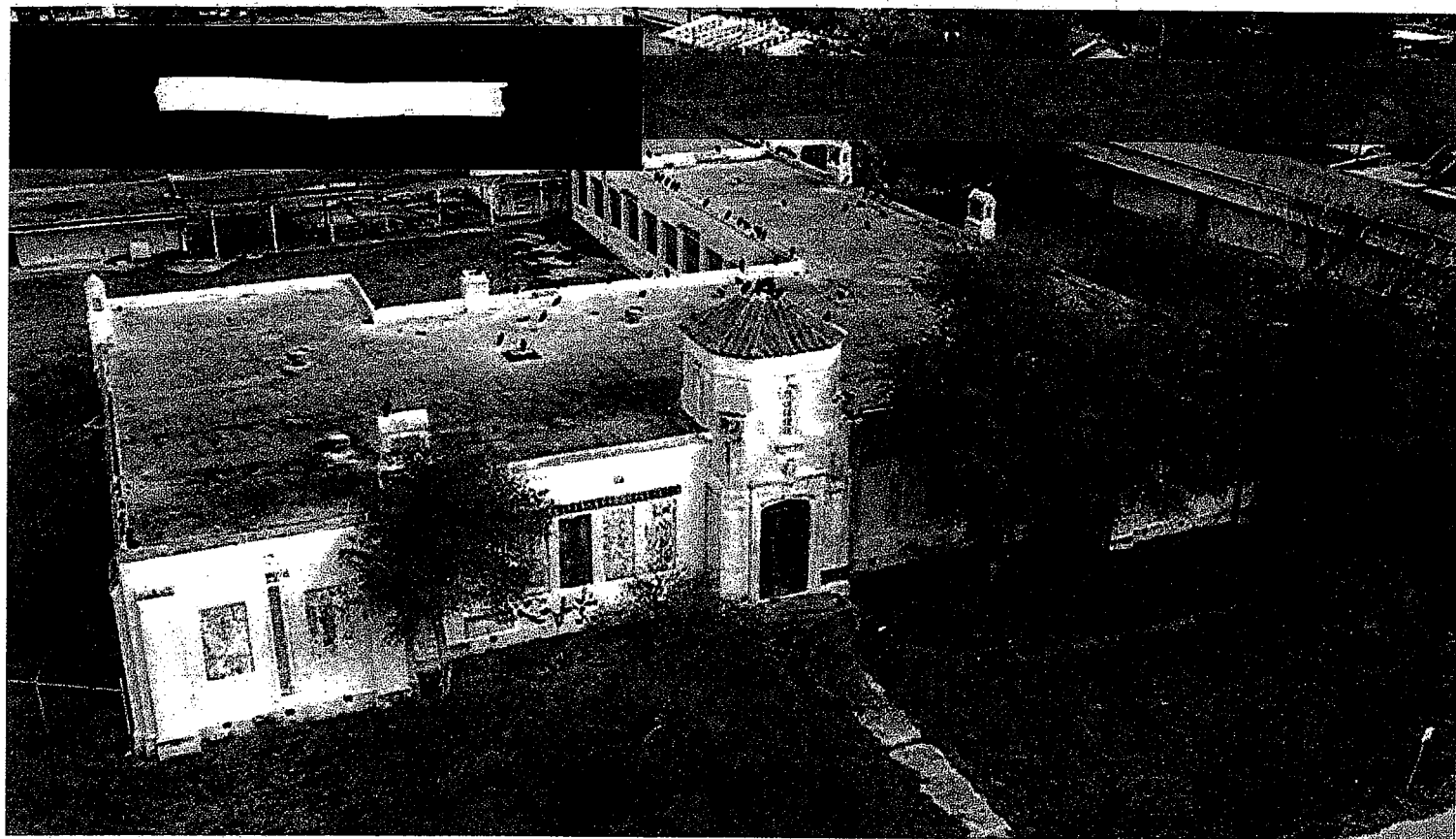
## Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
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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	\$165,220	\$85,680	0	250,900	\$0	\$250,900
2021	\$171,030	\$85,680	0	256,710	\$0	\$256,710
2020	\$23,150	\$85,680	0	108,830	\$0	\$108,830
2019	\$16,150	\$85,680	0	101,830	\$0	\$101,830
2018	\$0	\$85,680	0	85,680	\$0	\$85,680
2017	\$0	\$85,680	0	85,680	\$0	\$85,680
2016	\$0	\$85,680	0	85,680	\$0	\$85,680
2015	\$0	\$85,680	0	85,680	\$0	\$85,680
2014	\$0	\$85,680	0	85,680	\$0	\$85,680
2013	\$0	\$85,680	0	85,680	\$0	\$85,680
2012	\$0	\$86,040	0	86,040	\$0	\$86,040
2011	\$0	\$86,040	0	86,040	\$0	\$86,040
2010	\$0	\$86,040	0	86,040	\$0	\$86,040

Questions Please Call (361) 595-5775

This year is not certified and ALL values will be represented with "N/A".



## OPPORTUNITY DETAILS

Introducing a transformative real estate development in Kingsville, Texas, poised to bring substantial economic impact. With a total of \$7 million invested into the development, this project is set to house 12-14 new businesses, generating an estimated \$10.5 million in combined gross revenue.

Anticipate a boost in local employment with 50 full-time and 25 part-time positions. The development is projected to yield \$866,250 in annual sales tax revenue, totaling \$8,662,500 over 10 years.

Recreational amenities, including green spaces, a splash pad, and pickleball courts, will be a focal point with \$2 million of the development budget. Additionally, \$0.5 million will be allocated for concrete parking facilities.

Investors can leverage sponsorship opportunities and benefit from a 10-year tax abatement program, while the Tax Increment Reinvestment Zone (TURS) District may reinvest up to 25% of construction costs.

This development promises a vibrant, profitable venture with diverse business opportunities and a significant economic uplift for Kingsville, Texas.

## ABOUT PROPERTY



DEVELOPMENT  
\$7,000,000.00



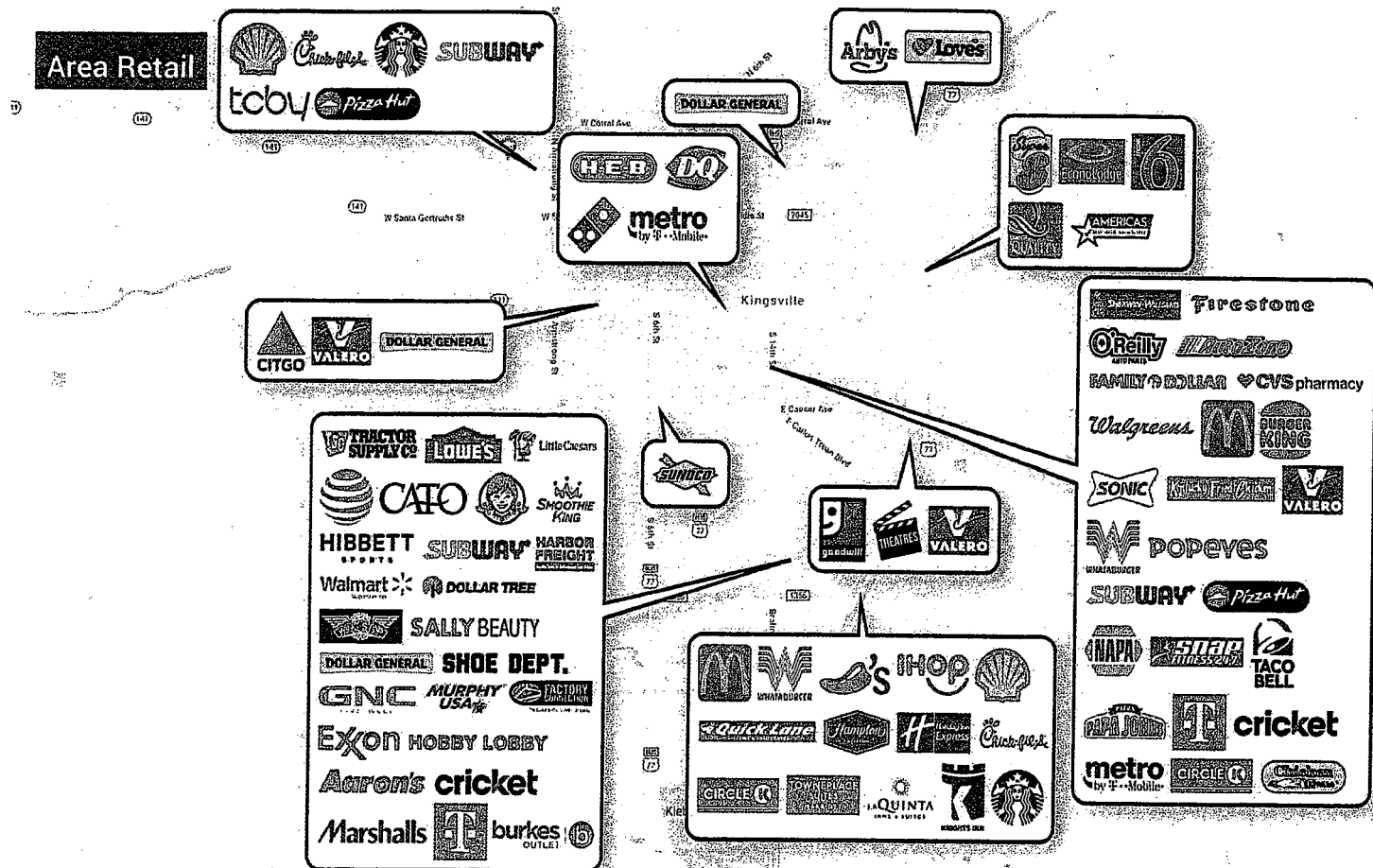
BUSINESSES  
12



JOBS  
75



ANNUAL TAXES  
\$866,250



## Population

2021:	50,436
2026:	51,386

## Educational Attainment %

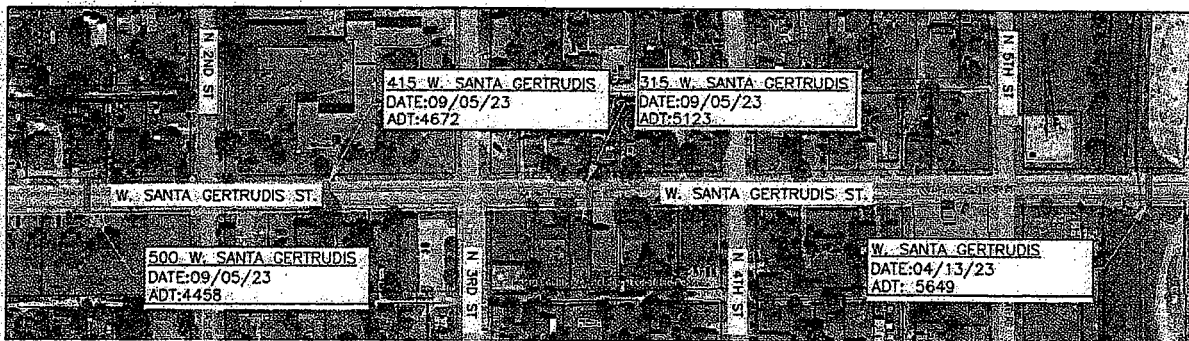
Graduate or Professional Degree:	6.2%
Bachelors Degree:	14.7%
Associate Degree:	5.3%
Some College:	22.6%
Highschool Graduate:	27.7%
Some Highschool:	12.4%
Less Than 9th Grade:	11.2%

## Income

Average HH:	\$60,323
Median HH:	\$42,544
Per Capita	\$22,478

## Age

0 - 9 Years:	14.05%
10 - 17 Years:	11.15%
18 - 24 Years :	14.93%
25 - 34 Years :	14.12%
35 - 44 Years :	11.01%
45 - 54 Years :	9.66%
55 - 64 Years :	9.76%
65 and Older:	15.33%
Median Age:	31.53
Average Age:	36.33



W. SANTA GERTRUDIS ST. BETWEEN N. 1ST ST. & N. 6TH ST.

SCALE:1:150

CITY OF KINGSVILLE  
ENGINEERING DEPARTMENT  
200 West King  
Ave., Suite 200  
Kingsville, TX 78363  
Phone: 361-593-5311  
Fax: 361-593-5312



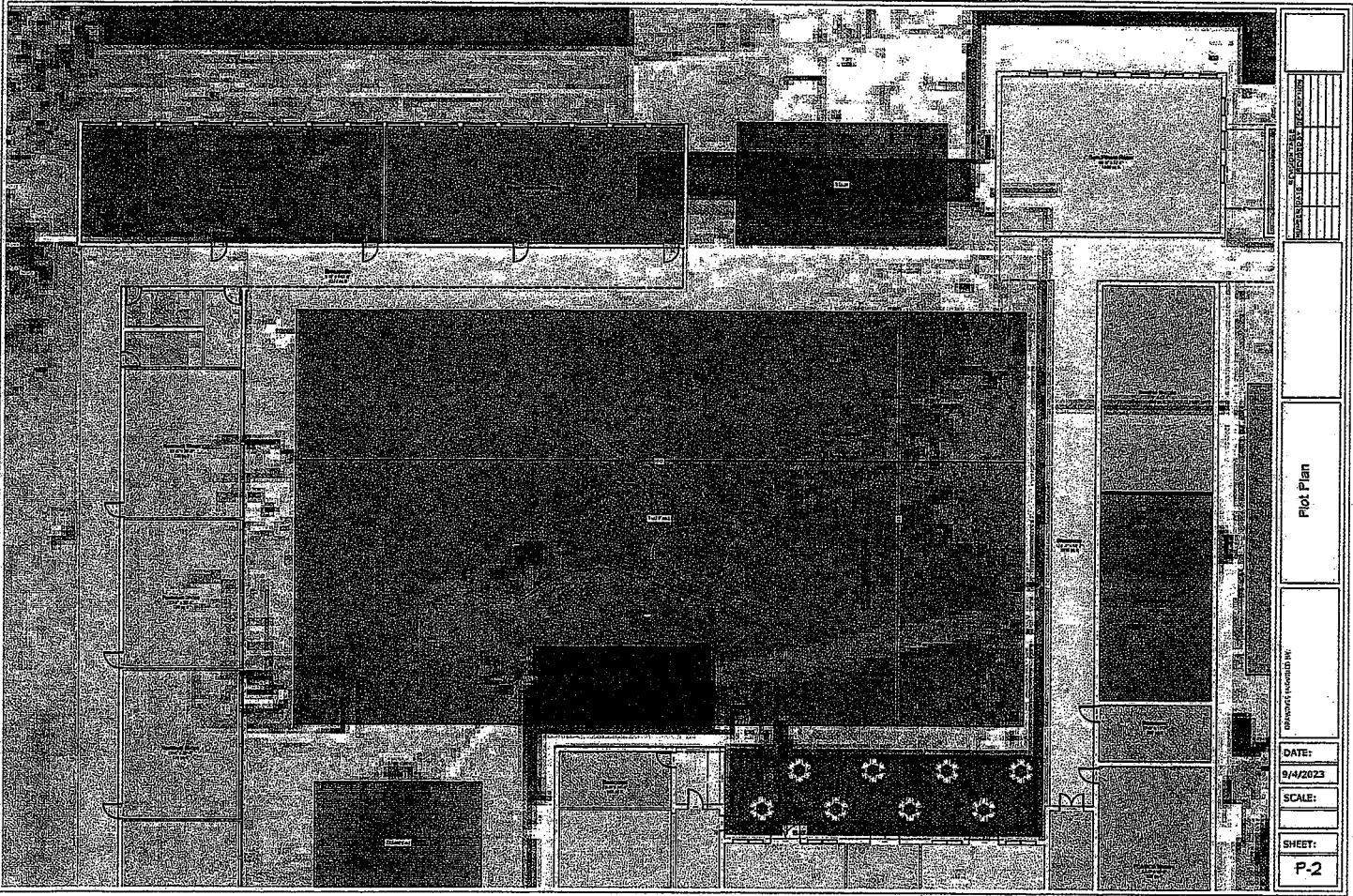
Drawn by: A. BOES  
Date: 09/05/2023  
Checked by: A. BOES  
Date: 09/05/2023  
Scale: AS NOTED

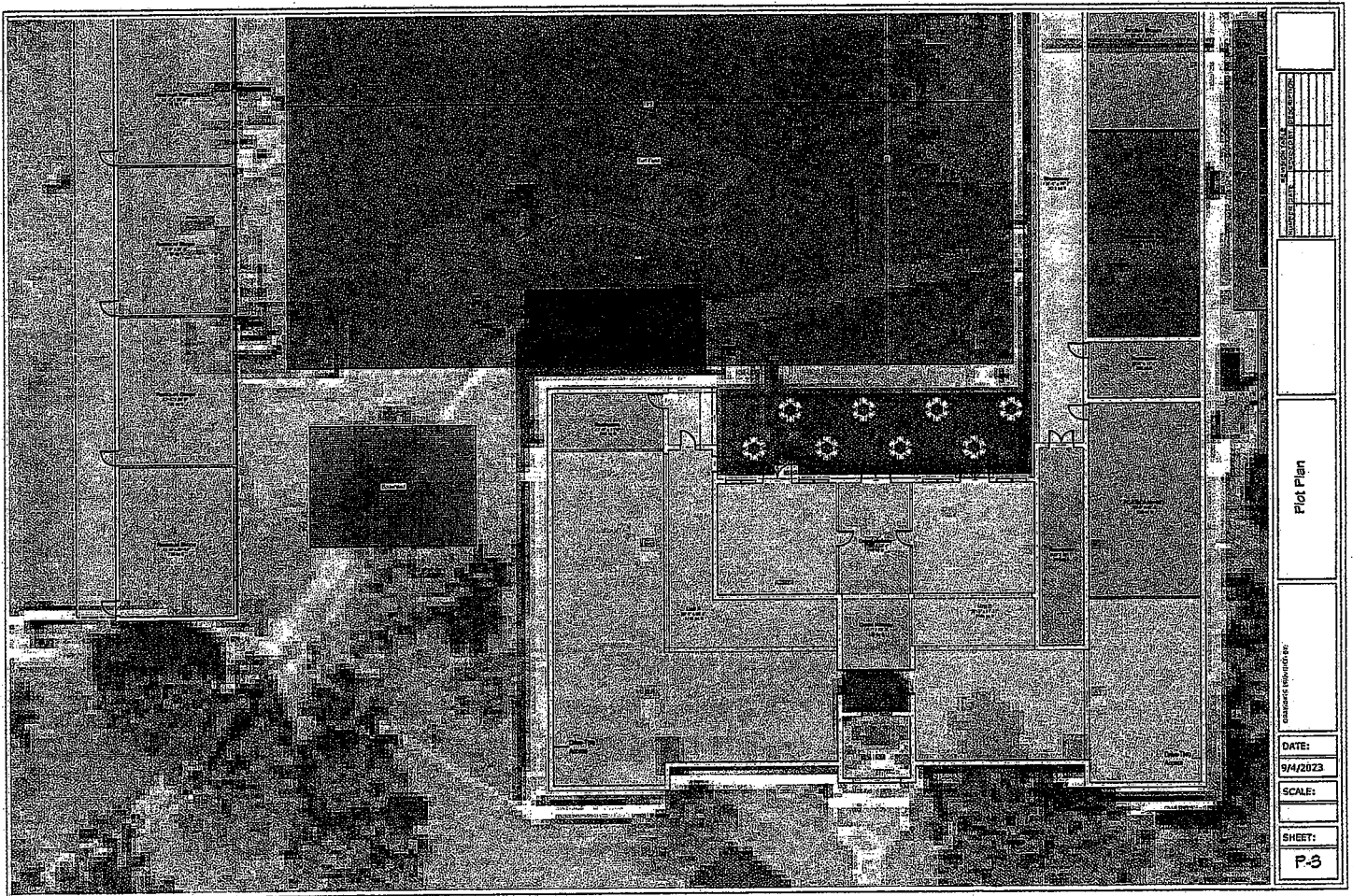
2023 W. SANTA GERTRUDIS ST. BETWEEN N. 1ST ST. & N. 6TH ST.  
TRAFFIC COUNTER DATA REQUEST

SHEET















## About Maddalone Development

Maddalone Development has been operating in the Coastal Bend for over a decade.

