

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, JUNE 10, 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)**

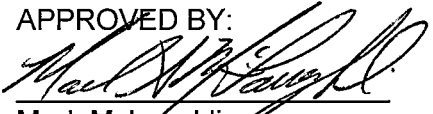
#### **MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – May 13, 2024

Special Meeting – May 16, 2024

Regular Meeting – May 28, 2024

APPROVED BY:

  
Mark McLaughlin  
City Manager

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

1. Public Hearing to consider the advisability of the creation of Reinvestment Zone Number Two, City of Kingsville, Texas for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code. (Economic Development Director).

### **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 granting a Special Use Permit to South Texas Stash, LLC for a Take 5 Oil Change Store in C2-Retail at Erard Est #3, Lot 1, (Verizon) (Property ID #33088), also known as 1401 E. General Cavazos Blvd., Kingsville. Texas. (Director of Planning and Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for Tyler Utility Billing Software increases. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from the Brookshire Foundation for pool equipment and recreation programs for the Parks Department. (Parks Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Golf Course Hydroseeding Project. (Parks Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for emergency repair to Police Department AC unit. (Purchasing Manager).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Chamberlain Park bathroom roof. (Purchasing Manager).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Street Department vehicle repairs. (Public Works Director).
8. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for waterline repairs. (Public Works Director).
9. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to reallocate UF ARP funding for water line repairs. (18-inch water line repairs). (Public Works Director).

## **REGULAR AGENDA**

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

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

10. Consider appointing Krystal Emery to the Planning & Zoning Commission for a two-year term. (City Manager).
11. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, pursuant to Chapter 311 of the Texas Tax Code, creating Tax Increment Financing Reinvestment Zone Number Two, City of Kingsville, Texas. (Economic Development Director).
12. Consider a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the City of Kingsville Police Department and the National Insurance Crime Bureau for Law Enforcement ISO ClaimSearch Access. (Police Chief).
13. Consider a resolution authorizing the Chief of Police to enter into a Memorandum of Understanding between the City of Kingsville Police Department and the Texas Comptroller of Public Accounts. (Police Chief).
14. Consider a resolution authorizing the Police Chief to enter into an Asset Disposition Services Agreement between the City of Kingsville Police Department and PropertyRoom.com, Inc. (Police Chief).
15. Consider approval to use ARP Funds for the removal of four trees in the downtown area. (Purchasing Manager).
16. Consider a resolution authorizing the City Manager to execute a Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad Company. (City Manager).
17. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad Company for the Escondido Rail Crossing Project. (City Manager).
18. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges 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).
19. Consider final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Shift 4 credit card processing fees for Tourism. (Tourism Director).
20. Discuss and consider Commission seating arrangements. (Commissioner Hinojosa).
21. Consider a resolution appointing a commission member to the City of Kingsville Finance/Audit Committee. (City Attorney).
22. Consider a resolution appointing a commission member to the City of Kingsville Investment Committee. (City Attorney).
23. Consider a resolution appointing two representatives and two alternate representatives to the Coast Bend Council of Governments. (City Manager).
24. Consider a resolution appointing a Mayor Pro Tempore. (Mayor Fugate).

25. 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).

26. Consider a resolution authorizing staff to move forward with the sale of the City's real property known as Kenedy Park located off 14<sup>th</sup> Street and East Kenedy Street (5<sup>th</sup> Addition, Block 4, Lots 17-32 & E 40' of abandoned S. 13<sup>th</sup> St.) in Kingsville, Texas. (Purchasing Manager).

## VII. Adjournment.

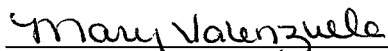
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board 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:

June 6, 2024, at 11:30 A.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)**

**MAY 13, 2024**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 13, 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

**CITY COMMISSION ABSENT:**

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  
Susan Ivy, Parks Director  
Emilio Garcia, Health Director  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director  
John Blair, Chief of Police  
Diana Gonzalez, Human Resources Director  
Erik Spitzer, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Leticia Salinas, Accounting Manager  
Juan J. Adame, Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – April 8, 2024**

**Special Meeting – April 11, 2024**

**Special Meeting – April 18, 2024**

Motion made by Commissioner Lopez to approve the minutes of April 8, 2024, April 11, 2024, and April 18, 2024 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting “FOR”.

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

**1. Public hearing on condemnation of structure at 219 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:04 p.m.

Mayor Fugate opened this public hearing at 5:06 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 on this condemnation. Property is an attractive nuisance to children and a harbor for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. This property has back taxes owed and has not been paid. The property has been noticed and the notice was published in the local newspaper. Photos of said property were displayed for Commission viewing.

There being no further comments, Mayor Fugate closed this public hearing at 5:06 p.m.

**2. Public hearing on condemnation of structure at 223 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:06 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 on this condemnation. The property is unsecured and is an attractive nuisance to children and harbors for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. This property has back taxes owed and has not been paid. The property has been noticed and the notice was published in the local newspaper. Photos of said property were displayed for Commission viewing.

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

**3. Public hearing on condemnation of structure at 301 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:13 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 on this condemnation. The property is unsecured and is an attractive nuisance to children and harbors for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. This property has back taxes owed and has not been paid. The property has been noticed and the notice was published in the local newspaper. Photos of said property were displayed for Commission viewing. The city maintains this property for code violations. The owner has not made contact with city staff. This property has not had water service since 2018 and no electricity since October 2013.

There being no further comments, Mayor Fugate closed this public hearing at 5:15 p.m.

**4. Public hearing on condemnation of structure at 721 Alexander, Kingsville, Texas. (Director of Planning and Development Services).**

No discussion was taken on this public hearing.

**5. Public hearing on condemnation of structure at 608 E. Mesquite, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:15 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 on this condemnation. The property is unsecured and is an attractive nuisance to children and harbors for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. The property has been noticed and the notice was published in the local

newspaper. Photos of said property were displayed for Commission viewing. This property has been without electricity since 2016. Mr. Spitzer stated that he spoke with the deceased owner's daughter, Audrey, and she was supposed to bring this property up to code but never did.

There being no further comments, Mayor Fugate closed this public hearing at 5:18 p.m.

**6. Public hearing on condemnation of structure at 614 W. Ave. F, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:18 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 on this condemnation. The property is unsecured and is an attractive nuisance to children and harbors for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. The property has been noticed and the notice was published in the local newspaper. Photos of said property were displayed for Commission viewing. The structure is in bad repair and was notified by Mr. Manny Buentello, Inspector, in February 2022, but nothing has been done to said property. This property has been without water services since June 2012 and electricity since 2015.

There being no further comments, Mayor Fugate closed this public hearing at 5:20 p.m.

**7. Public hearing on condemnation of structure at 529 E. Johnston, Kingsville, Texas. (Director of Planning and Development Services).**

Mayor Fugate opened this public hearing at 5:20 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 on this condemnation. The property is unsecured and is an attractive nuisance to children and harbors for vagrants, criminals, and immoral people. There is evidence of roaches, rats, mice, or other vermin found. This property has an uncovered roof and graffiti. The property has been noticed and the notice was published in the local newspaper. Photos of said property were displayed for Commission viewing. This structure has had a fire in the past. It has been noticed that there are cats inside and outside the structure. The property owner will not allow city staff to go in and has been given multiple extensions in the past. The fence is falling and has overgrown trees surrounding the property. This property has had no water services since August 2022 and no electricity since 2011.

There being no further comments, Mayor Fugate closed this public hearing at 5:22 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 stated that the city held its trash-off event this past weekend. He further announced the upcoming State of the City Event which is scheduled for Wednesday, May 22, 2024.

Ms. Courtney Alvarez, City Attorney reported that there is a special meeting scheduled for Thursday, May 16, 2024, for the swearing-in of the newly elected Mayor and Commissioners. The next regular meeting is scheduled for Tuesday, May 28, 2024, with the deadline for staff to submit their agenda items no later than Friday, May 17<sup>th</sup>. Alvarez further announced that city offices will be closed on Monday, May 27<sup>th</sup> for the Memorial Day Holiday.

The commission thanked the citizens who came out to vote in the city's election.

Commissioner Lopez announced that this week is National Police Week. She further thanked officers who help serve and protect our community and surrounding communities.

Mayor Fugate read and presented city staff a proclamation for Public Service Week.

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

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

Public comment was received via email from Juan Sanchez, 1002 Gillet. The comment read as follows: Abandoned and unsafe properties: 1006 Gillet has high grass and 5 to 6 abandoned vehicles, and 1009 Gillet abandoned properties with broken doors and windows.

Mr. Jack Cairnes, 787 CO Road 1145 in Riviera made a public comment regarding Code Enforcement. He stated that he owns property in Kingsville and has received a notice from the Code Enforcement Department regarding his property. He stated that there is a group of people in Kingsville government that believe that they have a right to tell private citizens what articles of personal property they may or may not have on their front porch or on their property. He further stated that the group is Code Enforcement and the City Manager. Code Enforcement is heavy-handed and belligerent in their dealings with citizens. They seem to have no understanding of the tenant and landlord relationship and they make up the rules on their own as they go along. This behavior should not and cannot stand.