Building is not just something we do to earn a living – it's in our blood.

My father was a hands-on builder and he involved his sons in his building projects. At 5 years old, I was helping with a roof replacement on a neighbor's home down the road. I picked up the basics just by osmosis and spent my high school years pitching in and learning the ropes of remodeling and construction.

At 20, I married my wife and we purchased our first fixer-upper home. Naturally, we made a go of renovating it ourselves. We fixed it up, flipped it – and bought another fixer-upper.

Skip to five years later, we had flipped two homes and were on our third.

That's when I realized how much I LOVED doing this.

- CEO, James Maddalone . Pictured at the London Square Plaza Groundbreaking 2022

# 200ft Buffer at Prop ID: 18241



Page: 1 / 1

Drawn By: G. AMAYA

Last Update: 1/9/2024

Note: Ownership is labeled with its Prop ID.

**DISCLAIMER:**  
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Alice, TX 78332  
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Kingsville, TX 78363  
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Etux Tanya  
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#18778

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David R Hinojosa II  
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Maria H Alvarez (Life Est)  
Omar Alvarez  
ETAL  
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Terra Costa Investments LLC  
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Etux Cynthia L  
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Antonia Ragsdale  
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Kingsville, TX 78363  
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Colleyville, TX 76034  
#20624

Jonathon Hake  
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Bishop, TX 78343  
#11936

Frank Goff Jr  
1603 E Huisache  
Kingsville, TX 78363  
#13572

Always A Way LLC  
PO Box 913  
Seguin, TX 78156  
#10540

Jesse Roel Ramirez Sr  
PO Box 958  
Driscoll, TX 78351  
#23515

Rajab Challoo  
Etux Linda  
PO Box 867  
Kingsville, TX 78364  
#19836

Jennifer Sholtis  
ETVIR Arthur  
5445 Boxwood CRK  
Kingsville, TX 78363  
#24288

Noe Antonio Chavez  
Cristela Chavez  
320 W Ella Ave  
Kingsville, TX 78363  
#20392

# Kingsville's Ceranda Silva rising to stardom

By Ted Figueroa  
Reporter

## Pop Music singles like 'Sugar Rush' and 'Come and Get it' go viral on YouTube

Kingsville native Ceranda Silva is quickly rising to stardom in Los Angeles with her hit pop music singles that have hit over 400,000 views on YouTube and garnered the attention of producers who work with artists like Ariana Grande.

Ceranda is the daughter of Cesar and Amanda Silva of Kingsville who own local businesses here and Cesar has his own band as well. That is where it all started for the rising star.

"When I was three years old my dad had a gig and was doing a sound check and I walked over to the microphone and picked it up. I sang 'Somewhere over the rainbow' and that's what started it all," Ceranda Silva said.

Silva attended Academy High School where she was the varsity cheer captain for three years. She performed two musicals with the school and graduated in 2015. From there she would go on to receive her BA degree from the University of Incarnate Word in Music Business and she studied classical voice, piano, and was in the school choir.

Silva began performing with her dad at an early age and focused on country music. She sang the national anthem for the Corpus Christi Hooks, during high school games, and performed at tailgates for Relay for Life. She opened for Texas Country Music singer John Wolfe in 2015 at a festival in Bishop.

She was invited to sing the National Anthem at Anaheim Stadium and Sofi Stadium for the Monster Jam shows and was approached by Hollywood actors Dak Shepard and Sarah Michelle Gellar who congratulated her on her performance. She has also performed at American Bank Center and the Alamodome.

After college, Silva moved to Austin and COVID hit. Soon after she got her first real job opportunity with YouTube Music at one of their division offices in Austin.



Ceranda Silva performing in Kingsville. (Photo by Ted Figueroa)



Visual from the single "Cry With Me" (Submitted)



Ceranda Silva. (Photo by Ted Figueroa)



Visual from the single "Come and Get it" (Submitted)

"I saw an opportunity to combine music and business and put in an application. I got hired doing meta data, cleaning up data, and data analysis for artists who were on YouTube," Silva said.

After COVID was over Silva decided she didn't want to do country music anymore and found herself falling in love with pop music and dance. She decided to move to Los Angeles and pursue her career in music.

"I got to L.A., parked my car, and went to a bar and met a producer and a songwriter Drew Louis and Jayelle Gerber that I ended up cutting my first four singles with. I would bring them a song I created then we all work together to develop it," Silva said.

It takes about six hours in the studio to write a song. It could be one session or multiple ones. Silva works with Devon Hicks who is her choreographer, the process from writing a song, dancing, recording it in the studio, and then making a music video takes about three months. Silva and her team will practice for two weeks prior to shooting a video. Other videos are more complicated. Silva's single "Hands Tied" was filmed in the desert.

"It was outdoors in a harsh environment in the desert north of L.A. It was 100 degrees during the day and dropped to the 50s at night. There was lots of outfit changes and I do all my own hair and make-up. It was worth it though it was a tribute to my youth growing up listening to Shania Twain and Britney Spears," Silva said.

The last video she filmed was for "Sugar Rush" and it was not as difficult to shoot. "On the day of shooting it went pretty smooth, it was indoors and we started late but finished early," Silva said.

Silva came up with the lyrics to "Sugar Rush" while she was in her kitchen at home and hanging out with friends.

"I was just being silly and freestyling which turned out to be the pre chorus to the song. My friend loved it and told me I had to record it," Silva said.

"Sugar Rush" is quickly becoming popular and has about 131,000 views on YouTube. Her other hit, "Come and Get it" has 454,000 views. Hannah Lux Davis who is a music video producer for artists like Ariana Grande has been following Silva on Instagram and commented on the "Sugar Rush" video.

"Hannah Lux Davis commented on my Instagram page after the 'Sugar Rush' video came out and called me a star, it's a good feeling to know I'm getting noticed," Silva said.

Silva has performed at The Viper Room and opened for Pop Star Keshia (Keshia) at the Evita Club.

"I opened immediately before her and it has been one of my career highlights," Silva said.

Silva's next project is a small album with probably around eight songs and one or two new music videos. It is expected to be out by October or November and while she didn't go into details, she did promise there would be a surprise with it. In the meantime, Silva continues to play at clubs in L.A. and is thankful for the people around her.

"My favorite thing is meeting new people and all the people I work with are my best friends. I'm thankful for those relationships and I'm grateful that they believe in my vision and the type of music I want to create," Silva said.

Her advice to new artists is simple.

"Don't give up and become best friends with the Internet," Silva said.

Ceranda's music and videos are available on iTunes and all streaming platforms. For booking she can be reached at cerandabooking@gmail.com.

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, February 7, 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:

Applicant, James Maddalone; Owner MVGG Isaiah 6 Kingsville Series; requesting the Re-zone from R1 (Single Family) to C2 (Retail) of CHAMB PL, BLOCK 6, LOT 1-32 (Plato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), 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 Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, February 12, 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:

Applicant, James Maddalone; Owner MVGG Isaiah 6 Kingsville Series; requesting the Re-zone from R1 (Single Family) to C2 (Retail) of CHAMB PL, BLOCK 6, LOT 1-32 (Plato School), also known as 400 Block of West Santa Gertrudis (Property ID # 18241), 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)

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, February 7, 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:

Applicant, Cynthia A. Tobar; Owner Alejandro Zaragoza; requesting the replat of CHAMB PL, BLOCK 5, LOT 1-32 & 1/4 of W Ella St, also known as 400 West Nettie BLK, 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 Planning Department at (361) 595-8055.

### PUBLIC HEARING NOTICE

The City Commission of the City of Kingsville will hold a Public Hearing Monday, February 12, 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:

Applicant, Cynthia A. Tobar; Owner Alejandro Zaragoza; requesting the replat of CHAMB PL, BLOCK 5, LOT 1-32 & 1/4 of W Ella St, also known as 400 West Nettie BLK, Kingsville, TX, 78363.

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



**ORDINANCE #2024-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO CHAMBERLAIN PLACE, BLOCK 6, LOT 1-32 (OLD FLATO SCHOOL), ALSO KNOWN AS 400 BLOCK WEST SANTA GERTRUDIS (PROPERTY ID #18241), KINGSVILLE, TEXAS FROM R1 (SINGLE FAMILY DISTRICT) TO C2 (RETAIL DISTRICT); AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of applicant James Maddalone for owner MVGG Isaiah 6 Kingsville Series, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, February 7, 2024 during a meeting of the Planning and Zoning Commission, and on Monday, February 12, 2024 during a meeting of the City Commission, in the Helen Kleberg Groves Community Room at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the item was APPROVED with a 4-0 vote of the Planning Commission regarding the requested rezone with no abstentions; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Chamberlain Place, Block 6, Lot 1-32 (Old Flato School), also known as 400 Block West Santa Gertrudis (Property ID #18241), Kingsville, Texas from R1 (Single Family District) to C2 (Retail District), as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

**INTRODUCED** on this the 12th day of February, 2024.

**PASSED AND APPROVED** on this the 26th day of February, 2024.

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

**THE CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED:**

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

# 200ft Buffer at Prop ID: 18241



Drawn By: G. AMAYA

Last Update: 1/9/2024

Note: Ownership is labeled with its Prop ID.

**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

## **AGENDA ITEM #2**

**To:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**From:** Economic Development Director

**Date:** February 6, 2024

**Subject:** Budget Amendment for Tax Increment Reinvestment Zone Creation Services

**BACKGROUND:**

Utilization of a Tax Increment Reinvestment Zone (TIRZ) is a widely used economic development incentive tool that is designed to spur development within a specific geographic area. The TIRZ is designed to build infrastructure, encourages development, and can reduce the costs to private developers by providing for the reimbursement of funds for eligible public improvements.

The TIRZ will not implement a new tax, it will instead redirect some of the ad valorem tax from the property in a geographic area to the TIRZ to pay for improvements within the zone.

The recently announced redevelopment of the Flato School located on Santa Gertrudis Blvd provides an opportunity for additional growth in that area. The proposed TIRZ zone will be an additional catalyst for development in the area surrounding Texas A&M University Kingsville and the northern area of Kingsville.

Informal bids were requested from two companies providing this service (Municap and David Pettit) on January 3, 2024. Only one responded (David Pettit Economic Development, LLC) by the January 15, 2024 deadline.

Staff would like to utilize outside assistance from David Pettit Economic Development, LLC 306 West 7th, Suite 602, Fort Worth, TX 76102, for the creation of the TIRZ.

**SCOPE OF WORK:**

David Pettit Economic Development, LLC will complete the following tasks:

**Task 1**

**District Review**

Our first step would be to collect and analyze available information in the proposed TIRZ. This includes available development data; existing planning documents such as the comprehensive plan, land use plan, thoroughfare plan; physical information such as existing zoning and land use, existing and planned infrastructure, and topography; and property data such as ownership and tax values.

**Task 2**

**Data Collection and Analysis**

Based upon parcel data provided by the City, DPED would provide a geographic information system (GIS) database of existing values for land and improvements, ownership data, and current land use information. The database and maps will provide the baseline data for the analysis. Key products of this task would include a TIRZ database and accompanying maps in digital and hard copy formats.

### **Task 3**

#### **Taxable Value Analysis**

A multi-year historic taxable value review of similar developments would be conducted to establish conservative assumptions of future taxable value for each parcel in the proposed zone. We would also develop projections for future land uses, and timing of proposed developments. This task will be the basis for developing a spreadsheet model of potential TIRZ increments, given a reasonable range of development assumptions and taxable values. Key products of this task would include a spreadsheet model on a parcel-by-parcel basis with projections based upon the historical taxable value review, development projections and reasonable timing expectations.

### **Task 4**

#### **Develop TIRZ Cash Flow Model**

Based on the anticipated land uses and projections, DPED would develop a draft financing cash flow model (and supporting spreadsheets) for a 15, 20, and 30-year time period. This model will allow the City, consultants and others to underwrite the proposed developments and test various scenarios for the eventual financing plan. Key products of this task would include excel spreadsheets of TIRZ Cash Flow Models with macros established for growth and development assumptions.

### **Task 5**

#### **Prepare TIRZ Project and Financing Plan**

DPED would then develop the Finance Plan, Project Plans, and Detailed Description of TIRZ, and other exhibits required for local government review and approval per the state legislative requirements. This work includes the written, graphic, and PowerPoint materials and exhibits, as well as support of the process. Backup materials such as spreadsheets and databases will also be products that support the plans. Key products would include a preliminary TIRZ Project and Financing Plan comprised of a legal description of the zone, proposed TIRZ projects, estimated project costs, term of the zone and a tax increment analysis.

### **Task 6**

#### **TIRZ Documentation Support**

DPED will provide assistance with drafting necessary documents for creating the TIRZ including: 1) public hearing notices; 2) resolutions; and 3) ordinances. This can be a time-consuming process for City staff, however DPED's extensive experience in drafting these documents should help streamline the preparation of materials necessary for City Commission consideration. This task would also include assistance in creating and appointing the appropriate TIRZ board per the TIRZ creation ordinance

### **FINANCIAL IMPACT:**

The City will allocate need to \$40,000 plus up to \$2,500 in reimbursable expenditures from the general fund budget reserves for the professional services described above.

### **RECOMMENDATION:**

It is recommended that the City Commission: 1) approve the TIRZ creation services agreement with David Pettit Economic Development, LLC, and 2) approve the budget amendment for same.

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR PROFESSIONAL SERVICES FEE FOR THE CREATION OF A KINGS PLAZA TIRZ DISTRICT.**

**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#19**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 001 – General Fund</b>					
<u><b>Expenditures – 5</b></u>					
1030	City Special	Budget Amend Reserve	86000		\$42,500
6900	Transfer Out	Transfer to Fund 098	80098	\$42,500	
<b>Fund 098 – Economic Development</b>					
<u><b>Revenues</b></u>					
'0000	Transfer In	Transfer from Fund 001	75001	\$42,500	
<u><b>Expenditures</b></u>					
1060	Economic Dev	Professional Services	31400	\$42,500	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for professional services fees for the creation of a Kings Plaza TIRZ district. (Old Flato School property at 400 West Santa Gertrudis). 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 12th day of February 2024.

**PASSED AND APPROVED** on this the 26<sup>th</sup> 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 #3**

**City of Kingsville**  
**Parks & Recreation Department**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Susan Ivy, Director of Parks & Recreation

DATE: January 30, 2024

SUBJECT: Agenda Request – Budget Amendment for Purchase New Range Ball Picker

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**Summary:** We are asking your approval of a Budget Amendment in the amount of \$3,206.00 to purchase a new Range Ball Picker for the Golf Course.

**Background:** The Range Picker we have was purchased several years ago and is currently not working, leaving staff to do this time-consuming task manually. It was quoted approximately \$2,000 to have the old one repaired while a new one will cost \$3,206.00 per attached quote.

**Financial Impact:** The Budget Amendment and purchase of the Range Picker will move \$3,206.00 from the Golf Capital Improvement Fund Balance (026) in the budget to purchase this piece of equipment.

**Recommendation:** Staff recommends the approval of the Budget Amendment to purchase the Range Picker for the Golf Course.