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

1. Motion to approve reappointment of Maggie Salinas, Daniel Burt, Lucia Perez, and David Thibodeaux to the Historical Development Board each for a three-year term. (Director of Planning and Development Services).

2. Motion to approve a resolution authorizing the City Manager and the Chief of Police to enter into a Memorandum of Understanding between the City of Kingsville Police Department and the Coastal Bend College Police Department. (to update signatories; no cost). (Police Chief).

## REGULAR AGENDA

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

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

3. Consideration and approval of an ordinance authorizing the issuance of "City of Kingsville, Texas Certificates of Obligation, Series 2024"; entering into a Bond Purchase Agreement and a Paying Agent/Registrar Agreement; and approving all other matters related thereto. (Finance Director).

Mr. Matt Lujan gave a brief presentation on the city's Certificate of Obligation Series 2024.

Motion made by Commissioner Lopez to approve the ordinance authorizing the issuance of "City of Kingsville, Texas Certificates of Obligation, Series 2024"; entering into a Bond Purchase Agreement and a Paying Agent/Registrar Agreement; and approving all other matters related thereto, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

4. Consider accepting the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2022-2023. (Finance Director).

Mrs. Margaret Kelly of Womack & Co. gave a presentation on the city's Annual Comprehensive Financial Report for Fiscal Year 2022-2023. The city is trending in the right direction.

Motion made by Commissioner Lopez to accept the Annual Comprehensive Financial Report (ACFR) of the City of Kingsville for Fiscal Year 2022-2023, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

5. Consider appointment of Daniel Morales to the Historical Development Board for a three-year term. (Director of Planning and Development Services).

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the appointment of Daniel Morales to the Historical Development Board for a three-year term, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

6. Consider condemnation of structure located at 219 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper,

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

**7. Consider condemnation of structure located at 223 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

**8. Consider condemnation of structure located at 301 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**9. Consider condemnation of structure located at 721 Alexander, Kingsville, Texas. (Director of Planning and Development Services).**

No discussion or action was taken on this agenda item.

**10. Consider condemnation of structure located at 608 E. Mesquite, Kingsville, Texas. (Director of Planning and Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".

**11. Consider condemnation of structure located at 614 W. Ave. F, Kingsville, Texas. (Director of Planning and Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

**12. Consider condemnation of structure located at 529 E. Johnston, Kingsville, Texas. (Director of Planning and Development Services).**

Motion made by Commissioner Lopez, motion finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction, then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days; city shall abate in any manner it deems necessary and proper,

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

**13. Consider a resolution authorizing the City to submit an application to the U.S. Department of Homeland Security's Federal Emergency Management Agency for the purpose of requesting grant funding on behalf of the City for the 2024 Staffing For Adequate Fire and Emergency Response (SAFER) Grant Program for additional firefighters for the Kingsville Fire Department with no anticipated cash match. (Fire Chief).**

Chief Adame stated that the staffing for Adequate Fire and Emergency Response Grants (SAFER) was created to provide funding directly to fire departments to increase or maintain the number of trained front-line firefighters available in their communities. The grant also gives the department 180 days to hire the additional personnel funded through the grant. The total grant request is for \$3,925,644.00. At the end of the three years, the city will be responsible for the employee cost. This grant covers full salary and benefits for twelve employees for three years, there are no matching funds during this time. After three years the city will have the responsibility for salaries and benefits.

**Motion made by Commissioner Lopez to approve the resolution authorizing the City to submit an application to the U.S. Department of Homeland Security's Federal Emergency Management Agency for the purpose of requesting grant funding on behalf of the City for the 2024 Staffing For Adequate Fire and Emergency Response (SAFER) Grant Program for additional firefighters for the Kingsville Fire Department with no anticipated cash match, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**14. Consider accepting grant funds from the Occidental Petroleum Corporation for the Kingsville Fire Department and the Kingsville Police Department. (Fire Chief).**

Chief Adame stated that each year 1 Point Five through Occidental Petroleum Corporation awards donations to various organizations. This year 1 Point Five has awarded a total of \$50,000 to the Fire and Police Departments. The donations will be earmarked for upgrading the 800 MHz Radio System. Both departments are requesting approval to accept the said donation. Each department will be awarded \$25,000. There is no financial impact on the city. The funds will be used to reimburse Fund 5 of the radio project.

**Motion made by Commissioner Lopez to accept grant funds from the Occidental Petroleum Corporation for the Kingsville Fire Department and the Kingsville Police Department, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".**

**15. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend the donation from the Occidental Petroleum Corporation for radio system upgrades. (for Kingsville Fire & Police Departments). (Fire Chief).**

Introduction item.

**16. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for medical supplies for the Fire Department. (Fire Chief).**

Introduction item.

**17. Consider a resolution authorizing the Police Chief to enter into an Operating Agreement between Navy Region Southeast Regional Dispatch Center, Commanding Officer Naval Air Station Kingsville, Kingsville Police Department, and**



**Kleberg County Sheriff Office for Managing Emergency “911” Calls for Service at Naval Air Station Kingsville. (Police Chief).**

Mr. John Blair, Chief of Police stated that the execution of this public safety operating agreement holds significant importance in ensuring the timely and effective management of emergency calls for service originating from Naval Air Station Kingsville and its affiliated properties. By establishing clear protocols, the agreement delineates responsibilities between the Navy Region Southeast Regional Dispatch Center and local law enforcement agencies, namely the Kingsville Police Department and the Kleberg County Sheriff's Office. This agreement is pivotal in guaranteeing that emergency calls from NAS Kingsville and associated properties receive prompt attention and appropriate response measures are swiftly enacted.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the Police Chief to enter into an Operating Agreement between Navy Region Southeast Regional Dispatch Center, Commanding Officer Naval Air Station Kingsville, Kingsville Police Department, and Kleberg County Sheriff Office for Managing Emergency “911” Calls for Service at Naval Air Station Kingsville, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting “FOR”.**

**18. Consider a resolution authorizing the Police Chief to enter into a Memorandum of Understanding Between the Kingsville Police Department and the Kleberg County Sheriff's Office for Law Enforcement Firearms Range Agreement. (Police Chief).**

Chief Blair stated that the implementation of this public safety agreement is paramount in guaranteeing the safety and adherence to established protocols for Kingsville Police Department officers utilizing the Kleberg County Sheriff's Office Range for firearm training. With a multitude of KPD staff certified by the Texas Commission on Law Enforcement to host and instruct firearm courses at ranges, it is imperative that all officers understand the safety regulations and associated liabilities inherent in range usage. This memorandum of understanding serves as formal acknowledgement of the requisite safety measures and operational protocols governing firearm training conducted at the Kleberg County Sheriff's Office Range. By aligning with TCOLE-certified instructors within KPD, this agreement fulfills the mandated requirement for an established MOU to facilitate training courses.

**Motion made by Commissioner Lopez to approve the resolution authorizing the Police Chief to enter into a Memorandum of Understanding Between the Kingsville Police Department and the Kleberg County Sheriff's Office for Law Enforcement Firearms Range Agreement, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting “FOR”.**

**19. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant proceeds from the Coastal Bend Bays & Estuaries for a Parks outdoor classroom. (Parks Director).**

Introduction item.

**20. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase, painting, and delivery of 5 javelina statues. (Finance Director).**

Introduction item.

**21. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for City Commission group health insurance. (Finance Director).**

Mrs. Deborha Balli, Finance Director stated that the FY 23-24 budget appropriated funding for 2 group health enrollments based on the prior year. Benefit enrollment took place after the budget was adopted and resulted in an additional enrollment. This budget amendment appropriates \$6,600 in additional funding for the increased enrollment.

Introduction item.

**22. Consider a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2023-2024 Fiscal Year Audit. (Finance Director).**

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2023-2024 Fiscal Year Audit, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

**23. Consider rescinding award to and construction contract with Texas Pride Utilities LLC for Bid No. 24-04 for GLO CDBG-MIT Contract No.22-082-016-D218 for Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvement Project as per recommendation of outside engineer and staff. (City Engineer/ Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that on March 11, 2024, the city awarded Bid 24-04 for GLO Project 6 to Texas Pride Utilities for \$714,814.00, as the lowest responsible bidder. On March 25, 2024, the construction contract was awarded. The City held a Preconstruction Conference with the contractor on April 4, 2024. However, the city could not issue a Notice to Proceed with construction due to pending bonds, insurance, and the construction contract not being received from the vendor. The City, GrantWorks, and ICE made several attempts to contact the contractor, but no response or documents have been provided. As the initial vendor is being unresponsive and unnecessarily delaying the project, the outside engineer and staff recommend the city move forward with rescinding the initial bid award and the construction contract.