## Quote



Easy Picker Golf Products, Inc.  
 415 Leonard Blvd N.  
 Lehigh Acres, Florida 33971  
 (239) 368-6600

**Order Number:** 0169925

**Order Date:** 1/19/2024

**Salesperson:** 011C

**Customer Number:** LERGC

**Entered By:** ChrisF

**Sold To:**

L.E. Ramey Golf Course  
 2522 East Escondido  
 Kingsville, TX 78363-2849  
 United States

**Confirm To:****Ship To:**

L.E. Ramey Golf Course  
 2522 East Escondido  
 Kingsville, TX 78363-2849  
 United States

Customer P.O.	Ship VIA	F.O.B.	Terms			
	FEDEXG		Net 30 Days			
Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
<del>extcust</del>						
EP-028AH	EACH	1.000	0.000	0.000	3,445.0000	2,756.00
PICKER, 3 GANG, SPLIT HI-RISE			Whse: 000		20.00%	
W/SPLIT HIGH BASKETS						

I ACCEPT THESE TERMS AND CONDITIONS

CUSTOMER SIGNATURE

Net Order: 2,756.00  
 Less Discount: 0.00  
 Freight: 450.00  
 Sales Tax: 0.00  
**Order Total:** 3,206.00

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE PURCHASE OF A RANGE BALL PICKER FOR THE GOLF COURSE.**

**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#23

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 026 – Golf Course Capital Projects</b>					
<u>Expenditures – 5</u>					
4502	Golf Course	Minor Equipment	21700	\$3,206.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the purchase of a Range Ball Picker for the Golf Course. Funding will come from the unappropriated fund balance. Currently there is \$16,624 of fund balance available.]

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 12th day of February 2024.

**PASSED AND APPROVED** on this the 26th 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 #4**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: February 7, 2024  
SUBJECT: GF ARP Funding Budget Amendment Request

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**Summary:**

This item authorizes a budget amendment for additional ARP funding for the Health Department to construct the new animal shelter building project and to reallocate balances from completed projects.

**Background:**

The City of Kingsville previously allocated \$200,000 of GF ARP funding for the construction of the new animal shelter building. Staff is requesting that an additional \$261,869.09 in remaining ARP GF moneys be reallocated to expenditure fund GL account #121-5-4400-71300 for total funding in the amount of \$461,869.09 for the new animal shelter building project.

In the GF ARP fund, there are some completed projects with leftover money (ie, Time & Attendance, Dr. Pepper Access Door, Fire Vehicle Maintenance, PW Remodel, & GC Equipment). It is proposed to send the remaining project balances to 1030-31400 to hold until it is decided what to do with the funding.

In Tourism ARP, there are uncommitted funds of \$26,510.72 and the Grounds and Permanent Fixtures line item is short \$1,268.72 of what was currently budgeted, so funds in the amount of \$1,268.72 are recommended for reallocation to get all remaining funds budgeted.

**Financial Impact:**

This will appropriate funding in the amount of \$261,869.09 to GL #121-5-4400-71300; \$9,205.47 to #121-5-1030-31400; and \$1,268.72 to #205-5-1071-59100.

**Recommendation:**

Staff requests the ARP funds be reallocated as described above.



**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE ANIMAL SHELTER AND CURRENT PROJECT BALANCES.**

**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#24

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 121 – GF ARP</b>					
<u>Expenditures – 5</u>					
1030	City Special	Professional Services	31400	\$9,205.47	
4400	Health	Building	71300	\$261,869.09	
<b>Fund 205 – Tourism ARP</b>					
1071	Tourism	Grounds & Perm Fixt	59100	\$1,268.72	

[To amend the City of Kingsville FY 23-24 budget to appropriate additional funding for the animal shelter and project balances. Funding will come from the unappropriated fund balance of the appropriate fund.]

II.

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

III.

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



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

IV.

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

**INTRODUCED** on this the 12th day of February 2024.

**PASSED AND APPROVED** on this the 26th 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 #5**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Courtney Alvarez, City Attorney  
DATE: February 1, 2024  
SUBJECT: Removal of Obsolete Bicycle Licensing Ordinance

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**Summary:** It has been decades since bicycle licensing was done at the Police Department, so it is recommended this obsolete ordinance be removed.

**Background:**

At some point in the 1960's a bicycle licensing ordinance was approved by the City. Since that time, the use of bicycles has diminished and the licensing of bicycles at the Police Department has not been done for decades. As the existing ordinance is not needed or implemented, it is being recommended for removal.

**Financial Impact:** None.

**Recommendation:** Approve the ordinance as presented to remove the obsolete ordinance.



Sec. 7-4-15. - License required.

No person shall ride or propel a bicycle on any street or upon any public roadway unless such bicycle has been licensed and a license plate is attached thereto as provided in this article.

(1962 Code, § 10-14-2)

**Cross reference—** Penalty, see § 1-1-99.

Sec. 7-4-16. - Application for license; fee.

Application for a bicycle license and license plates shall be made upon a form provided by the city and shall be made to the Chief of Police. An annual license fee of \$5.00 shall be paid to the city before any license is granted.

(1962 Code, § 10-14-3; Ord. 96001, passed 1-8-96)

Sec. 7-4-17. - Issuance of license; duration.

The Chief of Police, upon receiving proper application therefor, is authorized to issue a bicycle license which shall be valid from March 1 of each calendar year through March 1 of the following calendar year.

(1962 Code, § 10-14-4; Ord. —, passed 7-26-71)

Sec. 7-4-18. - Records to be kept by chief of police.

The Chief of Police shall keep a record of the number of each license, the date issued, the name and address to whom issued, and the number on the frame of the bicycle, and a record of all bicycle license fees collected by him.

(1962 Code, § 10-14-5)

Sec. 7-4-19. - Issuance and attachment of license plate.

The Chief of Police, upon issuing a bicycle license, shall also issue a license plate bearing the license number assigned to the bicycle. The license plate shall be firmly attached to the rear mud guard or frame of the bicycle so as to be plainly visible from the rear. No person shall remove a license plate from a bicycle during the period for which issued unless the bicycle is dismantled and no longer operated upon any street in the city.

(1962 Code, § 10-14-6)

**Cross reference—** Penalty, see § 1-1-99.

Sec. 7-4-20. - Inspection of bicycles prior to licensing.

The Chief of Police or any person assigned to such responsibility by the Chief of Police shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines to be in an unsafe mechanical condition.

(1962 Code, § 10-14-7)

Sec. 7-4-21. - Renewal of license.

Upon the expiration of a license for any bicycle, the same may be renewed upon application and payment of the same fee as upon an original application.

(1962 Code, § 10-14-8)

Sec. 7-4-22. - Transfer of ownership.

Upon the sale or other transfer of a licensed bicycle, the owner shall remove the license plate and shall surrender same to the Chief of Police within a reasonable time thereafter.

(1962 Code, § 10-14-9; Ord. —, passed 7-26-71)

**Cross reference—** Penalty, see § 1-1-99.

ORDINANCE NO. 2024-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 4, BICYCLES, SECTIONS 15-22; PROVIDING FOR REMOVAL OF BICYCLE LICENSING REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

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

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

I.

**THAT** Sections 7-4-15 through 7-4-22 of Article 4: Bicycles of Chapter VII, Traffic Code of the Code of Ordinances of the City of Kingsville, Texas, shall be deleted to read as follows:

**LICENSING**

**~~§ 7-4-15. -- License required.~~**

~~No person shall ride or propel a bicycle on any street or upon any public roadway unless such bicycle has been licensed and a license plate is attached thereto as provided in this article.~~

~~(1962 Code, § 10-14-2)~~

~~**Cross reference**—Penalty, see § 1-1-99.~~

**~~§ 7-4-16. -- Application for license; fee.~~**

~~Application for a bicycle license and license plates shall be made upon a form provided by the city and shall be made to the Chief of Police. An annual license fee of \$5.00 shall be paid to the city before any license is granted.~~

~~(1962 Code, § 10-14-3; Ord. 96001, passed 1-8-96)~~

**~~§ 7-4-17. -- Issuance of license; duration.~~**

~~The Chief of Police, upon receiving proper application therefor, is authorized to issue a bicycle license which shall be valid from March 1 of each calendar year through March 1 of the following calendar year.~~

(1962 Code, § 10-14-4; Ord. —, passed 7-26-71)

**~~§ 7-4-18. — Records to be kept by chief of police.~~**

The Chief of Police shall keep a record of the number of each license, the date issued, the name and address to whom issued, and the number on the frame of the bicycle, and a record of all bicycle license fees collected by him.

(1962 Code, § 10-14-5)

**~~§ 7-4-19. — Issuance and attachment of license plate.~~**

The Chief of Police, upon issuing a bicycle license, shall also issue a license plate bearing the license number assigned to the bicycle. The license plate shall be firmly attached to the rear mud guard or frame of the bicycle so as to be plainly visible from the rear. No person shall remove a license plate from a bicycle during the period for which issued unless the bicycle is dismantled and no longer operated upon any street in the city.

(1962 Code, § 10-14-6)

**Cross reference**— Penalty, see § 1-1-99.

**~~§ 7-4-20. — Inspection of bicycles prior to licensing.~~**

The Chief of Police or any person assigned to such responsibility by the Chief of Police shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines to be in an unsafe mechanical condition.

(1962 Code, § 10-14-7)

**~~§ 7-4-21. — Renewal of license.~~**

Upon the expiration of a license for any bicycle, the same may be renewed upon application and payment of the same fee as upon an original application.

(1962 Code, § 10-14-8)

**~~§ 7-4-22. — Transfer of ownership.~~**

Upon the sale or other transfer of a licensed bicycle, the owner shall remove the license plate and shall surrender same to the Chief of Police within a reasonable time thereafter.

(1962 Code, § 10-14-9; Ord. —, passed 7-26-71)

**Cross reference**— Penalty, see § 1-1-99.

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 12th day of February, 2024.

**PASSED AND APPROVED** on this the 26<sup>th</sup> day of February, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney



# **AGENDA ITEM #6**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Courtney Alvarez, City Attorney  
DATE: February 1, 2024  
SUBJECT: Revisions to Sign Ordinance to Reference State Law

---

**Summary:** The State Legislature revised the state statute that authorizes a city's ability to regulate political signs. It is recommended the sign ordinance be updated to reflect that state regulations for consistency in application and enforcement.

**Background:**

Staff has been aware of the state statutory change to municipal regulation of political signs even though not currently referenced in the city ordinance. After consulting with the Planning Director, the belief is it would be easier for the public to understand and staff to enforce if the ordinance was updated to reflect the statute.

**Financial Impact:** None.

**Recommendation:** Approve the ordinance as presented to add references to the state statute.



## ELECTION CODE

### TITLE 15. REGULATING POLITICAL FUNDS AND CAMPAIGNS

#### CHAPTER 259. POLITICAL SIGNS

##### Sec. 259.003. REGULATION OF POLITICAL SIGNS BY MUNICIPALITY.

(a) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

(b) A municipal charter provision or ordinance that regulates signs may not, for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner:

- (1) prohibit the sign from being placed;
- (2) require a permit or approval of the municipality or impose a fee for the sign to be placed;
- (3) restrict the size of the sign; or
- (4) provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

(c) Subsection (b) does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(d) Subsection (b) does not apply to a sign that:

- (1) has an effective area greater than 36 feet;
- (2) is more than eight feet high;
- (3) is illuminated; or
- (4) has any moving elements.

Added by Acts 2003, 78th Leg., ch. 1004, Sec. 1, eff. Sept. 1, 2003. Transferred and redesignated from Local Government Code, Section 216.903 by Acts 2019, 86th Leg., R.S., Ch. 824 (H.B. 2554), Sec. 4, eff. September 1, 2019.

ORDINANCE NO. 2024-\_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES SECTIONS 15-6-115, 116, AND 126, PROVIDING FOR REVISIONS TO THE SIGN ORDINANCE TO REFLECT LEGISLATIVE CHANGES; 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**, the City has determined that the sign ordinance is in need of revision due to changes in state law regarding election signs and the revisions are for the ease of users, benefit of the public, and to add clarity between local and state regulations;

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

I.

**THAT** Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Sections 15-6-115 through 15-6-131 shall be amended to read as follows:

...

**§ 15-6-115 SIGNS RESTRICTED.**

(A) The size, number, characteristics, and location of signs are restricted by this article, except for political signs that are also governed by the Texas Election Code, more specifically Section 259.003. Signs owned by or required by governmental entities are not regulated by this article. Advertising signs (signs not on the lot occupied by the business identified or signs aimed at products sold on site) are limited to business, industrial, and agricultural districts with property having frontage on numbered U.S. and State Highways.

(B) Owner identification signs are permitted in all retail, commercial, industrial and agricultural districts (C-1, C-2, C-3, C-4, I-1, I-2, Ag), but in the case of freestanding signs, all signage shall be limited to a monument type signage.

(C) *Monument sign* means a sign resting on the ground immediately below it or with the bottom of the sign within 18 inches of the ground immediately below it.

(Ord. 97041, passed 12-8-97; Ord. 2012-03, passed 2-27-2012; Ord. 2013-32, §I, passed 7-22-2013)

**Sec. 15-6-116. - RESIDENTIAL SIGNS PERMITTED.**

No signs other than one real estate sign per street frontage (for rent or for sale) with a maximum area of ten square feet, ~~political signs (any number) with a maximum area of 9 square feet, per sign,~~ occupant's name signs (two) with no business reference and a maximum area of three square feet shall be permitted in the R-1 Single-Family and R-2 Two-Family Districts. In the R-3 Multi-Family and R-4 General Residential Districts, all signs permitted in the R-1 District and one sign per street frontage (maximum size of 80 square feet per sign) identifying the name of apartments are permitted. No sign shall be placed within 20 feet of the point of intersection of any two right-of-way lines.

(Ord. 97041, passed 12-8-97; Ord. 2013-32, §I, passed 7-22-2013)

...

#### **§15-6-126. PERMITS.**

(A) All signs and banners are required to be permitted prior to installation. See Texas Election Code Section 259.003 to determine if a political sign needs a permit.

(B) *Exempt signs.* The following signs are exempt from the permit requirements of these sign regulations. No sign, including exempt signs, may be posted within a street right-of-way without written approval from the Director of Public Works or his designee.

(1) Advertising and identifying signs located on currently licensed vehicles such as taxicabs, buses and trucks, as well as on bus benches, except for those vehicle signs prohibited under § 15-6-121;

(2) Any legal or public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;

(3) *Noncommercial signs in all zoning districts, including but not limited to ~~political~~, religious and social commentary signs and personal emblems.* Such signs shall be no greater than nine square feet in area within a residential zoning district or 32 square feet in a nonresidential district and may be free standing or attached flat against a wall so long as they are not painted directly on a structure. Political signs may be placed no more than 90 days prior to the election and can remain throughout the period of primary elections to the conclusion of the general election for those who are still viable political candidates. Upon the completion of the general election all political signs must be removed within ten days after said election. See Texas Election Code Section 259.003 for other political sign regulations.

(4) Holiday and seasonal lights and decorations with no commercial message;

(5) Signs advertising temporary activity on the property such as sale, rent or lease of the property; construction; grand openings; garage and yard sales; and special events and which meet the following requirements:

a. One sign shall be permitted on the property at any one time and shall be removed within 48-hours following the end of the temporary activity or event.

b. May be either installed flat against a structure or affixed in the ground as a freestanding sign.

c. In residential zoning districts, the maximum size shall be nine square feet.

d. In nonresidential zoning districts, the maximum size shall be 32 square feet.

(C) Temporary signs generally, except as otherwise permitted in this sign code, are not classified as exempt signs under § 15-6-126 of the sign code; therefore temporary signs shall:

(1) Obtain a sign permit to be valid for 30 consecutive days, and no more than two temporary sign permits shall be issued for each business per any 180 day period;

(2) Not be placed in street rights-of-way or otherwise diminish public safety such as placement in an intersection visibility triangle;

(3) Not be mounted on a roof or above the roofline;

(4) Not be artificially illuminated; and

(5) Be a maximum of 20 square feet in area when located in residential zoning districts (R3 & R4 districts only);

(6) Be a maximum of 100 square feet in area when located in nonresidential zoning districts;

(7) Be limited to one sign per parcel for each street frontage.

(8) Signs advertising a temporary event may be placed no more than 60 days prior to the event and shall be removed no later than 10 days after the event has ended.

Permit fees will be as follows: \$0.20 per square foot, with a minimum permit fee of \$15.00.

(Ord. 97041, passed 12-8-97; Ord. 98003, passed 2-23-98; Ord. 98013, passed 7-13-98; Ord. 200022, passed 11-20-00; Ord. 2013-32, §I, passed 7-22-2013; Ord. 2029-12, §I, passed 4-8-2019)

...

## 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 12th day of February, 2024.

**PASSED AND APPROVED** on this the 26th 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 #7**



P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

**Date:** February 7, 2024

**To:** City Commission via City Manager Mark McLaughlin

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

**From:** Janine Reyes, Director of Tourism Services

**Summary:** City Commission approved a budget amendment in the amount of \$15,200 on September 25<sup>th</sup>, 2023 in order to address the plumbing problems at the Tourism Department.

Rodriguez & Sons provided the low bid for rerouting plumbing lines due to a mature tree on property. The plumbing project was completed in October and paid during this current fiscal year, requiring another budget amendment to cover the costs.

The original memo presented to commission is attached.

**Financial Impact:** Total cost is \$15,200. This was not expended last fiscal year when the item was originally approved.

**Recommendation:** Staff recommends that Commission approve a budget amendment in the amount of \$15,200 to be funded from Tourism's Fund Balance to cover the cost of the plumbing repairs.

## **CITY OF KINGSVILLE**



P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

**Date:** August 30, 2023

**To:** City Commission via City Manager Mark McLaughlin

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

**From:** Janine Reyes, Director of Tourism Services

**Summary:** The Kingsville Visitors Center has a mature tree on the north side of the building that is causing repeated plumbing problems. In July the flooring in the kitchen was replaced as the area had previously flooded and warped the floors. Within two weeks of the floor replacement, the area flooded again, requiring the new flooring to be removed and placed out to dry.

Purchasing Manager Charlie Sosa determined the tree would likely cause repeated flooding in this area and solicited quotes from two different plumbers to find a long-term plan to address the problem.

Donald Hubert Construction Co. Inc. provided a proposal of \$22,050 to reroute the plumbing lines while Rodriguez & Sons provide a bid of \$15,200. Both quotes are attached.