Mayor Fugate asked if this is something that could be done and has it ever been done in the past. Ms. Alvarez stated that there is nothing from preventing the city to rescind the contract and this is the first for the city.

Motion made by Commissioner Hinojosa to approve rescinding award to and construction contract with Texas Pride Utilities LLC for Bid No. 24-04 for GLO CDBG-MIT Contract No.22-082-016-D218 for Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvement Project as per recommendation of outside engineer and staff, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".

**24. Consider awarding Bid No. 24-04 for GLO CDBG-MIT Contract No.22-082-016-D218 for Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvement Project to PM Construction & Rehab, LLC as per recommendation of outside engineer and staff. (City Engineer/ Purchasing Manager).**

Motion made by Commissioner Hinojosa to approve awarding Bid No. 24-04 for GLO CDBG-MIT Contract No.22-082-016-D218 for Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvement Project to PM Construction & Rehab, LLC as per recommendation of outside engineer and staff, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Alvarez, Fugate voting "FOR".

**25. Consider awarding Bid No. 24-12 for Miscellaneous Services, as per staff recommendation. (Purchasing Manager).**

Mr. Sosa stated that this authorizes the city to enter into a contract with D.I.A. Utilities of Kingsville for annual miscellaneous services contract. Request for Proposal 24-06 was published in the newspaper on April 4, 2024 and April 11, 2024. Request were accepted until 2:00 p.m. on April 23, 2024. One response was received from D.I.A. Utilities of Kingsville, Staff reviewed RFP 24-12 and found the information received to be responsive for D.I.A. Utilities of Kingsville.

**Motion made by Commissioner Lopez to approve awarding Bid No. 24-12 for Miscellaneous Services, as per staff recommendation, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Fugate voting "FOR".**

**26. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for various line items for the Facilities Division. (Purchasing Manager).**

Introduction item.

**27. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for new City Commission dais. (Purchasing Manager).**

Mr. Sosa stated that this is for a new dais for the City Commission. The new dais will have a curvature which will make it easier for each Commission member to see the other when speaking.

Introduction item only.

**28. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-19, & 45; to add clarifying regulation references to the Model Subdivision Rules. (City Engineer/City Attorney).**

The Engineering Department will be submitting a grant application to the TWDB for the Economical Distressed Areas Program (EDAP). The area of interest is in the northwest part of the city limits. There are approximately 21 residential properties that would qualify for first-time connection to wastewater services. In addition, a total of 80 residential properties could benefit from the new proposed waterlines and manholes.

Introduction item.

**29. Consider a resolution authorizing the City Manager to execute an Utility Easement from King Carlos Retail Partners, LTD to place, construct, operate, repair, maintain, inspect, and replace underground utility lines and systems. (SE corner US77 bypass access road and East Sen. Carlos Truan Blvd.) (City Engineer/City Attorney).**

This utility easement will be a separate instrument document because the developer was not required to plat his property. The City of Kingsville has a potential for growth on the east side of US Hwy 77. The property is located on the southeast corner of US Hwy 77 Access Road and Senator Carlos Truan Blvd., south of McCoy's. The owner of the property plans to develop a convenience store on the property and has agreed to provide the city with this utility easement.

Introduction item.

**30. Consider a resolution and order canvassing the election returns and declare the results of the City of Kingsville's General Election conducted on May 4, 2024. (City Secretary). CONSIDERE UNA RESOLUCIÓN Y ORDEN DE ESCRUTINIO DE LOS VOTOS DE LAS ELECCIONES, EN QUE SE DECLARAN LOS RESULTADOS DE LAS**

**ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, LLEVADAS A CABO EL 4 DE MAYO DE 2024. (SECRETARIA MUNICIPAL).**

Motion made by Commissioner Lopez and Commissioner Alvarez to approve the resolution and order canvassing the election returns and declare the results of the City of Kingsville's General Election conducted on May 4, 2024, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Lopez, Hinojosa, Fugate voting "FOR".

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:42 P.M.

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

**ATTEST:**

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

**MAY 16, 2024**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, MAY 16, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:30 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Norma N. Alvarez, Commissioner  
Hector Hinojosa, Commissioner  
Leo Alarcon, Commissioner

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Michael Krueger, Municipal Court Judge  
Kyle Benson, Director of Information & Technology  
Derek Williams, IT  
Emilio Garcia, Health Director  
John Blair, Chief of Police  
Diana Gonzalez, Human Resources Director  
Erik Spitzer, Director of Planning & Development Services  
Leticia Salinas, Accounting Manager  
Alicia Tijerina, Downtown Manager  
Joseph Ramirez, Engineer's Assistant  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director

**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)**

None.

**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."*

The City Commission thanked the voters and those in attendance for their support and votes.

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

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

No public comments were made.

#### **V.**

##### **Consent Agenda**

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

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

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

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

None.

##### **REGULAR AGENDA**

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

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

1. **Swearing-in and official oath of newly elected Mayor. (City Commission).**

Honorable Judge Michael Krueger performed the swearing-in ceremony of the newly elected Mayor.

2. **Swearing-in and official oath of newly elected City Commissioners. (City Commission).**

Honorable Judge Michael Krueger performed the swearing-in ceremony of the newly elected Commissioners.

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

There being no further business to come before the City Commission, the meeting was adjourned at 5:52 P.M.

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

**ATTEST:**

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

**MAY 28, 2024**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 28, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.**

**CITY COMMISSION PRESENT:**

Edna Lopez, Commissioner  
Norma N. Alvarez, Commissioner  
Hector Hinojosa, Commissioner  
Leo Alarcon, Commissioner

**CITY COMMISSION ABSENT:**

Sam Fugate, Mayor

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, Director of Information & Technology  
Derek Williams, IT  
Emilio Garcia, Health Director  
John Blair, Chief of Police  
Diana Gonzalez, Human Resources Director  
Erik Spitzer, Director of Planning & Development Services  
Leticia Salinas, Accounting Manager  
Alicia Tijerina, Downtown Manager  
Joseph Ramirez, Engineer's Assistant  
Deborah Balli, Finance Director  
Susan Ivy, Park Director  
Michael Mora, Capital Improvements Manager  
Bill Donnell, Public Works Director  
Rudy Mora, City Engineer  
Charlie Sosa, Purchasing Manager  
Joseph Ramirez, Engineer's Assistant

**I. Preliminary Proceedings.**

**OPEN MEETING**

Commissioner Lopez opened the meeting at 5:00 p.m. with four commission members present. Mayor Sam Fugate was absent from the meeting.

**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)**

None.

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

**1. Public Hearing on a request to replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas. Ernesto Perez, applicant; J. Filiberto Garcia, LLC, owner. (Property ID #19868). (Director of Planning and Development Services).**

Commissioner Lopez read and opened this public hearing at 5:01 p.m. Commissioner Lopez further announced that this is a public hearing. 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 Mr. Ernesto Peres approached the department on March 21, 2024, requesting the replat of 1 acre out of 36.726 acres of KT&I CO, Block 5 Lot PT 11, also known as 2700 Block of East Corral, Property ID 19868. The Planning and Zoning Commission met on May 15, 2024, with 5 members in attendance. Members deliberated over the request for approval of the replat and voted unanimously to approve. There were 26 notice letters mailed to neighbors within the 200-foot buffer and the city received no feedback.

There being no further discussion, Commissioner Lopez closed this public hearing at 5:04 p.m.

**2. Public Hearing on request for a special use permit for a Take 5 Oil Change store (auto sales, repairs use) in C2 (Retail District) at Erard Est #3, Lot 1, (Verizon), also known as 1401 E. General Cavazos Blvd., Kingsville. Texas. Gabby McGinnis, applicant; South Texas Stash, LLC, owner. (Property ID #33088) (Director of Planning and Development Services).**

Commissioner Lopez read and opened this public hearing at 5:04 p.m. Commissioner Lopez further announced that this is a public hearing. 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 Gabby McGinnis, applicant, approached the department on April 19<sup>th</sup>, 2024, requesting a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd, Kingsville, Texas 78363 where the old Verizon Cell Phone Store was located. The Planning and Zoning Commission meeting was held on May 15<sup>th</sup>, 2024, with 5 members in attendance. Members deliberated over the request for approval of a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd. 7 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 Special Use Permit for the property mentioned above.

There being no further discussion, Commissioner Lopez closed this public hearing at 5:07 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."*

### **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 on traffic safety. He commented that he would like to see the speed limit on General Cavazos lowered. He further stated that TxDOT has done a traffic safety study for this location, which is almost complete. He stated that he was here to update the commission on this study and encouraged the commission to reach out to TxDOT and give them the city's input on what the speed limit should be for this road.

Public comment received via email from Jerry Simon, 1749 Paraiso Drive, Kingsville, TX: East Caesar Street city funding approval, any updates? End of comment.

V.