**Financial Impact:** Total cost for the low bid is \$15,200 should there be no need for additional length in sewer line or broken drain lines discovered during repair work.

**Recommendation:** Staff recommends that Commission approve a budget amendment in the amount of \$15,200 to be funded from the Tourism's Fund Balance to make the recommended repairs.



P.O.Box 84, Kingsville, TX 78364

(361) 592-9593 Fax (361) 595-0998

E-mail: dhubertco@sbcglobal.net

August 20, 2023

Attn: Charlie Sosa

Re: Plumbing Work Tourism Building

Mr. Sosa

Donald Hubert Const. Co. Inc. respectfully submits the following proposal for the work.

Scope of work: Provide all labor, tools, equipment, supervision, transportation, and insurance necessary to complete the following

1. Reroute Plumbing lines under building in order replace drain lines serving 2 commodes, 2 lavatories and 1 kitchen sink. Reroute main to existing sewer main approx. 80 linear feet. Saw cut driveway and dispose, City to repair drive.

\$22,050.00

Proposal Amount \$ 22,050.00

If you should have any questions, please call Donnie Hubert at (361)592-9593 or mobile at (361)675-0558.

A handwritten signature in black ink, appearing to read "Donald Hubert".

Thank you,

Donald Hubert

President

Donald Hubert Const. Co. Inc.



627 N. 14th Street, Kingsville TX 78363  
Ph (361)592-7975 Fax# (361)592-1033

## Estimate

Date	Estimate #
8/18/2023	2853

Name / Address
City of Kingsville P.O. Box 1458 Kingsville Tx 78364

Job Address/P.O. No.	Terms
Visitor center	

Description	Cost	Total
<p>Tunnel under building in order replace drain lines serving 2 commodes, 2 lavatories and 1 kitchen sink. New lines will be run with PVC shc 40 pipe and fittings. We will saw cut approximately 80' of asphalt in order to reroute main sewer line. (( If more then 80' needs to be replaced it will be extra.)) City of Kingsville will repair and replace asphalt. ((( If the rest of the main sewer line needs to be replaced it will be extra. ))) Select fill dirt will be brought in to backfill tunnel. Old asphalt will be dumped at landfill if needed. ((( If drain lines are broken in or above concrete it will be extra to repair. )))</p>	15,200.00	15,200.00

Licensed By:  
Texas State Board Plumbing Examiners  
929 East 41 Street, P.O. Box 4200 Austin, Texas  
78765  
1-800-845-6584  
Master License No. M36117

<b>Total</b>	<b>\$15,200.00</b>
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**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR PLUMBING WORK APPROVED LAST FY 22-23, BUT COMPLETED THIS FY 23-24 FOR THE TOURISM DEPARTMENT.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2023-2024 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#25

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 002 – Tourism</b>					
<u>Expenditures – 5</u>					
1071	Tourism	Professional Services	31400	\$15,200.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for plumbing work approved last FY 22-23, but completed this FY 23-24 for the Tourism Department. Funding will come from the unappropriated Tourism fund balance.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 12th day of February 2024.

**PASSED AND APPROVED** on this the 26th 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 #8**

**To:** Mayor and City Commissioners

**From:** City Manager

**Date:** February 9, 2024

**Subject:** Economic Development Grant Administrative Board Membership

**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.

The composition of the Grant Administrative Board includes: City Manager (Chair), Planning Director, Finance Director, Economic Development Director and 5 at large appointments.

The initial terms of the at large members will expire on February 28, 2024.

**RECOMMENDATION:**

The following members of the Grant Administrative Board are recommended for two-year terms beginning on March 1, 2024 and expiring on February 28, 2026.

**Returning Members:**

- Justin Bray- Bray's Smokehouse
- Sharon Pennington- D&C Amusement
- Rodney Rodriguez- Rodriguez and Sons Plumbing
- Charlie Williams- Beef and Bones Meat Market

**New Member:**

- Kristen Jones- Real Deals



# **REGULAR AGENDA**

# **AGENDA ITEM #9**

Appt.

**To:** Mayor and City Commissioners

**From:** City Manager

**Date:** February 9, 2024

**Subject:** Economic Development Grant Administrative Board Membership

**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.

The composition of the Grant Administrative Board includes: City Manager (Chair), Planning Director, Finance Director, Economic Development Director and 5 at large appointments.

The initial terms of the at large members will expire on February 28, 2024.

**RECOMMENDATION:**

The following members of the Grant Administrative Board are recommended for two-year terms beginning on March 1, 2024 and expiring on February 28, 2026.

**Returning Members:**

- Justin Bray- Bray's Smokehouse
- Sharon Pennington- D&C Amusement
- Rodney Rodriguez- Rodriguez and Sons Plumbing
- Charlie Williams- Beef and Bones Meat Market

**New Member:**

- Kristen Jones- Real Deals
-

# **AGENDA ITEM #10**

P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

**Date:** February 14, 2024

**To:** City Commission via City Manager Mark McLaughlin

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

**From:** Alicia Tijerina, Downtown Manager

**Re:** Appointment of Resident of Kingsville Representative to Main Street Advisory Board

**Summary:** Main Street Advisory Board was created in 2017 by City of Kingsville City Commissioners. The board meets quarterly to develop and make recommendations to the City Manager regarding the Main Street District.

All members will be appointed to the board by the City Commission at the recommendation of the City Manager. The board consists of seven members: Four Main Street Merchant representatives, One Texas A&M University-Kingsville representative, Two Resident of Kingsville representatives.

City Manager Mark McLaughlin is recommending Mr. Lupe Ruiz fill the Resident of Kingsville representative on the Main Street Advisory Board. His term would run 2/26/24 to 2/26/26.

- Mr. Lupe Ruiz is a Resident of Kingsville and qualifies to serve.

**Financial Impact:** None

**Recommendation:** Appoint Mr. Ruiz as a Resident of Kingsville representative to the Main Street Advisory Board for a two-year term. His term would run February 26, 2024 to February 26, 2026.

# **AGENDA ITEM #11**



1-23-2024

**Texas Department of Housing and Community Affairs  
Multifamily Finance Division  
Notification of Submission of Affordable Housing Applications**

January 15, 2024

The Honorable Sam Fugate  
Mayor of Kingsville  
P.O. Box 1458  
Kingsville, TX 78364-1458

**Re: Notification of Affordable Rental Housing Application(s) Proposed in Your City**

Dear Mayor Fugate:

The Texas Department of Housing and Community Affairs (the Department) is in receipt of a preliminary application(s) for possible funding through the Competitive Housing Tax Credit Program to develop or acquire affordable multifamily rental housing in your community.

This notification is made in accordance with Tex. Gov't Code §2306.1114 to ensure that you are fully informed of the housing activity in your city and so that you can provide input on the proposed application(s) if you so choose. The Department greatly values your views concerning the need for affordable rental housing within your community and how the proposed development(s) may address that need. Additionally, state law provides an opportunity for the applicable local jurisdiction (the city and/or county) to affect the scoring of an application by issuing a local resolution of support or neutrality in accordance with Tex. Gov't Code §2306.6710(b)(1)(B). In order to affect the scoring of an application within its jurisdiction, the local government resolution must be submitted on or before March 1, 2024, identify the specific development, and clearly state support or no objection. Once submitted, the resolution cannot be withdrawn or amended. More information can be found at 10 TAC §11.9(d)(1) of the 2024 Qualified Allocation Plan found at <https://www.tdhca.state.tx.us/multifamily/nofas-rules.htm> and suggested language for the resolution can be found at <https://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>. You may also impact scoring through a Commitment of Development Funding by Local Political Subdivision. The criteria for the Commitment is found at 10 TAC §11.9(d)(2) of the 2024 QAP.

Should the applicant(s) submit a full application to the Department on or before March 1, 2024, the Department will notify you again with more detailed information about the proposed development and provide information related to general public comment including statewide hearings. The Department's mission is to administer its assigned programs efficiently, transparently, and lawfully and to invest its resources strategically while developing high quality affordable housing which allows Texas communities to thrive. Through our multifamily programs, the Department encourages the new construction or rehabilitation of affordable multifamily housing, primarily through private developers. These developments benefit Texans in your community by providing potential employment, local tax revenue, and affordable, safe, and high quality housing for eligible households.

If you have any questions or need additional information, please contact Michael Lyttle, Director of External Affairs, at 512.475.4542 or [michael.lyttle@tdhca.state.tx.us](mailto:michael.lyttle@tdhca.state.tx.us).

Sincerely,

*Cody Campbell*

Cody Campbell  
Director of Multifamily Finance



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

221 East 11th Street, Austin, TX 78701  
PO Box 13941, Austin, TX 78711

Main Number: 512-475-3800  
Toll Free: 1-800-525-0657

Email: [info@tdhca.state.tx.us](mailto:info@tdhca.state.tx.us)  
Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.  
Relay Texas: 800-735-2989 (TTY) and 711 (Voice).

**Relevant Development Information as Presented by the Applicant:**

Project Number: 24187  
Development Name: Casas Los Ebanos  
Development Address: 1420 Senator Carlos Truan Blvd  
Development City: Kingsville Development Zip: 78363 Region: 10  
Regional Allocation: Rural Target Population: General  
Set Aside: ☒ Nonprofit ☐ USDA ☐ At-Risk  
Construction Type: New Construction  
Credit/ Funding Request: \$1,108,277  
Total Low Income Units: 80 Total Market Rate Units: 0 Total Units: 80

**Applicant Information:**

Owner Contact: Leo Barrera  
Owner Address: 901 East Levee  
Owner City: Brownsville Owner State: TX Owner Zip: 78520  
Owner Phone: 956-541-4955  
Owner Email: lbarrera@cdcb.org



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

221 East 11th Street, Austin, TX 78701  
PO Box 13941, Austin, TX 78711

Main Number: 512-475-3800  
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Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.  
Relay Texas: 800-735-2989 (TTY) and 711 (Voice).



## Local Government Support – Sample Resolution

Pursuant to 10 TAC §11.9(d)(1) and in accordance with Tex. Gov't Code §2306.6710(b), an Application may qualify for up to seventeen (17) points for a resolution or resolutions from the municipality and/or county in which the proposed development site is located. Resolutions that expressly set forth that the municipality or county supports the Application or Development are worth maximum points while resolutions setting forth that the municipality or county has no objection to the Application or Development are worth fewer points. If a Development Site is located partially within a municipality and partially within a county or extraterritorial jurisdiction, positive points will only be awarded if a resolution is obtained from both entities. Pursuant to 10 TAC §11.9(d)(1) once a resolution has been submitted it may not be changed or withdrawn. The resolution must be submitted by the Full Application Delivery Date as identified in 10 TAC §11.2(a), regarding Competitive HTC Deadlines. A sample resolution is provided below.

WHEREAS, **[Applicant]** has proposed a development for affordable rental housing at **[address of proposed site]** named **[name of development]** in the **[city/county/extraterritorial jurisdiction of xxxx]**; and

WHEREAS, **[Applicant]** has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2024 Competitive 9% Housing Tax Credits for **[name of development]**

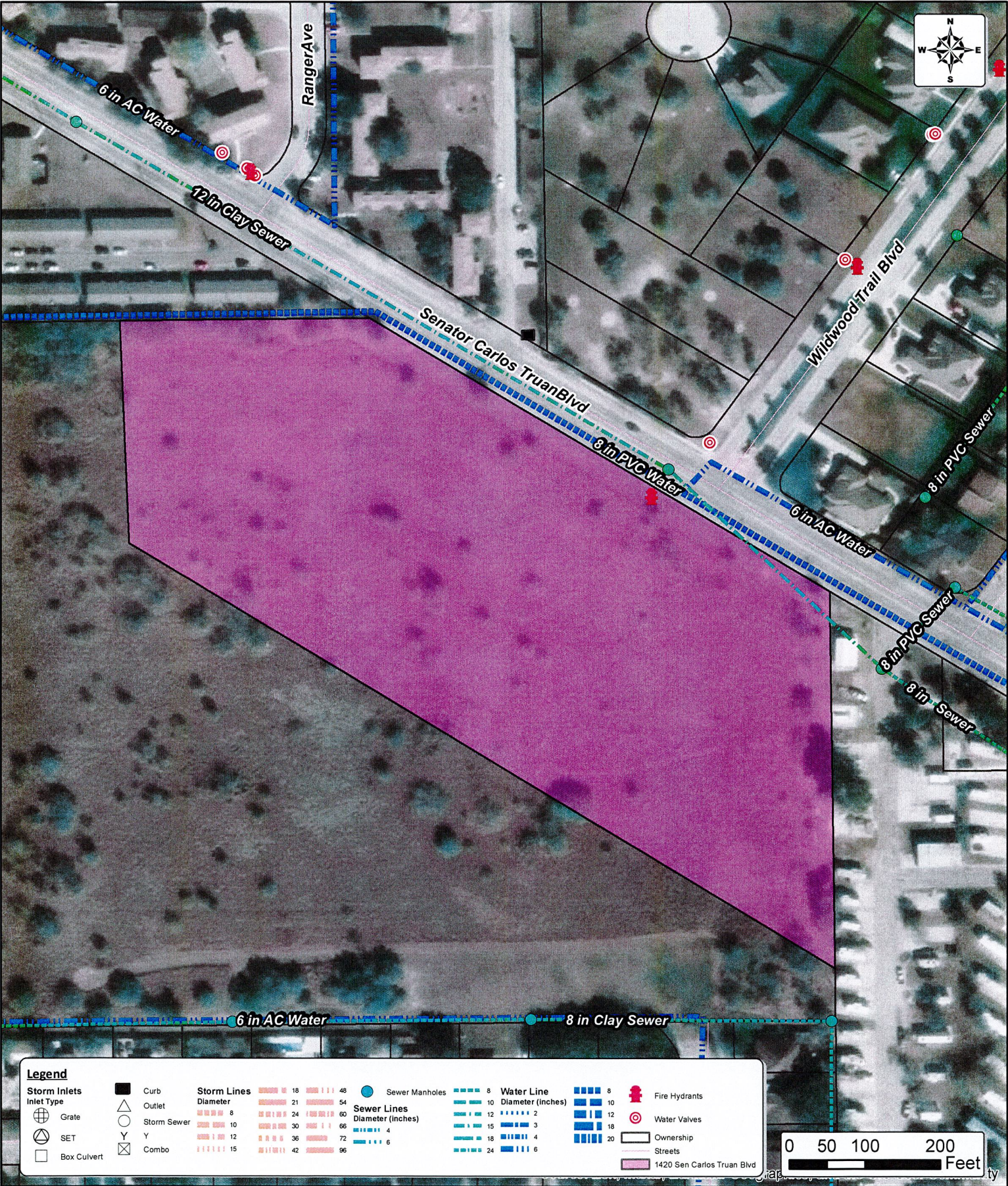
It is hereby

RESOLVED, that the **[city/county]**, acting through its governing body, hereby confirms that it **[has no objection to/supports]** the proposed **[name of development/development located at address/Application number]** and that this formal action has been taken to put on record the opinion expressed by the **[city/county]** on **[date]**, and

FURTHER RESOLVED that for and on behalf of the Governing Body, **[name, position of authorized person]** are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.



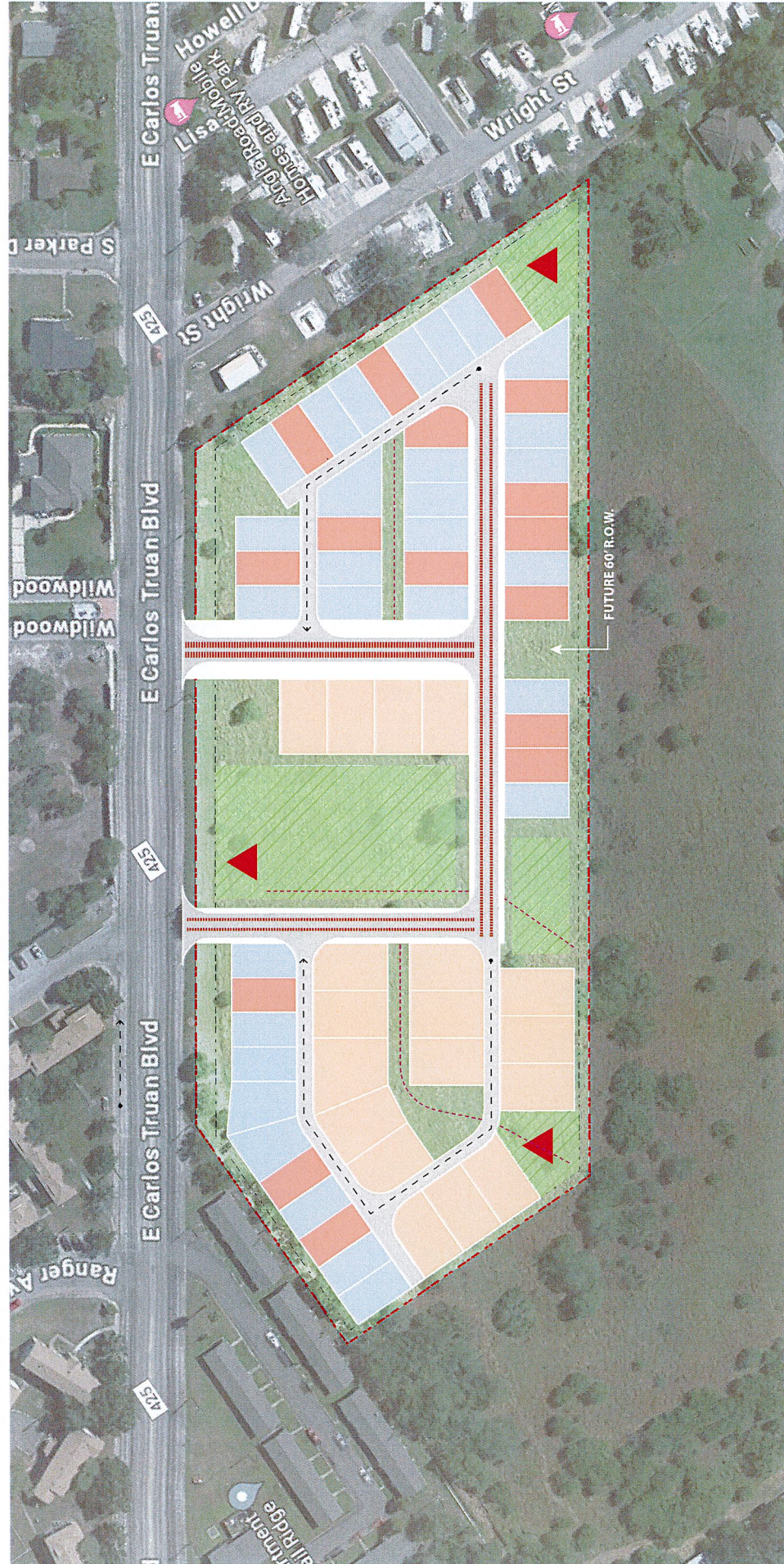
# COK - All Utilities at 1420 Sen. Carlos Truan Blvd





KT&I CO, BLOCK 17, LOT PT 6, ACRES 8.71  
bcWORKSHOP

- 1BR/1BA lot [16]  
2BR/2BA lot [29]  
3BR/2BA lot [18]





**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE SUPPORTING THE COMPETITIVE HOUSING TAX CREDIT APPLICATION OF CASITAS LOS EBANOS, LP FOR AN AFFORDABLE RENTAL HOUSING DEVELOPMENT IN KINGSVILLE, TEXAS.**

**WHEREAS**, the City of Kingsville recognizes the importance of housing for low-income citizens and the need for such additional housing in our community;

**WHEREAS**, the City of Kingsville supports the new construction of affordable rental units in the city;

**WHEREAS**, Casitas Los Ebanos, LP or their designated affiliate has proposed a development for affordable rental housing at approximately 1420 Senator Carlos Truan Blvd., Kingsville, Kleberg County, Texas, on approximately 8.7 acres;

**WHEREAS**, Casitas Los Ebanos, LP has advised that it intends to submit an application (#24187) to the Texas Department of Housing and Community Affairs (TDHCA) for 2024 Competitive 9% Housing Tax Credits for the proposed new development stated above;

**WHEREAS**, Casitas Los Ebanos, LP is requesting a resolution of support and the waiving of \$250.00 in building permit fees to ensure they have a competitive application to submit to TDHCA;

**WHEREAS**, the City of Kingsville has considered reducing their permit fees by up to \$250 as required by the 2024 QAP for the points and for the benefit of the project to incentive the building of affordable housing in the community;

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

I.

**THAT** the City of Kingsville, acting through its governing body, hereby supports and endorses the TDHCA application(s) for the proposed Casitas Los Ebanos development located at 1420 Senator Carlos Truan Blvd. (application #24187), and that this formal action has been taken to put on record the opinion expressed by the City Commission of the City of Kingsville on February 26, 2024; and;

II.

**THAT** the City of Kingsville, acting through its governing body, hereby authorizes the City Manager of the City of Kingsville, Texas to grant a permit fee reduction of up to Two hundred-fifty dollars (\$250) for Casitas Los Ebanos to meet program

criteria for maximum points, and finds that such financial support for this application satisfies a public purpose; and

III.

**THAT** for and on behalf of the governing body, City Secretary Mary Valenzuela is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

IV.

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

**PASSED AND APPROVED** this 26th day of February, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# **AGENDA ITEM #12**

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY SECRETARY TO ENTER INTO THE 2024 ELECTION SERVICES AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE KLEBERG COUNTY CLERK; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") has previously entered into Election Services Agreements with the Kleberg County Clerk and found it to be useful but those agreements have expired; and

**WHEREAS**, the City is going to hold a City General Election in May 2024 and possibly a Run-off Election in June 2024 and desires to engage the election services of the Kleberg County Clerk and to use of the voting equipment and poll pads; and

**WHEREAS**, state laws (Texas Government Code Chapter 791 and Local Government Code Chapter 271) allow governing bodies, like the City and County, to enter into agreements like this one to take advantage of contracts for services for the benefit of the entities; and

**WHEREAS**, the City has previously entered into election services agreement like this and found them to be useful; and

**WHEREAS**, an ordinance ordering a General Election to be held on Saturday, May 4, 2024, as prescribed by the laws of the State of Texas, was approved at the City Commission at a meeting on February 12, 2024 via Resolution #2024-10 for the purpose of electing a Mayor and four City Commissioners; and

**WHEREAS**, Section 31.093 of the Texas Election Code requires a county elections administrator to enter into a contract to furnish election services upon request of a political subdivision; and

**WHEREAS**, the City and the County have worked to develop a 2024 Election Services Agreement between the City of Kingsville and Kleberg County Clerk; 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 the terms of the agreement attached hereto.

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

I.

**THAT** the City Secretary is authorized and directed as an act of the City of Kingsville, Texas to enter into the 2024 Election Services Agreement between the City of Kingsville and Kleberg County Clerk 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 26th day of February, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney



**2024 Election Services Agreement**  
**Between**  
**City of Kingsville, TX**  
**And**  
**Kleberg County Clerk**

This AGREEMENT is made and entered into by and between the City of Kingsville (City) and the Kleberg County Clerk for the leasing and supervision of the Election System & Software Corp. (ES&S) DS200 Election Equipment and providing services associated with the Election Reporting Manager/Central Counting Station and the tabulation of ballots for the General Election and any run-off elections of the City of Kingsville.

This AGREEMENT is entered into in consideration of the mutual covenants and agreements hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. ADMINISTRATION**

Under the legislative Help America Vote Act (HAVA) compliancy requirement for Texas School and City elections, ES&S has set standard requirements implementing new procedures. Kleberg County having ownership of the HAVA required voting machines, ES&S has requested that when under contract with other county jurisdictions Kleberg County coordinate all of the City of Kingsville elections through the entire election information process cycle, including ballot and programming needs with ES&S. The Kleberg County Clerk and/or the Staff designee are assigned to be the point of contact for Kleberg County with ES&S during all election cycles. Kleberg County Clerk agrees to lease equipment for the election and tabulate the election with the Central Counting Station aka Election Reporting Manager located in the Kleberg County Clerk's office and by the provisions of the Texas Election Code and as outlined in this agreement. The City of Kingsville agrees to pay ES&S for all costs associated with this election including supplies, programming, and ballot production costs, and to pay the Kleberg County Clerk for the lease of equipment, services, administrative fees, and other costs. Kleberg County Clerk and staff will only serve as administrators for the Central Counting Station and the supervision of the ES&S DS200, AutoMark, and KnowInk Poll Pads; however, the City of Kingsville remains responsible for the lawful conduct of its election.

**II. LEGAL DOCUMENTS**

The City of Kingsville will provide copies of pertinent orders and/or resolutions to the Kleberg County Clerk. The City of Kingsville will be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by their respective governing body.

**III. DIRECT RECORDING ELECTRONIC VOTING MACHINES**

Paper ballots are used as the primary way of voting in Kleberg County. Votes from hand-marked paper ballots are entered into precinct electronic voting devices. The City of Kingsville agrees that voting will be by use of preprinted paper ballots. ES&S DS200 will be used for the tabulation of paper ballots. The system must be approved by the Secretary of State in accordance with the Texas Election Code.

Kleberg County Clerk will be responsible for the creation of the city's general election and run-off election on the Texas Election Administration Management System (TEAMS), entering

Application for Ballot by Mail (ABBM) information into TEAMS (date application was received, ballot mailed, and ballot received and/or rejected, etc.). Kleberg County Clerk shall post all city election notices provided by the City of Kingsville on the Kleberg County Clerk's website. The Kleberg County Clerk will be responsible for the ordering of ballots, programming of election equipment, hash validation process, and testing of election equipment.

The City of Kingsville and Kleberg County Clerk will be responsible for the delivery of the voting equipment to each polling place a day before Election Day and the pickup of the voting equipment on the next business day after Election Day.

#### **IV. VOTING LOCATIONS**

The City of Kingsville will solely select and arrange for the use of and payment for all voting locations.

#### **V. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL**

The City of Kingsville will solely be responsible for the appointment of the presiding judge and alternate for each polling location. The City of Kingsville shall arrange for the training and compensation of all presiding judges and clerks.

The City of Kingsville will solely be responsible for the preparation of all election supplies and delivery of such supplies to its election at the time and place determined by the City of Kingsville.

#### **VI. RETURNS OF ELECTIONS**

Kleberg County Clerk will be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager:	<u>Salvador "Sonny" Barrera, III or designee</u> Kleberg County Clerk/Staff Deputy
Tabulating Supervisor:	<u>Salvador "Sonny" Barrera, III or designee</u> Kleberg County Clerk/Staff Deputy
Presiding Judge:	<u>Mary Valenzuela or designee</u> City of Kingsville Secretary or designee

The manager or his/her representative will deliver timely cumulative reports of the election results as polling locations are tabulated. The manager will be responsible for releasing cumulative totals and polling location returns from the election to the Presiding Judge appointed by the City of Kingsville.

Kleberg County Clerk will prepare the unofficial canvass report after all polling locations have been counted and will provide a copy of the unofficial canvass to the City of Kingsville as soon as possible after all returns have been tabulated, but not later than 10:00 a.m. the 3<sup>rd</sup> day following the election. The City of Kingsville will be responsible for the official canvass of their election.

## **VII. ELECTION EXPENSES**

Costs incurred for paper ballots and programming will be paid to ES&S by the City of Kingsville. The Kleberg County Commissioners Court set the leasing fee of the ES&S DS200 and AutoMark voting equipment at \$250 per machine for leasing to any and other county jurisdictions. The City of Kingsville shall pay to Kleberg County Clerk the rental fee set forth for voting equipment. The City of Kingsville agrees to pay the Kleberg County Clerk an administrative fee not to exceed ten percent (10%) of the total amount of the contract, as allowed by Texas Election Code, Section 31.100(d).

- a. KnowInk Poll Pad Non-Maintenance Cost: Any non-maintenance repairs are to be paid by the other jurisdiction(s) that damaged the Poll Pad.
- b. Pad Locks: Pad Locks and Keys will be provided to secure the ballot box. Pad Locks and/or Keys lost are to be replaced by the jurisdiction(s) that misplaced them.

## **VIII. PAYMENT OF FUNDS**

The City of Kingsville agrees to pay the Kleberg County Clerk's office within thirty (30) days of receipt of the final statement from the Kleberg County Clerk. The Kleberg County Clerk agrees to provide copies of all invoices to the City of Kingsville.

Final payment should be mailed within the mandatory time frame to:

Salvador "Sonny" Barrera, III  
County Clerk  
Kleberg County  
P.O. Box 1327  
Kingsville, Texas 78364

## **IX. CONTRACT WITHDRAWAL**

If the City of Kingsville certifies its election by Sections 2.051, 2.052, and 2.053 of the Texas Election Code, it may withdraw from this contract. Any share of their expenditure incurred before withdrawal shall be billed to the City of Kingsville.

## **X. NOTICE**

Whenever this agreement requires any consent, approval notice, request, or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it. Any notice required to be given by the terms of this Agreement shall be deemed to have been given when the same is received by the receiving party via certified mail - return receipt requested, facsimile, or hand-delivery with signature confirmation of receipt by an authorized employee of the receiving party. The parties to this contract are as follows:

Kleberg County Clerk's Office:  
Salvador "Sonny" Barrera, III County Clerk  
P.O. Box 1327  
Kingsville, Texas 78364  
361.595.8548

City of Kingsville:  
Mary Valenzuela, City Secretary  
P.O. Box 1458  
Kingsville, Texas 78364  
361.595.8002

**ACCEPTED AND AGREED TO BY THE CITY OF KINGSVILLE:**

**APPROVED:**

---

Mark M. McLaughlin, City Manager  
City of Kingsville

**ATTEST:**

---

Mary Valenzuela, City Secretary  
City of Kingsville

**ACCEPTED AND AGREED TO BY THE KLEBERG COUNTY CLERK:**

**APPROVED:**

---

Salvador "Sonny" Barrera, III Kleberg County Clerk

**ATTEST:**

---

Delma Trevino, Chief Deputy

# **AGENDA ITEM #13**

**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: February 26, 2023

SUBJECT: Consider Approving Change Order No.3 for Bid 23-08 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 3 – 18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant

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**Summary:**

Approving General Land Office Change Order No. 3 will increase the contract time of the project to ensure compliance with the grant requirements that all work is completed within the contract time. The contract time will be increased by 45 days. On the previous Change Orders, CO No.1 was to reduce the contract amount for grant funds and CO No.1A was an increase in cost to use City Funds. Grant Administrators are considering CO No. 1A as CO No.2, hence now we have CO No.3.

**Background:**

***GLO Change Order No. 1***

Item	Description	Unit	Quantity	Unit Cost	Total
A3	SWPP (Sediment Control Fence)	LF	-80	\$3.62	(\$289.60)
A4	Remove 18" Sanitary Sewer Line	LF	-800	\$24.18	(\$19,344.00)
A5	Remove Bollard / Guard Rail	EA	-3	\$244.27	(\$732.81.00)
A6	Remove Existing Sanitary Sewer Manholes	Ea	-2	\$1,094.32	(\$2,188.64)
A13	Trench Excavation	LF	-800	\$2.80	(\$2,240.00)
A14	Trench Safety	LF	-800	\$6.98	(\$5,584.00)
A15	24" Dia. Sanitary Sewer Line PVC SDR-26	LF	-800	\$244.00	(\$195,200.00)
A16	6' Dia. Fiberglass Sanitary Sewer Manhole	EA	-1	\$27,421.58	(\$27,421.58)
A17	6" Dia. Steel Bollards	EA	-4	\$934.96	(\$3,739.84)

***GLO Change Order No. 1 Total*** ***(\$256,740.47)***

***City Change Order No. 1A***



**City of Kingsville  
Engineering Dept.**

Item	Description	Unit	Quantity	Unit Cost	Total
A24	Replace Brick Fence Columns	EA	+10	\$1,881.60	\$18,816.00
A25	Replace Flag Pole	EA	+1	\$1,411.20	\$1,411.20
A26	Replace Cable Fence	LF	+10	\$235.20	\$2,352.00

**Change Order No. 1A Total** **+\$22,579.20**

**Financial Impact:**

No Financial impact.

**Recommendation:**

Staff recommends approving Change Orders No.3 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 3 – 18" Wastewater Main Replacement to 3MGD WWTP to increase contract time by 45 days.

**Attachments:**

GLO Change Order No. 3







**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

**NOTE:** Texas Local Government Code Sec. 262.031 "CHANGES IN PLANS AND SPECIFICATIONS" regulations apply. Generally, a cumulative increase in the contract price in excess of 25% or a cumulative decrease in excess of 18% are disallowed.

Subrecipient: <span style="border: 1px solid black; padding: 2px;">City of Kingsville</span>	GLO Contract Number: <span style="border: 1px solid black; padding: 2px;">22-082-016-D218</span>	Date: <span style="border: 1px solid black; padding: 2px;">2/13/2024</span>
Engineer Name Address & Phone	Subrecipient Name, Address, & Phone Number:	Contractor Name, Address & Phone Number:
International Consulting Engineers 261 Saratoga Blvd. Corpus Christi, TX 78417 361-826-5805	City of Kingsville 400 W. King Ave. Kingsville, TX 78363 361-595-8040	Gerke Excavating, Inc. 15341 State Highway 131 Tomah, Wisconsin 54660 608-372-4203
Project #: <span style="border: 1px solid black; padding: 2px;">3</span>	Bid Package #: <span style="border: 1px solid black; padding: 2px;">1</span>	Change Order #: <span style="border: 1px solid black; padding: 2px;">3</span>
Contract Origination Date: <span style="border: 1px solid black; padding: 2px;">9/25/2023</span>	Project Description: <span style="border: 1px solid black; padding: 2px;">Sewer line replacement</span>	

You are hereby requested to comply with the following changes from the contract plans and specifications.

Item No.	Description of Changes: Quantities, Units, Unit Prices, Change in Completion Schedule etc.	Decrease in Contract Price	Increase in Contract Price

See sheet 2 to add additional entries

**Change in Construction Contract Price**

Original Contract Price:	<span style="border: 1px solid black; padding: 2px;">1,498,733.34</span>
Cumulative Previous Change Order(s) Total:	<span style="border: 1px solid black; padding: 2px;">-234,161.27</span>
Contract Price Prior to this Change Order:	<span style="border: 1px solid black; padding: 2px;">1,264,572.07</span>
Net Increase/Decrease of this Change Order:	<span style="border: 1px solid black; padding: 2px;">0</span>

**Change in Contract Time (Calendar Days)**

Original Contract Time in Days:	<span style="border: 1px solid black; padding: 2px;">120</span>
Net Change from Previous Change Order(s) in Days	<span style="border: 1px solid black; padding: 2px;">0</span>
Contract Time Prior to this Change Order in Days	<span style="border: 1px solid black; padding: 2px;">120</span>
Net Increase/Decrease of this Change Order in Days:	<span style="border: 1px solid black; padding: 2px;">45</span>





**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

Contract Price with All Approved Change Orders:	1,264,572.07	Contract Time with All Approved Change Orders in Days:	165
Cumulative Percent Change in Contract Price (+/-)	-15.62%	Subrecipient Contract End Date:	1/31/2025
Construction Contract Start Date:	10/12/2023	Construction Contract End Date:	3/25/2024

Reimbursements of costs included in this change order are subject to review by GLO-CDR.

**\*This document may be executed prior to submission for GLO-CDR review, but all parties involved will be held responsible if the change order or amendment warranted as a result of this change order is not in compliance with CDBG or HUD Requirements**

Subrecipient Signature	Engineer Signature	Contractor Signature
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

**Justification for Change Order**

1. Will this change order increase or decrease the number of beneficiaries? ☐ Increase   ☐ Decrease   ☒ No Change

If there is a change, how many beneficiaries will be affected?