### **Consent Agenda**

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

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

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

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

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend the donation from the Occidental Petroleum Corporation for radio system upgrades. (for Kingsville Fire & Police Departments). (Fire Chief).**

2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for medical supplies for the Fire Department. (Fire Chief).**

3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant proceeds from the Coastal Bend Bays & Estuaries for a Parks outdoor classroom. (Parks Director).**

4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase, painting, and delivery of 5 javelina statues. (Finance Director).**

5. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for City Commission group health insurance. (Finance Director).**

6. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for various line items for the Facilities Division. (Purchasing Manager).**

7. **Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for new City Commission dais. (Purchasing Manager).**

**8. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-19, & 45; to add clarifying regulation references to the Model Subdivision Rules. (City Engineer/City Attorney).**

## **REGULAR AGENDA**

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

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

**9. Consider naming new shade structure at Thompson Park after Georgina Boone Bell. (Parks Director).**

Mrs. Susan Ivy, Parks Director stated that staff is currently completing the construction of a new shade structure at Thompson Park. Staff has received a request from family and friends of Mrs. Georgia Boone Bell to dedicate and name this structure after Mrs. Bell. Staff received a petition of 150 to 200 signatures supporting the dedication and naming of the shaded structure. Mrs. Ivy further stated that if the Commission approves this request, there will be no financial impact on the Park Budget with the exception of the need for signage reflecting the name, which is estimated at \$400.00. Mrs. Ivy went on to read some history on Mrs. Georgia Boone Bell.

**Motion made by Commissioner Hinojosa to approve naming new shade structure at Thompson Park after Georgina Boone Bell, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".**

**10. Consider a replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas. (Property ID #19868). (Director of Planning and Development Services).**

**Motion made by Commissioner Hinojosa to approve the replat of 1 acre out of 36.726 acres of KT&I Co, Block 5, Lot Pt 11, also known as the 2700 Block of East Corral, Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".**

**11. Consider introduction of an ordinance amending the zoning ordinance granting a Special Use Permit to South Texas Stash, LLC for a Take 5 Oil Change Store in C2-Retail at Erard Est #3, Lot 1, (Verizon) (Property ID #33088), also known as 1401 E. General Cavazos Blvd., Kingsville. Texas. (Director of Planning and Development Services).**

Introduction item.

**12. Consider a resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab, LLC for the GLO CDBG-MIT Contract No. 22-082-016-D218 Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvements Project. (Bid #24-04 awarded 5/13/24). (City Engineer).**

Mr. Rudy Mora, City Engineer stated that on May 13, 2024, the city commission awarded the contract for this project. Staff is now requesting the construction contract with the vendor to be awarded in the amount of \$836,495.00.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute the Construction Contract with PM Construction & Rehab, LLC for the GLO CDBG-MIT Contract No. 22-082-016-D218 Project 6: 10<sup>th</sup> Street Sanitary Sewer Improvements Project. (Bid #24-04 awarded 5/13/24), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".**

**13. Consider a resolution authorizing participation in Bulletproof Vest Partnership Program Grant FY2024 with the Office of the Governor, Criminal Justice Division, Justices Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department; 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 requests the city commission to consider a resolution allowing the Police Department to apply for the Patrick Leahy Bulletproof Vest Partnership Grant (BVP). The Kingsville Police Department currently equips our officers with Level IIIA body armor, which includes a 5x8 soft trauma plate and is available in either an interior carrier or an exterior uniform carrier. This protective gear is essential for the safety of our officers as they carry out their duties. This request is necessitated by staff turnover and the need to replace vests that are approaching their expiration dates. The plan is to apply for the FY 2024 BVP Grant to purchase 12 new units of body armor. Jurisdiction seeking reimbursement for body armor purchases under the BVP Grant must adhere to the uniquely fitted vest requirement. The Patrick Leahy BVP Grant defines uniquely fitted vests as protective armor, whether ballistic or stab-resistant that conforms to the individual wearer to provide the best possible fit and coverage. This is achieved through correctly sized panels and carriers, determined through appropriate measurements, and properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. These requirements are in place to support the Office of Justice Programs' mission to enhance officer safety. Ensuring that each officer's vest fits properly not only improve comfort and motility but also maximizes the protective capabilities of the armor. Additionally, the 2024 application process for this grant includes a new certification section. This section mandates that jurisdictions and law enforcement agencies acknowledge their awareness of and compliance with the uniquely fitted vest requirement. Compliance includes having a written policy regarding departmental body armor. The Kingsville Police Department must ensure it adheres to this policy to qualify for funding under the BVP Grant.

**Motion made by Commissioner Hinojosa to approve the resolution authorizing participation in Bulletproof Vest Partnership Program Grant FY2024 with the Office of the Governor, Criminal Justice Division, Justices Assistance Grant (JAG) for bulletproof vests for the Kingsville Police Department; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".**

**14. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate additional funding for Tyler Utility Billing Software increases. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that the FY 23-24 budget appropriated funding for Utility Billing Software increases, but the amount of the increase was not enough for the Utility Fund to cover as part of this software was budgeted in General Fund and should have been budgeted fully in the Utility Fund.

Commissioner Alarcon asked why this was not budgeted earlier as it was supposed to be.

Mrs. Balli responded that the IT budget sits in the General Fund and it was a cost that IT was paying for but it needs to be in the fund that it actually belongs to.

Introduction item.

**15. Consider accepting donation from the Brookshire Foundation for Parks & Recreation pool equipment and recreational programs. (Parks Director).**

Mrs. Ivy stated that this item allows the acceptance of a donation from the Brookshire Foundation for the Parks & Recreation Department for pool equipment and recreational programs. This donation is committed as follows: \$15,000 for shaded lifeguard chairs, \$15,000 for recreation programs; and \$7,000 for new lane lines for competitive and lap swim at Brookshire Pool.

**Motion made by Commissioner Alarcon to accept the donation from the Brookshire Foundation for Parks & Recreation pool equipment and recreational programs, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".**

**16. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from the Brookshire Foundation for pool equipment and recreation programs for the Parks Department. (Parks Director).**

Introduction item.

**17. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Golf Course Hydroseeding Project. (Parks Director).**

Mrs. Ivy stated that this item is for the approval of a budget amendment in the amount of \$21,018.03 to match a commitment of \$24,230 from the County to pay a \$48,4640 Hydroseeding quote of the L.E. Ramey Golf Course. She further stated that in order to do this, \$3,301.97 will have to be transferred into the 026 account as follows: \$1,500 to 001-5-4502-21100; \$1,000 to 001-5-4502-21179; and \$802.00 to 001-5-4502-21400. This project will Hydroseed fairways 2, 3, 4, and 6 and spot treat 9, 10, 11, 12, 14, 15, and 18. This area will be roped off to restrict patrons from driving over them for some time.

Introduction item.

**18. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for emergency repair to Police Department AC unit. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the approval of a budget amendment for \$19,358 to replace a 10-ton HVAC System for the Police Department. The existing unit is the last of the original units in the building.

Introduction item.

**19. Consider reallocation of ARP funds for Chamberlain Park bathroom roof. (Purchasing Manager).**

Mr. Sosa stated that this item is for approval to relocate ARP Funds for the Chamberlain Park restroom roof. Funds will be used to purchase materials and labor to construct the new roof. Mr. Sosa further stated that the staff is requesting ARP Fund budget amendment in the amount of \$10,392.46 from several fund accounts.

Commissioner Alvarez asked if there is a deadline for these ARP Funds to be spent. Ms. Alvarez responded that ARP Funds need to be designated to projects by the end of the year.

Commissioner Hinojosa commented that he would like to see a report showing how ARP Funds have been spent from the very beginning.

Ms. Alvarez commented that any funds spent from ARP have come to the Commission for approval.

Commissioner Hinojosa stated that he understands this but would still like an accounting report as to where the funds have been spent.

**Motion made by Commissioner Hinojosa to approve the reallocation of ARP Funds for Chamberlain Park bathroom roof, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".**

**20. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the Chamberlain Park bathroom roof. (Purchasing Manager).**

Introduction item.

**21. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Street Department vehicle repairs. (Public Works Director).**

Mr. Donnell stated that this item authorizes additional funding in the Street Division for Vehicle & Equipment Maintenance. The average monthly operational maintenance cost for the Street Division equipment before any repairs averages \$2,000 per month. These repairs along with many other minor repairs have the current account balance at negative \$26,149. It is requested that additional funds in the amount of \$50,000 to cover the negative balance and for repairs through the remaining fiscal year. This will reduce the General Fund's unappropriated reserves balance by \$50,000 and increase the Vehicle/Equipment Maintenance line account by \$50,000.

Introduction item.