Total   LMI  

2. Effect of this change on the scope of work: ☐ Increase   ☐ Decrease   ☒ No Change

3. Effect on operation and maintenance costs: ☐ Increase   ☐ Decrease   ☒ No Change

4. Are all prices in the change order dependent upon unit prices found in the original bid? ☒ Yes   ☐ No

If "no", explain:

5. Has the change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? ☐ Yes   ☒ No

If "yes", is an environmental assessment required?



**COMMUNITY DEVELOPMENT & REVITALIZATION**  
**The Texas General Land Office**  
*Construction Change Order Request*

- 
- |  |                                     |     |                          |    |
|--|-------------------------------------|-----|--------------------------|----|
| 6. Is the Texas Council on Environmental Quality (TCEQ) clearance still valid (if applicable)? | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 7. Is the CCN permit still valid? (sewer projects only)  | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 8. Are the disability access requirements/approval still valid (if applicable)?                | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 9. Are other Disaster Recovery contractual special condition clearances still valid?           | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |

If "no", explain:

**Disclaimer:** The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.

**RESOLUTION # 2024-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO.3 FOR CONSTRUCTION CONTRACT WITH GERKE EXCAVATING INC. FOR PROJECT 3 OF THE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-016-D218 (TO INCREASE CONTRACT TIME).**

**WHEREAS**, the City of Kingsville has applied for and received a Community Development Block Grant-Mitigation (CDBG-MIT) award to provide Flood & Drainage Improvements; and

**WHEREAS**, the City advertised for bids in the newspaper on July 20 and 27, 2023 for Project 3-18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant;

**WHEREAS**, the City received three bids by the August 15, 2023 bid deadline and the City Commission awarded the bid to apparent low bidder Gerke Excavating Inc. on September 11, 2023 with a base bid of \$1,498,733.34; and

**WHEREAS**, the City and Gerke Excavating Inc. have negotiated a contract for the construction services bid previously awarded and approved the contract via Resolution #2023-54 approved on September 25, 2023; and

**WHEREAS**, the City and Gerke Excavating Inc. have determined that Change Order No.3 to the contract is needed to increase the contract time of the project (by 45 days) to ensure compliance with grant requirements that all work is completed within the contract time; and

**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to enter into the agreement attached hereto.

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

**SECTION 1:** The City Manager is authorized to execute Change Order No. 3 for the Construction Contract between the City of Kingsville, Texas and Gerke Excavating Inc. for the GLO CDBG-MIT Contract No. 22-082-016-D218, Project 3: 18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant.

**SECTION 2:** All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

**SECTION 3:** This Resolution shall be and become effective on or after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission the 26th day of February, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

# **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: February 26, 2024  
SUBJECT: Consider Approving Grant Administrative Services Agreement No. 2  
with GrantWorks, Inc for GLO Contract No. 22-085-009-D237.

---

**Summary:**

Amendment No. 2 amends the contract for Administrative Services Agreement with GrantWorks Inc. to implement a progress billing approach for key milestones aligning with all not-to exceed percentages and implementation of LCPtracker of current and future projects with the General Land Office (GLO). LCPtracker is a software solution for certified payroll and workforce reports which will reduce common payroll issues and increase the efficiency of payroll submissions while introducing additional layers of validation to ensure regulatory compliance.

Contract price will not change if this amendment is approved.

**Background:**

On July 13, 2020, the city commission approved hiring GrantWorks, Inc. to prepare and submit a Community Development Block Grant— Mitigation grant application to the General Land Office (GLO). GLO requires that all professional services agreements related to the application are executed and submitted with the application. The application is due October 28, 2020.

Improvements to the drainage infrastructure in the City are needed to prevent flooding during heavy rain events. Currently, the drainage infrastructure across the city is inadequate, resulting in water topping streets, infiltrating residential and commercial structures and damaging property. The proposed project for this application includes the demolition and removal of undersized sewer components, replacement of over 9000 locations around the city, repair of 65 storm manholes, and all associated repaving. Some curb and gutter and sidewalk work are also included. Once complete, these improvements will benefit the entire City of Kingsville.

There is no commitment in applying.





**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

There is no financial impact to approving Amendment No. 2.

**Recommendation:**

Staff recommends approval of the contract amendment.

**Attachments:**

GrantWorks Contract — Amendment No. 2 — GLO Contract — 22-085-009-D237

**RESOLUTION #2024-**





2201 Northland Drive  
Austin, TX 78756

Voice (512) 420-0303  
Fax (512) 420-0302  
gustavo.jimenez@grantworks.net

January 19, 2024

City of Kingsville  
PO Box 1458  
Kingsville, TX 78364

RE: Grant Administration Services Amendment No. 2 for City of Kingsville – General  
Land Office Contract No. 22-085-009-D237

Dear Mayor Fugate,

In response to the evolving dynamics of GLO disaster recovery and mitigation projects, we are proposing a strategic amendment to the current admin billing structure. This adjustment seeks to enhance billing efficiency and transparency *without altering the financial commitment established within the existing contract.*

This amendment would implement a progress billing approach for key milestones, aligning with all not-to-exceed percentages within the GLO State Contract, resulting in increased predictability in project invoicing. This amendment seeks to acknowledge the inherent complexities of project execution, particularly during the Environmental Authority to Use Grant Funds (AUGF) and Construction progress milestones as well as more closely align with the quarterly billing requirements of the GLO. Ultimately, we hope to mitigate the impact of financial peaks and valleys by spreading costs over time, fostering a more stable and manageable financial landscape.

Additionally, GrantWorks has partnered with LCPtracker, a leading software solution for certified payroll and workforce reporting which will reduce common payroll issues and increase the efficiency of payroll submissions while introducing additional layers of validation to ensure regulatory compliance. The implementation of LCPtracker on other similar projects has already resulted in time and cost savings and a high degree of contractor and client satisfaction.

Enclosed is an amendment to GrantWorks' administration services agreement to amend the milestone structure of the existing contract and support the use of LCPtracker.

Upon the City's approval, please sign and return these documents to me.

Please contact me directly if you have any further questions on this, or if I may be of further assistance. Thank you!

Gustavo Jimenez  
Project Manager



**RESOLUTION #2024-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO.2 FOR GRANT ADMINISTRATION SERVICES AGREEMENT WITH GRANTWORKS FOR GLO STATE CONTRACT NO. 22-085-009-D237; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville applied for a Community Development Block Grant-Mitigation (CDBG-MIT) program administered by the Texas General Land Office (GLO) seeking funding for disaster recovery and mitigation projects;

**WHEREAS**, participation in GLO programs requires implementation by professionals experienced in the administration of federally-funded projects;

**WHEREAS**, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services was completed in accordance with the GLO requirements and GrantWorks Inc. was selected and subsequently a contract between the parties was executed;

**WHEREAS**, the City selected a grant administrator to assist with grant compliance for this project with funding for such services coming from the grant;

**WHEREAS**, an amendment to the Grant Administration Services Agreement is proposed that implement a progress billing approach for key milestones, aligning with all not-to-exceed percentages within the GLO State Contract, resulting in increased predictability in project invoicing and use the LCPtracker software;

**WHEREAS**, the City and GrantWorks, Inc. have worked to prepare an amendment to the Grant Administration Services between the City of Kingsville and GrantWorks, Inc. for GLO disaster recovery and mitigation projects and the parties are hereby bringing the proposed contract amendment to City Commission for approval.

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to execute Amendment No.2 for Grant Administration Services related to GLO State Contract No. 22-085-009-D237 with GrantWorks for GLO disaster recovery and mitigation projects 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 26<sup>th</sup> day of February, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

## Amendment No. 2

For GRANT ADMINISTRATION SERVICES  
Related to GLO State Contract Number 22-085-009-D237

THIS AMENDMENT, MADE THIS 19 OF JANUARY 2024 BY AND BETWEEN CITY OF KINGSVILLE, hereinafter referred to as the Client, and GRANTWORKS, INC., Austin, Texas, hereinafter referred to as the Consultant.

In summary, this amendment is designed to optimize the billing process, providing Client with financial predictability, a more uniform distribution of grant funds, reduced financial strain, and enhanced compliance with GLO billing requirements, collectively strengthening the overall financial management of the project.

### Description of Amendment:

#### 1. Part III. COMPENSATION AND METHOD OF PAYMENT:

Add the following text:

This amendment hereby supersedes and replaces the existing fee schedule outlined on page 1 of the original contract. In its place, the parties agree to adopt the following revised fee schedule. The terms and conditions governing fees, invoicing, and payment outlined in the original contract shall remain in force, except as expressly modified by this amendment.

Administrative Services Milestones	Fee	Progress
Project Kick-Off and Startup Package - signatory form; audit certification; labor standards designations; direct deposit form; acquisition report submitted if applicable	\$ 325,682.40	15%
Environmental Notice to Proceed	\$ 325,682.40	15%
Environmental Site Photos and Field Log	\$ 108,560.80	5%
Environmental Agency Letters Sent	\$ 108,560.80	5%
Finding of No Significant Impact (FONSI) Posted	\$ 108,560.80	5%
Environmental Review Record complete - Authority to Use Grant Funds issued	\$ 108,560.80	5%
Bid Advertised	\$ 217,121.60	10%
Construction Notice to Proceed	\$ 542,804.00	25%
25% Construction Complete	\$ 54,280.40	2.5%
75% Construction Complete	\$ 54,280.40	2.5%
Construction Complete, Final Wage Compliance Report issued	\$ 108,560.80	5%
Closeout Packet submitted and approved	\$ 108,560.80	5%
ADMINISTRATION SUBTOTAL		\$ 2,171,216.00
Environmental Services Milestones	Fee	Progress
Commencement of Environment Phase	\$ 2,250.00	30%
Environmental Review Record complete - Authority to Use Grant Funds issued	\$ 5,250.00	70%
ENVIRONMENTAL SUBTOTAL		\$ 7,500.00
TOTAL		\$ 2,178,716.00



Client acknowledges and agrees that Contractor shall be entitled to submit progress invoices periodically and as deemed necessary by the Contractor, reflecting work completed, not to exceed in aggregate the fee service total, until the project's satisfactory completion. Client undertakes to make payment on each such invoice within the specified terms outlined in this agreement.

Contractor shall have the right to bill Client on a pro-rata basis as each identifiable grant Project Site achieves specified billing milestones outlined in the fee schedule. The billing for each Project Site shall be calculated proportionally based on the completion of the respective milestones. The Client agrees to make payments within the specified terms as stipulated in this agreement. The pro-rata billing approach applies independently to each Project Site and does not affect the overall billing for the entire project, which may continue as per other relevant provisions of this contract.

## 2. GRANT ADMINISTRATION SERVICES PART II – TERMS AND CONDITIONS

Add the following text:

20. USE OF CLOUD-BASED CERTIFIED PAYROLL SOLUTION. Upon procurement of any prime construction contractor or subcontractor subject to Davis-Bacon certified payroll or other prevailing wage compliance requirements to perform work related to the Services described herein, the Client shall require and enforce the use of LCPtracker, a cloud-based SaaS solution, for any certified payroll tracking, construction site compliance, and workforce reporting. Access to LCPtracker will be furnished by the Consultant.

## 3. AGREEMENT FOR GRANT ADMINISTRATION SERVICES PART III – SCOPE OF WORK. Grant Administration Services – General. (a) Administrative Duties: vi. Labor and procurement duties:

Add the following text:

b. [Consultant to] Furnish access to LCPtracker, a cloud-based SaaS solution, for certified payroll tracking, construction site compliance, and workforce reporting.

All other terms and conditions of the Agreement between the Client and GrantWorks will remain in full force and effect.

City of Kingsville  
PO Box 1458  
Kingsville, TX 78364

By: \_\_\_\_\_  
Sam Fugate, Mayor

GrantWorks, Inc.  
2201 Northland Drive  
Austin, TX 78756

By: \_\_\_\_\_  
Bruce J. Spitzengel, President

# **AGENDA ITEM #15**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: John Blair, Chief of Police

DATE: February 13, 2024

SUBJECT: FY2025 Operation Lone Star Grant Program (OLS)

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**Summary:**

The Kingsville Police Department is requesting a resolution to apply for and if awarded to accept and expend FY2025 Operation Lone Star Grant Program (OLS) funds. The grant period is from 09/01/2024 to 08/31/2025.

**Background:**

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

**Law Enforcement**

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





## City of Kingsville Police Department

### **Financial Impact:**

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of Operation Lone Star activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

#### **• LAW ENFORCEMENT PERSONNEL - OVERTIME**

- o Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
- o Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.
- o Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- o Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

#### **• LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**

- o Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
- o Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
- o Part-time to Full-Time: Personnel costs for part-time law enforcement personnel in order to bring them to temporary full-time status.
- o Regular time for administrative personnel supporting OLS law enforcement activities.
- o Hiring or contracting temporary staff to support OLS law enforcement activities.
- o Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the nonborder county intends to provide law enforcement personnel.

#### **• LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**

- o Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.



## **City of Kingsville Police Department**

### **• LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**

o General office supplies and program supplies related to OLS law enforcement activities.

Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services preapproved by the PSO that are critical to success of the program. Examples include:

- The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, aircraft, boats, generators, and similar equipment used during the hours in which grant-funded staff are working.
- Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
- Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.

### **• LAW ENFORCEMENT – TRAVEL & TRAINING**

- Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors.  
engaged in OLS activities.

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

### **Recommendation:**

The City of Kingsville Commission approve the resolution for our application and administration and award of this grant.





**RESOLUTION #2024-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING APPLICATION TO, ADMINISTRATION OF, AND ACCEPTANCE OF OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION'S FY2025 OPERATION LONE STAR GRANT PROGRAM (OLS); AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department apply for and, if awarded, accept and administer the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2025 (09/01/24-8/31/25) Operation Lone Star Grant Program, which provides funding to deter and interdict criminal activity and detain non-citizen inmates and to assist in the execution of coordinated border security operations as described in the grant information; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project as required by the grant application, *if any*, though no match is expected as this is a reimbursement type grant that has a minimum funding level of \$5,000; and

**WHEREAS**, to support the safety of officers and citizens, the City would like to use grant funds as allowed by the grant (ie, categories such as overtime, regular pr straight time & temporary positions, personnel costs, equipment & technology, supplies & direct operating expenses, travel & training); and

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

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

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, administer, alter or terminate the grant on behalf of the applicant agency.

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

I.

**THAT** the City Commission of the City of Kingsville approves the submission, acceptance (if awarded), and administration of the grant application for the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2025 Operation Lone Star Grant Program.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the Office of the Governor, Public Safety Office, Homeland Security Grants Division's FY2025 Operation Lone Star Grant Program, including but not limited to any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26th day of February, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #16**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: John Blair, Chief of Police

DATE: February 13, 2024

SUBJECT: 2025 Local Border Security Program (LBSP)

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**Summary:**

The Kingsville Police Department has been invited to participate in the 2025 Local Border Security Program (LBSP). The grant period is from 09/01/2024 to 08/31/2025.

**Background:**

The Public Safety Office (PSO) is soliciting grant applications under the Local Border Security Program (LBSP) for projects that support Operation Border Star during state fiscal year 2025. Operation Border Star centers on the use of intelligence to increase the effectiveness of federal, state, and local law enforcement assets. The purpose of the program is to sustain interagency law enforcement operations and enhance local law enforcement patrols to facilitate directed actions to deter and interdict criminal activity. Program participants shall assist in the execution of coordinated border security operations in an effort to:

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



## **City of Kingsville Police Department**

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

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

### **Financial Impact:**

The grant for “Operation Border Star” is a reimbursement grant and does not require any cash match. We are requesting funds to cover personnel costs, fuel, and equipment.

### **Recommendation:**

We would request a resolution authorizing applying for, participation, acceptance of funds, and a budget amendment when awarded. Thank you for your assistance regarding this matter.



**RESOLUTION #2024-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING PARTICIPATION IN LOCAL BORDER SECURITY PROGRAM FY2025 FROM THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE HOMELAND SECURITY GRANTS DIVISION FOR LAW ENFORCEMENT PERSONNEL COSTS, FUEL, AND EQUIPMENT; AUTHORIZING THE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Local Border Security Program (LBSP) FY2025 has funding to provide additional manpower by local law enforcement agencies for state led border security enhancement operations for improved border security via a grant to local law enforcement agencies for payment of personnel costs, fuel, and equipment for local law enforcement officers (commissioned peace officers); and

**WHEREAS**, the Office of the Governor is providing grants through funding from Local Border Security Program FY2025 (9/01/24-8/31/25); and

**WHEREAS**, the City of Kingsville has previously applied for similar grants for the reimbursement of law enforcement personnel costs, fuel, and equipment that will assist with improved border security through enhanced patrolling of the roadways through our city, especially US 77/I-69; and

**WHEREAS**, the City agrees to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Local Border Security Grant Program grant application; and

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

**WHEREAS**, the City Commission of the City of Kingsville designates the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

I.

**THAT** the City authorize the Kingsville Police Department through the Chief of Police to participate in Local Border Security Program FY2025 and to seek reimbursement for the

allowed expenses of law enforcement personnel costs, fuel, and equipment necessary to assist with improved border security in our area in conformance with this program. The City is approving the application and acceptance of any LBSP grant funds that the Office of the Governor, Public Safety Office, Homeland Security Grants Division allows for the period of performance of September 1, 2024 through August 31, 2025.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to Local Border Security Program FY2025 including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 26<sup>th</sup> day of February, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #17**



**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: John Blair, Chief of Police  
DATE: February 13, 2024  
SUBJECT: Operation Stonegarden, OPSG 2024 Grant#3194309

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**Summary:**

The Kingsville Police Department has been invited to participate and additional year of OPSG and has been conditionally approved for participation during performance period beginning 03/01/2024 and ending 02/28/2025.

**Background:**

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2024. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$99,514.00 to cover the overtime, fringe benefits, fuel costs, and Management and Administration for the grant.

**Our updated total allotment is \$99,514.00**

**Recommendation:**

We would request a resolution approving the acceptance of this grant via the Office of the Governor eGrants portal by the grantee's authorized official as designated by the City Manager, Chief John Blair. We also request a budget amendment to the current FY 2023-2024 for use of the funds as soon as they are available. Please place this on the next available agenda. Thank you for your assistance regarding this matter.



## Statement of Grant Award (SOGA)

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

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

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

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

<b>Grant Number:</b>	3194309	<b>Award Amount:</b>	\$99,514.00
<b>Date Awarded:</b>	PREVIEW - AWARD NOT ACTIVE	<b>Grantee Cash Match:</b>	\$0.00
<b>Grant Period:</b>	03/01/2024 - 02/28/2025	<b>Grantee In Kind Match:</b>	\$0.00
<b>Liquidation Date:</b>	05/29/2025	<b>Grantee GPI:</b>	\$0.00
<b>Program Fund:</b>	HS-Homeland Security Grant Program (HSGP)	<b>Total Project Cost:</b>	\$99,514.00
<b>Grantee Name:</b>	Kingsville, City of		
<b>Project Title:</b>	Kleberg-2023 OPSG		
<b>Grant Manager:</b>	Caroline Butler		
<b>Unique Entity Identifier (UEI):</b>	MYHPJ4MJZCL4		

<b>CFDA:</b>	97.067 - Homeland Security Grant Program (HSGP)
<b>Federal Awarding Agency:</b>	U.S. Department of Homeland Security, Federal Emergency Management Agency
<b>Federal Award Date:</b>	9/11/2023
<b>Federal/State Award ID Number:</b>	EMW-2023-SS-00025
<b>Total Federal Award/State Funds Appropriated:</b>	\$102,000,951.00
<b>Pass Thru Entity Name:</b>	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
<b>Is the Award R&amp;D:</b>	No

<b>Federal/State Award Description:</b>	The purpose of the HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 31 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.
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**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION APPLYING FOR AND ACCEPTING FUNDS FOR OPERATION STONEGARDEN GRANT #3194309 WITH THE HOMELAND SECURITY GRANTS DIVISION OF THE GOVERNOR'S OFFICE FOR BORDER SECURITY TO INTERDICT CRIMINAL ACTIVITY WITH NO ANTICIPATED CASH MATCH; AUTHORIZING THE KINGSVILLE CHIEF OF POLICE TO ACT ON THE CITY'S BEHALF WITH SUCH PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Homeland Security Grants Division of the Governor's Office had previously invited the City of Kingsville Police Department to participate in a grant for Border Security in an effort to deter and facilitate directed actions to interdict criminal activity; and

**WHEREAS**, the City of Kingsville has previously been allowed to apply for reimbursement of overtime for law enforcement personnel and dispatchers, and other allowed costs associated with this project (including but not limited to things like overtime, fringe benefits, vehicles, fuel costs, and management & administrative costs) that will assist with the deterrence of illegal activity in our area;

**WHEREAS**, the City Commission of the City of Kingsville finds that it is in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to and accept funds from the Office of the Governor's Homeland Security Grant Division for Operation Stonegarden for grant monies for reimbursement for personnel costs, fuel and maintenance and other allowable grant expenses for law enforcement purposes for Grant Period Funding Year 2024-25 OPSG, whose performance period is 3/01/24-2/28/25; and

**WHEREAS**, the City agreed to provide the applicable matching funds for the said project, if any, as required by the Office of the Governor for the Operation Stonegarden Grant Program grant application; and

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

**WHEREAS**, the City Commission of the City of Kingsville designated the Kingsville Chief of Police as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

**WHEREAS**, the City Kingsville Police Department was recently notified that its total grant allotment is \$99,514.00 in funds to cover personnel costs, fuel, maintenance, and equipment (which includes but may not be not limited to things like overtime, fringe benefits, vehicles, fuel costs, and management & administrative costs) through

Operation Stonegarden, which is a reimbursement type grant that does not require any cash match.

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

I.

**THAT** the City Commission of the City of Kingsville accepts the Operation Stonegarden grant funds for Grant Period FY24-25 and participation in the Operation Stonegarden Grant Program for reimbursement or personnel costs, fuel, maintenance, and equipment (which includes but may not be not limited to things like overtime, fringe benefits, vehicles, fuel costs, and management & administrative costs) for law enforcement purposes to the Office of the Governor and designates the Kingsville Chief of Police or his designee as the grantee's authorized official.

II.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 26th day of February, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM**

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

# **AGENDA ITEM #18**

**City of Kingsville  
Police Department**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: John Blair, Chief of Police

DATE: February 13, 2024

SUBJECT: Operation Stonegarden, OPSG 2024 Grant#3194309

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**Summary:**

The Kingsville Police Department has been invited to participate and additional year of OPSG and has been conditionally approved for participation during performance period beginning 03/01/2024 and ending 02/28/2025.

**Background:**

Kleberg County and identified Friendly Forces will participate in Operation Stonegarden (OPSG) for Funding Year 2024. The participating agencies will utilize OPSG funding to enhance enforcement efforts along ingress/egress routes leading from the U.S./Mexico border and into the interior of the United States. OPSG funding will be used for the essential capability enhancement of participating agencies to coordinate operations with the U.S. Border Patrol to support border security efforts within the Rio Grande Valley Border Patrol Sector.

**Financial Impact:**

The grant for "Operation Stonegarden" is a reimbursement type but does not require any cash match. We have been approved \$99,514.00 to cover the overtime, fringe benefits, fuel costs, and Management and Administration for the grant.

**Our updated total allotment is \$99,514.00**

**Recommendation:**

We would request a resolution approving the acceptance of this grant via the Office of the Governor eGrants portal by the grantee's authorized official as designated by the City Manager, Chief John Blair. We also request a budget amendment to the current FY 2023-2024 for use of the funds as soon as they are available. Please place this on the next available agenda. Thank you for your assistance regarding this matter.





## Statement of Grant Award (SOGA)

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

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

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

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

<b>Grant Number:</b>	3194309	<b>Award Amount:</b>	\$99,514.00
<b>Date Awarded:</b>	PREVIEW - AWARD NOT ACTIVE	<b>Grantee Cash Match:</b>	\$0.00
<b>Grant Period:</b>	03/01/2024 - 02/28/2025	<b>Grantee In Kind Match:</b>	\$0.00
<b>Liquidation Date:</b>	05/29/2025	<b>Grantee GPI:</b>	\$0.00
<b>Program Fund:</b>	HS-Homeland Security Grant Program (HSGP)	<b>Total Project Cost:</b>	\$99,514.00
<b>Grantee Name:</b>	Kingsville, City of		
<b>Project Title:</b>	Kleberg-2023 OPSG		
<b>Grant Manager:</b>	Caroline Butler		
<b>Unique Entity Identifier (UEI):</b>	MYHPJ4MJZCL4		

<b>CFDA:</b>	97.067 - Homeland Security Grant Program (HSGP)
<b>Federal Awarding Agency:</b>	U.S. Department of Homeland Security, Federal Emergency Management Agency
<b>Federal Award Date:</b>	9/11/2023
<b>Federal/State Award ID Number:</b>	EMW-2023-SS-00025
<b>Total Federal Award/State Funds Appropriated:</b>	\$102,000,951.00
<b>Pass Thru Entity Name:</b>	Texas Office of the Governor – Homeland Security Grants Division (HSGD)
<b>Is the Award R&amp;D:</b>	No

<b>Federal/State Award Description:</b>	The purpose of the HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 31 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community.
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**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND STONEGARDEN GRANT #3194309 FUNDS.**

**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#27

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 016 – PD Stonegarden</b>					
<u>Expenditures – 5</u>					
2100	Police	Overtime	11200	\$99,514.00	

[To amend the City of Kingsville FY 23-24 budget to accept and expend Stonegarden Grant #3194309 funding for the stated purpose in the award documents.]

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 26th day of February 2024.

**PASSED AND APPROVED** on this the 11th day of March, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #19**

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION APPROVING THE CITY OF KINGSVILLE INVESTMENT POLICY AND INVESTMENT STRATEGIES; DESIGNATING THE CITY MANAGER, DIRECTOR OF FINANCE, AND CITY ACCOUNTING MANAGER AS THE AUTHORIZED CITY REPRESENTATIVES WITH FULL AUTHORITY FOR INVESTMENT PURPOSES, AND PROVIDING FOR DISCLOSURE OF FINANCIAL INTEREST.**

**WHEREAS**, the City Commission previously adopted a formal Investment Policy, which was most recently revised on December 14, 2020; and

**WHEREAS**, the Finance Department intends to submit the City's Investment Policy to the Government Treasurer's Organization of Texas (GTOT) certification program; and

**WHEREAS**, the GTOT has established this certification program for those entities that develop an investment policy that meets the requirements of the Public Funds Investment Act and the standards for prudent public investing established by the GTOT, and GTOT has provided suggested revisions to the City's Investment Policy which have been incorporated into the attached policy;

**WHEREAS**, the City would like to submit the City's Investment Policy to GTOT and suggests no proposed changes be made to the policy prior to submission;

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

I.

**THAT** the INVESTMENT POLICY (THE "Investment Policy", attached as Exhibit A) is hereby approved:

II.

**THAT** the City Manager, Director of Finance, and the City Accounting Manager are hereby authorized as City Representatives. The Director of Finance and the City Accounting Manager are authorized as the investment officers responsible for the investment of the City's funds consistent with the investment policy adopted by the City;

III.

**THAT** the persons designated as investment officers shall exercise the judgment and care, under prevailing circumstances that a prudent person would exercise in the management of the person's own affairs, but that the City Commission retains ultimate responsibility as fiduciary of the assets of the City;

IV.

**THAT** the authorized officers are hereby granted authority to invest the City's funds until rescinded by the City Commission, until expiration of an officer's term, or the termination of the person's employment with the City.

V.

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

VI.

**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 26<sup>th</sup> day of February, 2024.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney



# INVESTMENT POLICY

Approved by City Commission via Resolution Dated  
February 26, 2024

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### APPENDICES

- A. PUBLIC FUNDS INVESTMENT ACT
- B. LIST OF AUTHORIZED CITY REPRESENTATIVES
- C. INTEREST DISCLOSURE FORMS
- D. INVESTMENT POLICY RESOLUTION

## INTRODUCTION

It is the policy of the City of Kingsville to invest all available monies in conformance with these legal and administrative guidelines.

Effective cash management is recognized as essential to good fiscal management. A cash management program will be pursued to maximize interest earnings as a viable and material revenue source. The City's portfolio shall be designated and managed in a manner responsive to the public trust and consistent with local, state, and federal law.

Investments shall be made with the primary objective of:

- Preservation of capital and protection of principal;
- Maintenance of sufficient liquidity to meet operating needs;
- Security of city funds and investments;
- Diversification of investment to minimize risk while maximizing interest earnings; and
- Maximization of return on the portfolio.

Earnings from investments will be used in a manner that will best serve the interests of the City of Kingsville.

## II. PURPOSE

### Authorization

This Investment Policy is authorized by the City Commission (see Appendix C) in accordance with Chapter 2256, Subchapter A of the Government Code - The Public Funds Investment Act (see the attached and incorporated Appendix A).

### Scope

This Investment Policy applies to activities of the City, excluding pension funds, regarding investing the financial assets of Funds, including, but not limited to:

- General Funds
- Special Revenue Funds
- Enterprise Funds
- Internal Service Funds
- Capital Improvement Funds (Bond Proceeds, Bond Reserves and Debt Service)
- Endowments, Benevolence Fund

In addition to this policy, the investment of Bond Funds, Debt Service, and Reserve Funds shall be managed by their governing ordinances and Federal Law, including the Tax Reform Act of 1986 and subsequent legislation.

### Review and Amendment

This policy shall be reviewed annually by the City Commission on or before December 31 of each calendar year after its adoption. The City Commission must authorize amendments to the policy.



The City Commission shall adopt a written instrument by ordinance or resolution stating that it has reviewed the Investment Policy. The written instrument so adopted shall record any changes made to the Investment Policy.

### **III. DEFINITIONS**

Director of Finance – The Director of Finance is the Municipal Finance Officer responsible for City investments.

Director of Finance Designee – Accounting Manager.

Excess Cash Balances – Collected bank balances not needed to pay estimated check clearings.

Investment Officers – Director of Finance and Accounting Manager.

Investment Portfolio – all City monies being invested under authority of the Investment officers.

Institution – Any firm, bank, bondholding company, broker or dealer who provides quotes for either the purchase or sale of investments.

Third Party Safekeeping Institution – Any Institution not affiliated with Institution delivering the Investment.

Investment – All authorized Securities listed in Item V. Authorized investments and maximum term investments approved by the Investment Committee include U.S. Treasuries, U.S. Agencies, Repurchase Agreements, Local Government Investment Pool, and Collateralized Certificates of Deposit.

D.K. (Don't Know) Transaction – An Investment that an Institution fails to deliver to the City's Third-Party Safekeeping Institution.

Collateral - Securities or surety bond pledged by an Institution to safeguard City assets; the City requires either U.S. Treasuries or U.S. Agencies Securities so that the market values can be readily determined at any point in time.

Authorized City Representative – Officers authorized to transact as set out in the attached and incorporated Appendix B on behalf of the City (City Manager, Director of Finance and Accountant).

Reserve Funds – Funds designated by Commission for specific purposes, which have not been appropriated for spending.

Securities – Approved Investments designated by the Investment committee to be held in the Investment Portfolio or acceptable to be pledged as Collateral to secure the monies of the City.

Authorized Selling Group – Primary dealer and regional firms that have been selected by the underwriter to sell their securities. Each authorized member of a selling group will offer the issue at the price authorized by the governmental agency.

Qualified Representative – A person, who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

- For a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the Financial Industry Regulatory Authority (FINRA);
- For a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or
- For an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or
- For an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80-b-1 et seq.) or if not subject to registration under that Act registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

#### **IV. INVESTMENT OBJECTIVES**

##### Preservation and Safety of Principal

Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall Investment Portfolio.

##### Liquidity

The City's Investment Portfolio must be structured in a manner that maintains the liquidity necessary to pay obligations as they become due. Timing disbursements and depositing funds as quickly as possible can generally maintain sufficient cash flows. Generally, investments are matched to specific cash flow requirements such as payrolls, debt service payments and other payables. Liquidity is also achieved by investing in investments with active secondary markets or in Local Government Pools with stable net asset values.

##### Return on Investments

The City's Investment Portfolio shall be designed with the objective of regularly exceeding the average yield of the three-month U.S. Treasury bill in a manner consistent with the principles of this policy described in IV. A and B. However, it must be recognized that during a declining market, satisfying this objective may not be practical until investments mature and can be re-invested.



### Diversification

Diversification is required because of differing liquidity needs of the City and is employed to control risks. Diversification minimizes the risk to the overall Investment Portfolio of potential losses on individual securities and enhances the safety of the Investment Portfolio.

Through the solicitation of competitive proposals, the City shall allocate and diversify its Investments through various Institutions. The following types of Investments will be solicited from the following types of Institutions:

- Government Securities – through approved brokers;
- Repurchase Agreements – through a Third-Party Safekeeping Institution Agreement, which includes an approved primary dealer;
- Public Funds Investments Pools – through participation agreements; and
- Certificates of Deposit – as allowed by state law and this policy.

The City recognizes that investment risks can result from default risk and market price risks due to various technical and fundamental economic factors, and other complications, leading to temporary illiquidity.

To control market price risks, volatile Investments shall be avoided. To control default risk, the only acceptable method of payment will be on a delivery versus payment-basis for all transactions, except investment pool funds and repurchase agreements.

A delivery versus payment basis provides for payment to Institutions at the time the Investments are recorded in book entry form at the City's Third-Party Safekeeping Institution, currently maintained at the Federal Reserve. For certificates of deposit, sufficient Collateral at 102% of current market values must be pledged to protect all City monies or monies under its control that exceed Federal Deposit Insurance Corporation (FDIC) overage; the Collateral must be safe kept at a Third-Party Safekeeping Institution not affiliated with the bank or bank holding company providing the certificate of deposit. (See addendum.)

## **V. AUTHORIZED INVESTMENTS AND MAXIMUM TERM**

The City of Kingsville is authorized to invest in:

### Authorized Investments – Obligations of, or Guaranteed by Governmental Entities

- obligations, including letters of credit, of the United States or its agencies and instrumentalities;
- direct obligations of this state or its agencies and instrumentalities
- collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

- other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and
- bonds issued, assumed, or guaranteed by the State of Israel.

#### Unauthorized Investments

The following are not authorized investments:

- obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal
- obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

#### Authorized Investments – Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

- guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
- secured by obligations that are described by Sec V (A), including mortgage backed securities directly issued by less than the principal amount of the certificates, but excluding mortgage backed securities of the nature described by Section V; or
- secured in any other manner and amount provided by law for deposits for the City of Kingsville.

In addition to the authority to invest funds in certificates of deposit under this section, an investment in certificates of deposit must be made in accordance with:

- the funds are invested by the City of Kingsville through:
  - a broker that has its main office or a branch office in this state and is selected from a list adopted by the City of Kingsville Commission or
  - a depository institution that has its main office or a branch office in this state and that is selected by the City of Kingsville
- the broker or depository institution selected by the City of Kingsville which arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City of Kingsville;



- the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
- the City of Kingsville appoints the depository institution selected by the City of Kingsville, or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

#### Authorized Investments - Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- has a defined termination date;
- is secured by a combination of cash and obligations described by this section; and
  - requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity;
  - is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state

In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligation described by Section V (A) 1, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement

Only those investments listed in this section are authorized.