**22. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for waterline repairs. (Public Works Director).**

Mr. Donnell stated that this item authorizes additional funding in the Water Construction Division for materials to repair water main breaks. Staff has repaired 92 more waterline breaks than last year for a total of 206 main break repairs through March. Material prices associated with waterline repairs have also increased. The increase in the number of main breaks and increased cost of materials has depleted the waterline funds to a negative \$10,932. Currently spent for parts to repair waterline main breaks is \$230,639, sand/limestone is \$16,347, sidewalk/driveway/curb is \$22,008 and meter valves is \$9,472. Additional funds are being requested in the amount of \$156,000 to cover the negative balance and for repairs through the remaining fiscal year.

Introduction item.

**23. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Shift 4 credit card processing fees for Tourism. (Tourism Director).**

Mrs. Alicia Tijerina, Downtown Manager stated that in August 2023, Tourism and other City Departments received a new Point of Sale and Inventory System from Shift 4. Tourism did not negotiate the contract nor have any dialogue with the vendor in reference to billing on the devices issued. As those costs started accruing and reaching levels equal to revenue produced from merchandise processed on those devices. Tourism and Finance held meetings to address this issue. The highest cost associated with Shift 4 is an Inactivity Fee for months in which our department does not charge the mandatory minimum level of credit cards to avoid said fees. Tourism has not had one device cancelled to reduce this expense, but, since this was not brought into the budgeting process for FY 23-24, this line item is now facing a shortfall. In years past, credit card fees annual activity was as follows: FY 2019-202 \$109.13. This year, the total activity to date is \$1,776.93 with an estimated additional cost for the remainder of the year of \$1,111.05 plus an additional cancellation

fee of \$109.98. Mrs. Tijerina further stated that a budget amendment is being requested to cover these costs and will continue to seek solutions to bring the cost of this system down to avoid future excessive expenditure on this line item. The financial impact is a total request of \$3,000 which includes the accrued cost of \$1,776.93 and the anticipated future cost of \$1,111.05 plus the cancellation fee of \$109.98.

Commissioner Hinojosa asked why the Tourism Department did not negotiate a contract.

Mrs. Tijerina responded that they were told that they would be receiving a new point of sale system which was brought into their office and placed in last year. She further stated that in April they noticed it on the account where the funds were being taken from, therefore that is when staff noticed they were being charged.

Ms. Alvarez stated that it is her understanding that the Finance and IT Department were to secure a point-of-sale system that also did inventory and got into the contract with Shift 4 which is also for other city departments as well.

Commissioner Hinojosa commented that he noticed that this is coming from the fund balance and asked if this is something that can come from ARP Funds.

Mrs. Tijerina responded that the ARP Funds have already been designated for other items.

Commissioner Hinojosa commented that it can always be adjusted. He further stated that for the final passage of this item, he is requesting that staff place this agenda item under the regular section of the agenda and not under the consent agenda. This will allow them to decide if this is something that can be paid for through ARP Funds.

Ms. Alvarez commented that she understands Commissioner Hinojosa is request, but this is Tourism's fund balance where the \$3,000 would be coming from.

Commissioner Hinojosa stated that he is asking if these funds can be taken from ARP Funds.

Commissioner Lopez asked if some of the ARP Funds were already earmarked. Mrs. Tijerina responded yes.

Commissioner Hinojosa commented that this didn't matter if the funds have been earmarked, as the funds haven't been spent. An adjustment can always be done, if the Commission approves.

Ms. Alvarez commented that this is true, but what Mrs. Tijerina is trying to say is that the funds that Tourism has in ARP have already been earmarked for projects that they anticipate having that will be spent before the end of the calendar year.

Commissioner Hinojosa commented that the funds have not been spent.

Ms. Alvarez responded that this is correct, which is why Finance, Tourism, and the City Manager chose this funding source.

Commissioner Hinojosa requested that this item be placed in the regular agenda for the upcoming meeting in June.

Introduction item.

**24. Consider authorization to use UF ARP funds for repair of an old 18-inch water line. (Public Works Director).**

Mr. Donnell stated that this item authorizes the reallocation of Utility ARP Fund 025 and a budget amendment for 18" water line repairs. This is an existing 18" reinforced concrete cylinder pipe waterline that spans from the East Elected Water Tank to the West Elevated Water Tank located under Huisache Street from 1<sup>st</sup> to 7<sup>th</sup> Streets and the alley between Lott & Huisache from 7<sup>th</sup> to 13<sup>th</sup> Street. A new 18" PVC line was installed in 2015-2016 to replace the existing waterline. Funding was only available to install the new line, not to disconnect the old one or connect laterals.

**Motion made by Commissioner Alvarez to authorize the use of UF ARP Funds for repair of an old 18-inch water line, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".**

**25. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to reallocate UF ARP funding for water line repairs. (18-inch water line repairs). (Public Works Director).**

Introduction item.

**26. Consider authorizing purchase of sole source Hydra-Stop Machine and valves, as per staff recommendation. (Purchasing Manager).**

Mr. Sosa stated that this item authorizes the purchase of a new Hydra-Stop Machine and valves and professional services for the Water Department for a total of \$350,000.00. Recently the city experienced an 18" water main break. The existing 18" water main is an RCCP manufactured in the late 191, which is believed to have been installed in the 1930's. This is a large high-pressure line which makes it difficult to repair given its age. The Hydra-Stop Machine will be instrumental in isolating the lateral lines connected to the existing 18" main to eliminate the old line from service. It will be beneficial in future isolation valve situations needed throughout the city. Hydra-Stop Solutions is the sole source company offering equipment that is not available through any other manufacturer.

**Motion made by Commissioner Hinojosa to authorize the purchase of sole source Hydra-Stop Machine and valves, as per staff recommendation, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:53 P.M.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

# **PUBLIC HEARING(S)**



# **PUBLIC HEARING #1**

## **PUBLIC HEARING NOTICE**

### **NOTICE OF PUBLIC HEARING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS TO CONSIDER THE ADVISABILITY OF THE CREATION OF REINVESTMENT ZONE NUMBER TWO, CITY OF KINGSVILLE, TEXAS FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311, TEXAS TAX CODE**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Kingsville, Texas (the "City"), pursuant to Chapter 311.003 Texas Tax Code, as amended, (the "Act"), will hold a public hearing at 5:00 p.m. on Monday, June 10, 2024, at City Hall, 400 W. King Avenue, Kingsville, Texas 78363, for the purpose of considering the creation of Reinvestment Zone Number Two, City of Kingsville, Texas, located within the boundaries of the City.

All persons are invited to attend the hearing and speak for or against the creation of Tax Increment Reinvestment Zone Number Two, City of Kingsville, Texas, the proposed boundaries, or the concept of tax increment financing. Written or oral statements will be considered. The proposed boundaries are contiguous and consist of approximately 39 acres generally located east of N. Armstrong Street, generally south of W. Corral Avenue, and generally north of King Avenue. A more detailed legal description and boundary map of the proposed Reinvestment Zone Number Two, City of Kingsville, Texas, are on file and open for public inspection in the office of the City Secretary at City Hall, 400 W. King Avenue, Kingsville, Texas 78363. Questions or requests for additional information may be directed to Natalie Moore, David Pettit Economic Development, LLC, [nmoore@dpedllc.com](mailto:nmoore@dpedllc.com); 817-439-9515.

PUBLIC NOTICES

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## PUBLIC HEARING NOTICE

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## AUCTIONS

**Bankruptcy Sale, Bid Deadline June 14,** TwentyFour25, Galleria Office Building, 2425 W. Loop South, Houston, TX. 11-Story, 285,000 sq. ft. Class A Building. Sale Subject to Stalking Horse Bid of \$18,600,000. Minimum Overbid: \$19,750,000. Ideal for office, hotel, residential or mixed-use. 855-755-2300, HilcoRealEstateSales.com.

**Large Absolute Auction Thurs., 10 a.m. June 6.** Beautiful New Home Furnishings & Decor, Commercial Office Furniture & Decor. 1,000's of items, 100's of lots. All furnishings brand new. Items located at 4906 Topline, Dallas, TX. Inspection: Tues. June 4 & 5th 8 a.m.-5 p.m. and starting at 8 a.m. day of auction. Auction held at: Daktal Auctioneers, Inc., 200 NW 114th St., Okla. City, OK. See website for detailed listing & pictures, 405-751-6179 Bid live on-line at www.daktil.com.

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# SHOP

## The Classifieds

RUDY MADRID  
County Judge



COUNTY OF KLEBERG  
KINGSVILLE, TEXAS

Kleberg County  
P.O. Box 752  
Kingsville, Texas 78364-0752  
Phone: (361) 595-6585  
Fax: (361) 592-0838  
E-mail: rrmadrid@co.kleberg.tx.us

Kleberg County will receive bids for hauling road materials.

Bids are due by June 3, 2024 at 11:00 a.m. at the County Judge Office, 700 E. Kleberg Ave., P.O. Box 752, Kingsville, TX 78364-0752.

Bid sheets are on file at the County Judge Office, 700 E. Kleberg Ave., P.O. Box 752, Kingsville, TX 78364-0752. Bid forms should be submitted in a sealed envelope.