#### Local Government Investment Pool

The City of Kingsville may invest its funds and funds under its control through an eligible investment pool by way of rule, order, ordinance, or resolution by the City Commission. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this section. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this section and the investment policies and objective adopted by the investment pool.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must furnish to the investment officer or other authorized representative an offering circular or other similar disclosure of the instrument that contains, at a minimum, the following information:

- the types of investments in which money can be invested;
- the maximum average dollar-weighted maturity allowed, based on the stated maturity date, or the pool;
- the maximum stated maturity date any investment security within the portfolio has;
- the objectives of the pool;
- the size of the pool;
- the names of the members of the advisory board of the pool and the dates their terms expire;
- the custodian bank that will safe keep the pool's assets;
- whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- the name and address of the independent auditor of the pool;
- the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and
- the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds, an investment pool must furnish to the investment officer or other authorized representative of the entity:

- investment transaction confirmations; and
- a monthly report that contains, at a minimum, the following information:
  - the types and percentage breakdown of securities in which the pool is invested;
  - the current average dollar-weighted maturity, based on the stated maturity date, of the pool;
  - the current percentage of the pool's portfolio in investments that have state maturities of more than one year;
  - the book value versus the market value of the pool's portfolio, using amortized cost valuation;
  - the size of the pool;
  - the number of participants in the pool;
  - the custodian bank that is safekeeping the assets of the pool;
  - a listing of daily transaction activity for the City of Kingsville
  - the yield and expense ratio of the pool, including a statement regarding how yield is calculated;
  - the portfolio managers of the pool; and
  - any changes or addenda to the offering circular.



The City of Kingsville may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

In this section, “yield” shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, a public funds investment pool created to function as a money market mutual funds must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of the Investment Policy and any other forms of reporting, a public funds investment pool created to function as money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville under this section, a public funds investment pool must have an advisory board composed:

- equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or
- of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must be continuously rate no lower than AAA or AA-m or at an equivalent rating by at least one nationally recognized rating service. If liquidation is necessary due to security's loss of rating, all prudent measures will be taken to liquidate the investment.

If the investment pool operates an Internet website, the information in a disclosure instrument or report described in section b, c (ii) and f must be posted on the website.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville under this section, an investment pool must make available an annual audited financial statement of the investment pool in which funds are invested.

If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

#### Collateralized Certificates of Deposit – maximum term up to 1 year

Certificates of deposit to other instruments issued by state and national banks doing business in Texas that are:

- Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; or
- Secured by obligations that are described by Section V



Certificates of deposit must be fully collateralized at 102% of their market value. The City requires the bank to pledge U.S. treasuries or U.S. agencies as collateral, (Collateral Mortgage Obligations will not be eligible as Collateral see X.C.).

#### Weighted Average Maturity

To minimize risk of loss to Investment Portfolio due to interest rate fluctuations, Investment maturities will not exceed the anticipated cash flow requirements of the Funds. Maturity guidelines by Fund are as follows:

- Operating Funds - The weighted average days to maturity of Investments, other than Reserve Funds, shall be 365 days or less. The Investment Officers will monitor the maturity level and make changes as appropriate.
- Capital Improvement Funds (Bond Proceeds, bond Reserves, and Debt Service) - The Investment maturity of that portion of the City Portfolio that represents Capital Improvement Funds (bond proceeds, reserve funds, and debt service) shall be determined considering:
  - The anticipated cash flow requirements of the Capital Improvement Funds; and
  - The "temporary period" as defined by Federal tax law during which time bond proceeds may be invested at an unrestricted yield. After the expiration of the temporary period, bond proceeds subject to yield restriction shall be invested considering the anticipated cash flow requirements of the Capital Improvement Funds.

Before an Investment can be made of bond proceeds from all bond issues affected by the Tax Reform Act of 1986, a careful yield analysis must be performed to comply with the Tax Reform Act. Also, an annual rebate calculation must be performed to determine if the City is required to rebate interest at the end of each respective bond issue's five-year term. Beginning on the anniversary of the third year for the respective bond issues, all bond proceeds will be yield restricted as required by the Tax Reform Act.

- Reserve Funds: Established by Operative Bond Fund or by the City Commission - the following Reserve Funds may be invested up to two years in U.S
- Revenue Bond Interest & Sinking – Treasuries with a maximum value of \$400,000
- G.O. Debt Service Fund – Treasuries with a maximum value of \$750,000

City monies governed by this Policy may not be invested in other investments permitted by law unless (i) such investments are specifically authorized for the investment of these monies by an ordinance adopted by the City Commission issuing bonds or other debt obligations or (ii) this Policy is amended to permit such investment.

## **VI. EXEMPTION FOR EXISTING INVESTMENTS**

The City of Kingsville is not required to liquidate investments that were authorized investments at the time of purchase.



## **VII. INVESTMENT MIX AND STRATEGIES**

### Investment Mix

As a target to ensure adequate liquidity, the Investment Portfolio administered by the Investment Officers should consist of at least 10% in U.S. Treasury Securities described in V.A.I.a. and/or certificates of deposit. A minimum of 35% of the total Investment Portfolio shall be held in Investments with maturity dates of 90 days or less for liquidity. U.S. Treasuries/Agencies may be purchased for longer term maturities (greater than one year) but shall not exceed 10% of the total Investment Portfolio to preserve liquidity.

Investment reports shall specifically address whether stated Investment mix requirements are being met. Unless approved by the Investment Advisory Committee, the target percentages specified shall not be exceeded for temporary periods greater than (30) thirty days without the Investment Officers taking corrective action.

### Strategies

Investment strategies for Operating Funds and Capital Improvement Funds have as the primary objective the assurance that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create an Investment Portfolio structure that will experience minimal volatility during economic cycles. To accomplish this strategy, the City will purchase high quality, short-to-medium term investments which will complement each other.

To pay for anticipated disbursements, investments will be laddered to correspond with the projected cash needs of the City. Some Investments are acquired on the short end of the yield curve (90 days or less) to meet immediate cash needs. A few Investments are purchased on the intermediate part of the yield curve (1-2 years) to lock in high interest rates when rates are projected to decline due to the economic cycle of the economy. The dollar weighted average investment maturity of 365 days or less will be calculated using the stated final maturity dates of each investment.

Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligations on the required payment date. Investments purchased shall not have a stated final maturity date that exceeds the debt service payment date.

Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. In accordance with the bond ordinance specific to an individual bond issue that sets out the maximum investment term, Investments should be of high quality, with short-to-intermediate-term maturities.

### Achieving Investment Return Objectives

Investment selection shall be based on legality, appropriateness, liquidity, and risk/return considerations. Monies designated for immediate expenditure should be passively invested.



Passive Investment provides for:

- Liquidity to pay upcoming disbursements (payroll, debt service, payments, payables, etc.);
- Maximizing investment terms under the current budget; and
- Structuring the Investment Portfolio on a "laddered" basis.

The remaining portion of the Investment Portfolio may be invested actively.

## **VIII. RESPONSIBILITY AND CONTROLS**

### Authority to Invest

The authority to invest City funds and the execution of any documentation necessary to evidence the investment of City funds is granted to the Director of Finance. The Director of Finance or Designee will approve all investments in writing.

The City Commission may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. The City Commission must approve a renewal or extension of the contract by ordinance or resolution.

### Establishment of Internal controls

The Director of Finance will establish a system of internal controls over Investment activities of the City that are consistent with this Investment Policy. Investment procedures should include reference to the following: safekeeping agreements, repurchase agreements, wire transfer agreements, collateral agreements, depository service contracts and agreements, broker/dealer selection criteria, and security bidding and purchase processes. Such procedures shall include explicit delegation of authority to persons responsible for routine authorization of investments and the Accounting Manager shall be responsible for proper accounting of investments to maintain appropriate internal controls. The Director of Finance shall establish a system of controls to regulate the activities of subordinates.

### Prudent Investment Management

Investments shall be made with the same judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Prudent investment is to be judged by the Investment Portfolio as a whole, not on individual Investments.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. The Investment Officers, acting in accordance with written procedures and the Investment Policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or



market price changes provided deviations from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively. The designated Investment Officers shall perform their duties in accordance with the adopted Investment Policy and Procedures set forth in the Investment Procedures Manual. Investment Officers acting in good faith and in accordance with these policies and procedures shall be relieved of person liability.

Investment of monies shall be governed by the following investment objectives in order of priority:

- preservation and safety or principal - by insuring that all securities are of a sufficiently high quality and duration to limit exposure to credit and market risks. The portfolio should therefore experience minimal volatility during varying economic cycles. Securities of all types are purchased with the intention of holding until maturity;
- liquidity - including the ability to reasonably meet unanticipated needs by purchasing securities with an active secondary/resale market. Diversification is maintained to minimize possible credit risk in a specific security type; and
- yield - obtaining a market rate of return while considering risk constraints and cash flow needs, is much less important than safety of principal and liquidity. The majority of investments are limited to low risk securities earning an equitable rate of return relative to the amount of risk.

#### Standards of Ethics

To the extent required by section 2256.005(i) of the Government Code, the Authorized City Representatives shall make such filings as required by law.

#### Training and Education

Recognizing that the training and education of Investment Officers contributes to efficient and effective investment management, the City requires its City Manager, Director of Finance, Accounting Manager and designated Investment Officers to receive ten (10) hours of training within twelve (12) months of taking office and at least eight (8) hours every two years; training must be from an independent source approved by the entity's governing body, and training must include controls, risks, diversification and PFIA compliance. Such training is currently required by and shall be obtained in accordance with *Section 2256.008-Investment Training; Local Governments* of the Government Code Public Funds Investment Act. The Investment Committee approves investments - training seminars presented by the following organizations.

- Government Finance Officers Association
- Government Finance Officers Association of Texas
- Government Treasurers Organization of Texas
- Municipal Treasurers Association
- Texas Municipal League

If the Investment Officer desires to attend an investment training seminar presented by another organization for training credit, such seminar must be approved by the City Manager or his designee.

## **IX. COMPETITIVE SOLICITATION**

Except for repurchase agreements and public funds investment pools, any new issue investment will be purchased through an Authorized Selling Group or directly through the issuer. For any Investment purchased or sold through the secondary market, the City will obtain at least three proposals from authorized Institutions.

Any Institution authorized to participate in the City's investment program must meet Collateral pledge requirement outlined in Section IV.D. And must submit annual financial reports.

## **X. AUTHORIZED INSTITUTIONS**

All institutions who seek to sell an authorized Investment to the City are required to complete the questionnaire approved by the Investment Committee and furnish supporting documentation required by the Investment Committee. Securities shall only be purchased through those Institutions approved by the Investment Committee.

Investments shall only be made with those Institutions who have executed a written instrument in a form acceptable to the City, executed by a Qualified Representative of the Institution, and substantially to the effect that the Institution has:

- Received, thoroughly reviewed and acknowledged, in writing, receipt and understanding of the City's Investment Policy, and;
- Acknowledged that the Institution has implemented reasonable procedures and controls to preclude investment transactions conducted between the Institution and the City that are not authorized by the City's Investment Policy.

Investments shall only be made with those business organizations (including money market mutual funds and local government invest pools) that have provided the entity with a written instrument, executed by a qualified representative of the firm, acknowledging that the business organization has:

- received and reviewed the entity's investment Policy; and
- implemented reasonable procedures and controls to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.



The Director of Finance will request the Investment Committee to authorize deletion of Institutions for:

- slow response time;
- less than competitive pricing;
- little or no information on technical or fundamental expectations based on economic indicators;
- D.K. Transactions or continuing operational difficulties;
- unwillingness to continue to abide the provisions listed in IX.A; or
- Other reasons as approved by the Investment Committee.

## **XI. PLEDGED COLLATERAL**

The market value of pledged collateral must be at least 102% of the principal plus accrued interest for Excess Cash Balances, certificates of deposit, and repurchase agreements and held in the entity's name as evidenced by safekeeping receipts of the institution with which the securities are deposited. Evidence of proper collateralization in the form of original safekeeping receipts held at a Third-Party Safekeeping Institution not affiliated with the Institution pledging the Collateral will be approved by the Director of Finance and will be maintained in his/her Office. An authorized City Representative (See Appendix B) will approve and release all pledged collateral.

### Collateral Substitution

Collateralized Investments and certificates of deposit often require substitution of collateral. Any Institution must contact the Investment Officers for approval and settlement. The substituted collateral's value will be calculated, and substitution approved if its value is equal to or greater than the required collateral value. Substitution is allowable for all transactions, but should be limited, to minimize the City's potential administrative problems.

### Collateral Reductions

Should the collateral's market value exceed the required amount, any Institution may request approval from the Investment Officer to reduce collateral. Collateral reductions may be permitted only if the City's records indicate that the collateral's market value exceeds the required amount.

### Prohibited Securities

Investment securities described in Section 2256.009(b), Government Code, shall not be eligible for use as collateral of City's monies governed by this Policy.



## **XII. SAFEKEEPING**

### Third Party Safekeeping Agreement

The City shall contract with a Bank or Banks for safekeeping Securities either owned by the City as a part of its Investment Portfolio or held as Collateral to secure certificates of deposit, repurchase agreements, or Excess Cash Balances.

### Safekeeping of Certificate of Deposit Collateral

All Collateral Securing bank and savings and loan deposits must be held in the City of Kingsville's name by a Third-Party Safekeeping Institution approved by the City as evidenced by safekeeping receipts of the institution with which the securities are deposited, or Collateral may be held at the Federal Reserve Bank.

### Safekeeping of Repurchase Agreement Collateral

The U.S. treasuries that serve as Collateral for repurchase agreements with Institutions must be delivered to a Third-Party Safekeeping Institution with which the city has established a third-party safekeeping agreement.

## **XIII. INFORMATION REPORTING/EVALUATION**

The Director of Finance and Accounting Manager are hereby designated as the Investment Officers and are responsible for the daily operation of the Investment program and will report to the Investment Committee on a quarterly basis.

Investment Committee Consists of:

- City Commissioner (1)
- City Manager
- Assistant City Manager (if any)
- Director of Finance
- City Attorney

The Investment Committee will be responsible for monitoring, reviewing, and making recommendations regarding the City's Investment program to the City Commission. Reports will be provided to the City Commission by the Investment Officers no less than quarterly, as required by the Public Funds Investment Act.

On a quarterly basis, the City's main depository and all applicable Institutions providing certificates of deposit in excess of FDIC coverage will provide to the Investment Officer for review a copy of the balance sheet and income statement for the Call Report. All Institutions will provide annual audited financial statements. Any local government investment pools must provide reports and disclosure statements as required by the Public Funds Investments Act.

The market value of the portfolio must be determined at least quarterly from a reputable and independent source and disclosed to the governing body quarterly in the investment report.

#### Record Retention

The City follows the guidelines of retaining records for five years from City's current fiscal year, as required and authorized by the City's local records management guidelines.

### **XIV. BANKING SERVICES**

All depository services are provided in the City's main depository agreement. Other services such as credit cards, direct deposit of payroll or other services may be administered through separate agreements. To aggressively invest Excess Cash Balances, controlled disbursements accounts, zero balance accounts and other cash management tools may be employed.

### **XVI. GENERAL PROVISIONS**

#### Audits and Inspections

During regular business hours and as often as the Investment Officers deem necessary, the Institution providing certificates of deposit will make available for examination by the City Manager, his duly authorized agent, accountant, or legal representative, such records and data to assure to the pledge of collateral, availability of Collateral, and financial stability of the Institution.

#### Compliance with Laws

Each Institution agrees to comply with all federal, state, and local laws, rules, regulations, and ordinances. The personnel or officers of such Institution shall be fully qualified and authorized under federal, state, and local law to perform the services set out under this Policy. Each Institution shall permit the Investment Officers to audit, examine, and make excerpts or transcripts from such records and to make audits of all contract, invoices, materials, and other data relating to applicable Investment.

#### Performance Audits

The City's Annual External Financial Audit shall include a compliance audit of management controls on Investments and adherence to this Policy. The quarterly reports prepared by Investment Officers for the City commission must be formally reviewed at least annually by an independent auditor if the city invests in other than money market mutual funds, investment pools or accounts offered by its depository in the form of certificates of deposit or money market accounts. The auditor shall report the results of the review to the City Commission.

#### Investment Policy Resolution

The resolution authorizing this Investment Policy is attached and incorporated as Appendix C "Investment Policy Resolution."

## **APPENDIX A**

### **Public Funds Investment Act**



## APPENDIX B

### LISTING OF AUTHORIZED CITY REPRESENTATIVES

#### CITY OF KINGSVILLE

Attached to and made a part of the City of Kingsville  
Investment Policy Approved by the City Commission on February 26, 2024

The signatures below are the signatures of Authorized City Representatives vested with full authority to sign and transact business related to the investment of funds for the City of Kingsville. The Authorized City Representatives are authorized to deposit funds, transfer funds within accounts or withdraw funds as necessary to efficiently carry out the requirements of the City of Kingsville's Investment Policy.

The signatures of the officers subscribed below are true and genuine:

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City Manager

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Director of Finance

---

Accounting Manager

THIS LISTING OF AUTHORIZED CITY REPRESENTATIVES is effective this 26th day of February 2024 and revokes all previous authorizations.

## APPENDIX C

### INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: \_\_\_\_\_

SUBJECT: Disclosure under the Public Funds Investment Act

As City Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

\_\_\_\_\_

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

\_\_\_\_\_

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

\_\_\_\_\_

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

\_\_\_\_\_

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

\_\_\_\_\_

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

## APPENDIX C

### INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: \_\_\_\_\_

SUBJECT: Disclosure under the Public Funds Investment Act

As Finance Director and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

\_\_\_\_\_

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

\_\_\_\_\_

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

\_\_\_\_\_

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

\_\_\_\_\_

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

\_\_\_\_\_

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date



## APPENDIX C

### INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: \_\_\_\_\_

SUBJECT: Disclosure under the Public Funds Investment Act

As Accounting Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

\_\_\_\_\_

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

\_\_\_\_\_

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

\_\_\_\_\_

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

\_\_\_\_\_

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

\_\_\_\_\_

\_\_\_\_\_  
Accounting Manager

\_\_\_\_\_  
Date

## **APPENDIX D**

### **Investment Policy Resolution**

## **AGENDA ITEM #20**