Bids may be held by Kleberg County for a period not to exceed 30 days from the date of the bid opening for the purpose of reviewing the bids and investigating the bidders' qualifications prior to the contract award.

All contractors and/or subcontractors who are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project.

Questions or requests pertaining to proposals may be directed to Precinct One County Commissioner, David Rosse, 1510 Trent Road, Kingsville, Texas or (361) 595-8529.

Kleberg County reserves the right to reject any or all bids or to waive any informalities in the bidding.

We welcome your bid and your attendance at the bid opening.

Sincerely,

RUDY MADRID  
Kleberg County Judge



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THE KINGSVILLE RECORD

# **Proposed Tax Increment Reinvestment Zone #2**

**City of Kingsville, TX**

**JUNE 10, 2024**



**DAVID PETTIT**  
Economic Development



## PURPOSE

- Tax Increment Financing Concept
- Proposed Tax Increment Reinvestment Zone #2
- Next Steps
- Questions

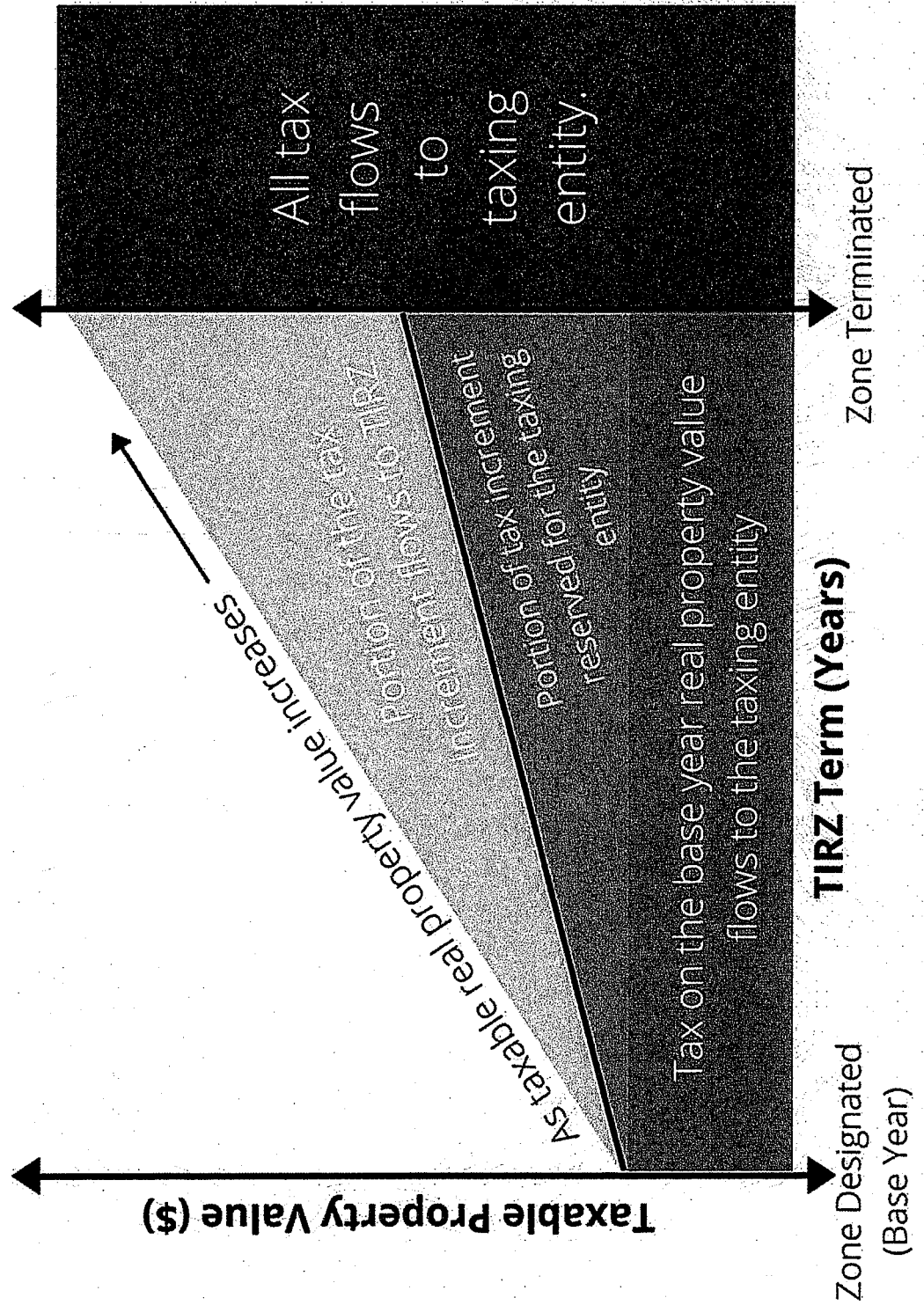
## TAX INCREMENT FINANCING

- Tax Increment Financing (TIF) is a tool that incentivizes economic development within a Tax Increment Reinvestment Zone (TIRZ)
- Governed by Tax Code, Chapter 311
- Hundreds of TIRZs have been created in the state of Texas
- Cities, alone or in partnership with other taxing units, can use this tool to pay for improvements in a zone so it will attract new development, facilitate investment, and bring excitement and energy to a designated area



## TAX INCREMENT FINANCING

- Not a new tax on development
  - Redirects a portion of tax generated from new development within TIRZ





## WHY CREATE A TIRZ?

- Private development activity expected to occur within a designated area
- Provides a funding source without impacting the current amount of general fund revenues for each participating taxing entity
- Ability to leverage revenues from taxable property within the TIRZ to generate a larger increment
- Attracts potential developers and investment into area that may not otherwise occur
- A TIRZ can pay for:
  - infrastructure;
  - public improvements;
  - economic development programs (Chapter 380); or
  - other projects benefiting the zone



## TIRZ CREATION PROCESS

- Chapter 311 outlines the various procedures for creating and amending a TIRZ. Two main documents:
  1. Creation Ordinance
  2. TIRZ Project and Financing Plan
- Creation Ordinance establishes five key elements:
  - 1) Boundary; 2) Term; 3) TIRZ Board; 4) City Participation and 5) *Preliminary* Project and Financing Plan
- *Final* Project and Financing Plan
  - 1) After TIRZ creation the Final Project and Financing Plan is recommended by the TIRZ Board; and
  - 2) Approved the City Council by separate ordinance





## PROPOSED TIRZ #2 – Overview

- Goal is to encourage private development that will yield additional tax revenue to all taxing jurisdictions
- Consists of approximately 39 acres
- The base value would be as of January 1, 2024
- **30-year** term - December 31, 2054 (with final year's tax to be collected by September 1, 2055)
- Proposing that the **City participate at a rate of 50%** of it's real property increment
- Potential for Kleberg County to participate, subject to a yet to be negotiated interlocal agreement



## PROPOSED TIRZ #2 - Anticipated Development



## PROPOSED TIRZ #2 – Anticipated Development

- The land within the zone is well positioned for future development and redevelopment
- DPED projects that retail and multifamily development could occur during the life of the TIRZ, based on market trends, known planned development, and input from City staff



DAVID PETTIT  
Economic Development

Projected Completion Date			RP Taxable Value per Unit/SF		Incremental Value	Sales/SF	Incremental Sales
TIRZ #1							
Retail	2025	16,500	\$	200	\$ 3,300,000	\$ 200	\$ 3,300,000
Multifamily	2026	60	\$	75,000	\$ 4,500,000	\$ -	\$ -
Retail	2028	6,500	\$	200	\$ 1,300,000	\$ 200	\$ 1,300,000
Retail	2029	3,500	\$	200	\$ 700,000	\$ 200	\$ 700,000
Retail	2031	4,000	\$	200	\$ 800,000	\$ 200	\$ 800,000
Retail	2032	8,000	\$	200	\$ 1,600,000	\$ 200	\$ 1,600,000
Retail	2034	6,000	\$	200	\$ 1,200,000	\$ 200	\$ 1,200,000
Retail	2035	10,000	\$	200	\$ 2,000,000	\$ 200	\$ 2,000,000
Total					\$ 15,400,000	\$	\$ 10,900,000

## PROPOSED TIRZ #2 – Participation

- \$15.4 Million represents the 2024 taxable value of the Anticipated Development
- Proposing the City of Kingsville would contribute **50%** of the real property increment within the Zone, above a 2024 base
- The Anticipated Development is projected to generate **\$3.5 Million in TIRZ Revenue** to fund the Project Costs, over the 30 year term



DAVID PETTIT  
Economic Development

Taxing Jurisdictions	Total Taxes Generated	TIRZ Participation	Net Benefit
City of Kingsville	\$13,816,450	\$3,459,886	\$10,356,564
Kleberg County	\$9,326,740	\$0	\$9,326,740
Kingsville ISD	\$12,841,639	\$0	\$12,841,639
South Texas Water Authority	\$640,753	\$0	\$640,753
<b>Total</b>	<b>\$36,625,583</b>	<b>\$3,459,886</b>	<b>\$33,165,697</b>





## PROPOSED TIRZ #2 – Project Costs

Proposed Project Costs - TIRZ #2		
<b>Public Utilities</b>	<b>\$ 518,983</b>	<b>15%</b>
<i>Water Facilities and Improvements, Sanitary Sewer Facilities and Improvements, Storm Water Facilities and Improvements</i>		
<b>Parking and Transit Improvements</b>	<b>\$ 518,983</b>	<b>15%</b>
<b>Street and Intersection Improvements</b>	<b>\$ 518,983</b>	<b>15%</b>
<b>Pedestrian Enhancements</b>	<b>\$ 415,186</b>	<b>12%</b>
<i>Streetscape, lighting, public art, and other amenities that enhance the pedestrian experience</i>		
<b>Open Space, Park and Recreation Facilities and Improvements, Public Facilities and Improvements</b>	<b>\$ 345,989</b>	<b>10%</b>
<b>Economic Development Grants</b>	<b>\$ 1,037,966</b>	<b>30%</b>
<b>Administrative Costs</b>	<b>\$ 103,797</b>	<b>3.0%</b>
<b>Total</b>	<b>\$ 3,459,886</b>	<b>100%</b>

- The categories listed in the table above are meant to include all projects eligible under Chapter 311, Section 311.002 of the Texas Tax Code.
- The costs illustrated are estimates and may be revised. Savings from one line item may be applied to a cost increase in another line item
- It is anticipated that the individual TIRZ project cost allocations will be evaluated on a case by case basis, consistent with the categories listed above, and brought forward to the TIRZ board and City Council for consideration

## PROPOSED NEXT STEPS

- **June 10: 1<sup>st</sup> Reading and Public Hearing Creation Ordinance**
- **June 24: 2<sup>nd</sup> Reading and Consideration**
- Creation ordinance establishes five key elements:
  - Boundary;
  - Term;
  - TIRZ Board;
  - City Participation; and
  - Preliminary Project and Financing Plan
- **Summer/Fall 2024:** Upon TIRZ creation the Final Project and Financing Plans is approved by the TIRZ Board and then the City Council by separate ordinance





# QUESTIONS

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

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



## MEMO

**Date:** May 16<sup>th</sup>, 2024

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

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

**Subject:** Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change Store to be located at ERARD EST #3, LOT 1, (VERIZON), in C2 (Retail), also known as 1401 General Cavazos BLVD, Kingsville, TX 78363 (Property ID 33088)

Gabby McGinnis, applicant, approached the department on April 19<sup>th</sup>, 2024, requesting a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd, Kingsville, Texas 78363 where the old Verizon Cell Phone Store was located.

The Planning and Zoning Commission meeting was held on May 15<sup>th</sup>, 2024, with 5 members in attendance.

Members deliberated over the request for approval of a Special Use Permit (SUP) for a new Take 5 Oil Change store to be located at 1401 General Cavazos Blvd. 7 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 Special Use Permit for the property mentioned above. A recorded vote of all members present was taken and board members Rev. Idotha Battle, Debbie Tiffie, Mike Klepac, Larry Garcia and the Chairman, Steve Zamora, all voted "YES."

The meeting was adjourned by 6:15 p.m.

The department continues to recommend approval.

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

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



---

## MEMO

**Date:** May 1<sup>st</sup>, 2024

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

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

**Subject:** Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change Store to be located at ERARD EST #3, LOT 1, (VERIZON), in C2 (Retail), also known as 1401 General Cavazos BLVD, Kingsville, TX 78363 (Property ID 33088)

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The department has reviewed the application and is recommending approval.

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



# PLANNING AND ZONING DIVISION MASTER APPLICATION

email: [hsolis@cityofkingsville.com](mailto:hsolis@cityofkingsville.com) / Phone (361) 595-8055

## PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address E. 1401 GENERAL CAVAZOS BLVD Nearest Intersection HWY 77 & 1356  
 (Proposed) Subdivision Name ERNARD ESTATES UNIT 3 Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Legal Description A 0.647 ACRE TRACT BEING ALL OF ERNARD ESTATES UNIT 3  
 Existing Zoning Designation C2, RETAIL DISTRICT Future Land Use Plan Designation AUTO SALES/ REPAIRS

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

Applicant/Authorized Agent GABBY MCGINNIS Phone 713-534-3490  
 Email Address (for project correspondence only): gabby@allargrp.com  
 Mailing Address 10109 LOETTA RD SUITE 103 City HOUSTON State TX Zip 77070  
 Property Owner SOUTH TEXAS STASH, LLC Phone 325-864-9775 FAX \_\_\_\_\_  
 Email Address (for project correspondence only): b.blackburn@trinityreis.com  
 Mailing Address 2108 SHORELINE CIR City ABILINE State TX Zip 79602-6227

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

<input type="checkbox"/> Annexation Request _____	No Fee	<input type="checkbox"/> Preliminary Plat _____	Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA) _____	\$250.00	<input type="checkbox"/> Final Plat _____	Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request _____	\$250.00	<input type="checkbox"/> Minor Plat _____	\$100.00
<input type="checkbox"/> Re-zoning Request _____	\$250	<input type="checkbox"/> Re-plat _____	\$250.00
<input checked="" type="checkbox"/> SUP Request/Renewal _____	\$250	<input type="checkbox"/> Vacating Plat _____	\$50.00
<input type="checkbox"/> Zoning Variance Request (ZBA) _____	\$250	<input type="checkbox"/> Development Plat _____	\$100.00
<input type="checkbox"/> PUD Request _____	\$250	<input type="checkbox"/> Subdivision Variance Request _____	\$25.00 ea

Please provide a basic description of the proposed project:

The proposed use of the new building is a quick service oil change facility based on a prototypical design. The operational times for the facility are typically 7 AM to 7 PM Monday through Sunday, and there are typically no more than four employees at the highest shift. The site is 0.64 acres, and the proposed facility is to be 1,682 square feet. The property is in the C2, Retail District. The majority of the site will be hard surfaced with concrete or asphalt and has a flat topography with a current structure on site. The current structure is planned to be demolished. The site is in Zone X, so there are no flood concerns. Altar Group and Take 5 respectfully request consideration and recommendations of the attached SUP (Special Use Permit) submittal.

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 \_\_\_\_\_ GABBY MCGINNIS Date: 4/18/2024  
 Property Owner's Signature Bette Blackburn Date: 4/19/2024  
 Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



April 18, 2024

**Take 5 Kingsville, TX- Narrative**

**City of Kingsville, TX**

Take 5 / Driven Brands and Altar Group would like to request a special use permit review of a new Take 5 Oil Change facility development located at 1401 E General Cavazos Blvd Kingsville, TX 78363. The proposed use of the new building is a quick service oil change facility based on a prototypical design. The operational times for the facility are typically 7 AM to 7 PM Monday through Sunday, and there are typically no more than four employees at the highest shift.. The site is 0.64 acres, and the proposed facility is to be 1,682 square feet. The property is in the C2, Retail District. The majority of the site will be hard surfaced with concrete or asphalt and has a flat topography with a current structure on site. The current structure is planned to be demolished. The site is in Zone X, so there are no flood concerns.

Altar Group and Take 5 respectfully request consideration and recommendations of the attached SUP (Special User Permit) submittal.

Sincerely,

John D. Linton, AIA

**Kleberg CAD****Property Search > 33088 SOUTH TX STASH LLC for Year 2024**

Tax Year: 2024 - Values not available

**Property****Account**

Property ID: 33088 Legal Description: ERARD EST #3, LOT 1, (VERIZON)  
 Geographic ID: 124300001000192 Zoning:  
 Type: Real Agent Code:  
 Property Use Code:  
 Property Use Description:

**Location**

Address: 1401 E GENERAL CAVAZOS Mapsco:  
 TX  
 Neighborhood: Map ID: B2  
 Neighborhood CD:

**Owner**

Name: SOUTH TX STASH LLC Owner ID: 66971  
 Mailing Address: 2108 SHORELINE CIR % Ownership: 100.000000000000%  
 ABILENE, TX 79602-6227  
 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**

Owner: SOUTH TX STASH LLC  
 % Ownership: 100.000000000000%  
 Total Value: N/A

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



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

## Improvement / Building

Improvement #1: COMMERCIAL State Code: F1 Living Area: 1748.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
MA	MAIN AREA	RS2G		2006	1748.0
PO	PATIO (SPECIAL PRICE)	SP		2006	300.0
CON	CONCRETE SLAB COMMERCIAL	*		2006	13830.0
CN1	CANOPY BASIC (20%)	*		2006	68.0
CN1	CANOPY BASIC (20%)	*		2006	68.0

## Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	F1	F1	0.6430	28009.00	0.00	0.00	N/A	N/A

## Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2024	N/A	N/A	N/A	N/A	N/A	N/A
2023	N/A	N/A	N/A	N/A	N/A	N/A
2022	\$161,220	\$280,090	0	441,310	\$0	\$441,310
2021	\$168,850	\$280,090	0	448,940	\$0	\$448,940
2020	\$167,600	\$280,090	0	447,690	\$0	\$447,690
2019	\$168,690	\$280,090	0	448,780	\$0	\$448,780
2018	\$173,510	\$280,090	0	453,600	\$0	\$453,600
2017	\$157,260	\$280,090	0	437,350	\$0	\$437,350
2016	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2015	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2014	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2013	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2012	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2011	\$134,800	\$280,090	0	414,890	\$0	\$414,890
2010	\$166,840	\$280,090	0	446,930	\$0	\$446,930

Questions Please Call (361) 595-5775

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

[illegible]

LL REVIEW DOCUMENTS

FOR

# TAKE 5 OIL CHANGE

1401 E GENERAL CAVAZOS BLVD  
KINGSVILLE, TX 78363

APRIL 2024

OWNER:  
DRIVEN BRANDS, INC  
CHURCH STREET, SUITE 700  
CHARLOTTE, NC 28202  
CONTACT: JEFFREY M. BURNETT  
PHONE: 800-225-4457  
E-MAIL: JEFF.BURNETT@DRIVENBRANDS.COM

ARCHITECT:  
ALTAR GROUP, PLLC  
10309 LOUETTA RD, SUITE 103  
HOUSTON, TX 77036  
CONTACT: JOHN LINTON  
PHONE: 713-248-7152  
E-MAIL: JOHN@ALTARGRP.COM

CIVIL ENGINEER:  
ALTAR GROUP, PLLC  
10309 LOUETTA RD, SUITE 103  
HOUSTON, TX 77036  
CONTACT: SANDRA MADIRA  
PHONE: 713-254-2413  
E-MAIL: SANDRA@ALTARGRP.COM

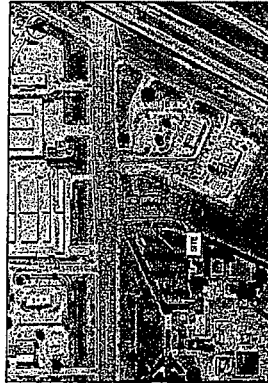
SURVEYOR:  
BRIAN J. BURNETT, P.E.  
1030 TEAN TRAIL, SUITE 400  
GRAPEVINE, TX 76031  
CONTACT: BRADLEY G. WELLS  
PHONE: 940-261-1111  
E-MAIL: SURVEY@BURNETTINC.COM

GEOTECHNICAL ENGINEER:  
PROFESSIONAL SERVICES INDUSTRIES, INC  
2020 N LOOP 495, SUITE 302  
HARLINGEN, TX 78550  
CONTACT: JUANITA GONZALES  
PHONE: 361-427-4662  
REPORT NUMBER: 0312-3083  
REPORT DATE: FEBRUARY 20, 2024

FLOOD PLAN STATEMENT:  
THIS FLOOD PLAN STATEMENT IS A PRELIMINARY STATEMENT OF THE ENGINEER'S OPINION OF THE FLOOD HAZARD BASED ON THE INFORMATION PROVIDED BY THE OWNER AND THE ENGINEER'S VISUAL INSPECTION OF THE PROJECT SITE. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF THE ANALYSIS. THE ENGINEER'S OPINION IS BASED ON THE INFORMATION PROVIDED AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF THE ANALYSIS.



LOCATION MAP  
SCALE: 1" = 2,000'



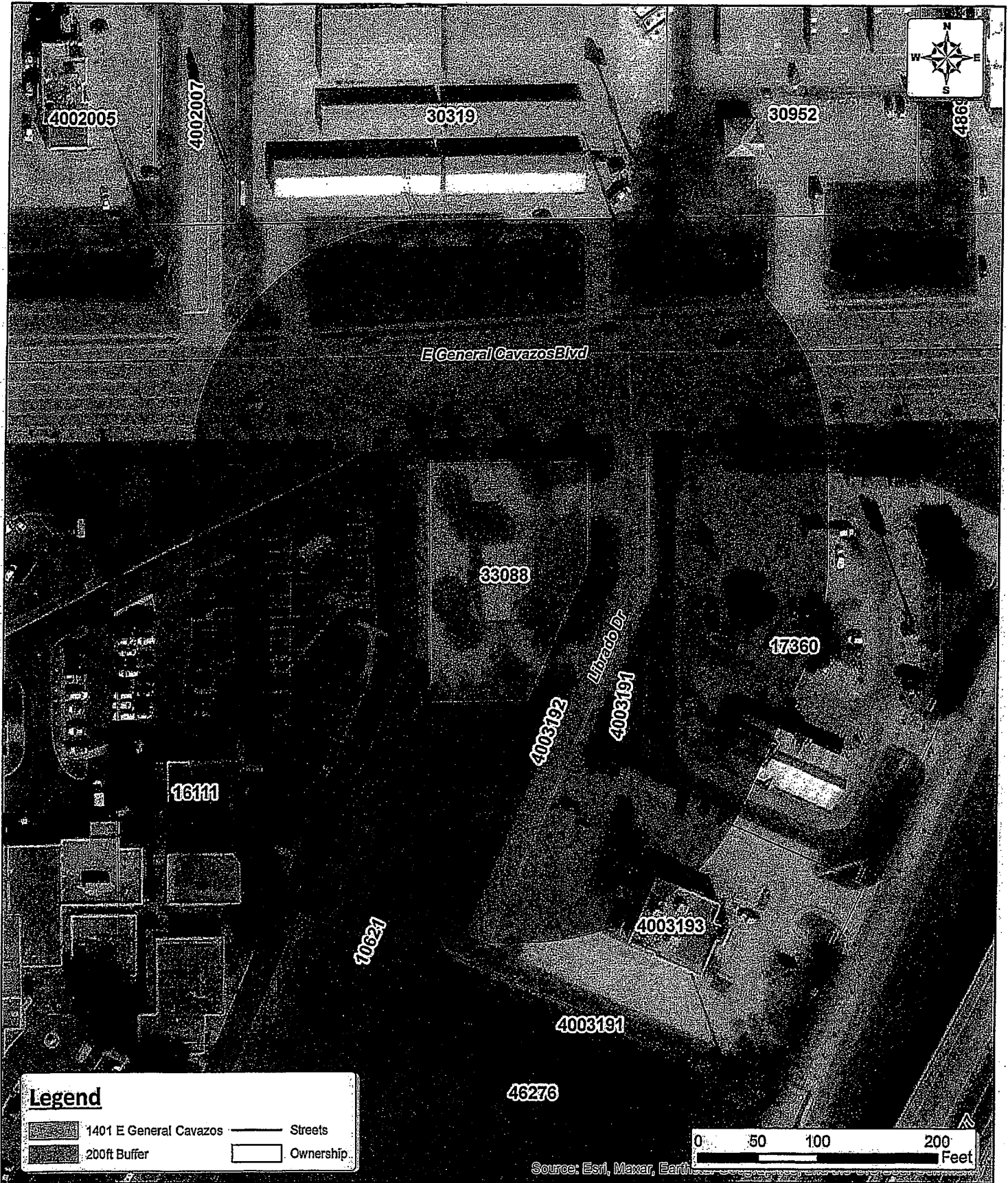
VICINITY MAP  
SCALE: 1" = 200'



Sheet Number	Sheet Title
C-001	COVER SHEET
C-002	GENERAL NOTES
C-003	CONSTRUCTION NOTES
C-004	SECTION PLAN
C-005	SECTION PLAN
C-006	SECTION AND ELEVATION CONTROL PLAN
C-007	SECTION AND ELEVATION CONTROL PLAN DETAILS
C-008	SECTION PLAN
C-009	SECTION PLAN
C-010	SECTION AND ELEVATION CONTROL PLAN
C-011	SECTION PLAN
C-012	SECTION PLAN
C-013	SECTION PLAN
C-014	SECTION PLAN

ALTAR GROUP  
ARCHITECTURE  
ENGINEERING  
PO BOX 4305  
CYPRESS, TEXAS 77410

*200ft Buffer at 1401 E General Cavazos Blvd*



AGAP Kingsville LLC  
%Andover Properties LLC  
150 E 52<sup>ND</sup> ST 32<sup>ND</sup> FL  
New York, NY 10022  
#30319

Christus Spohn Hospital Kleberg  
% Prop Tax Appeal & Service Co  
792 W FM 1961  
Yorktown, TX 78164  
#16111

Paul M West  
489 N County Road 1050  
Kingsville, TX 78363  
#10621

City Of Kingsville Attn: Planning Department  
PO Box 1458  
Kingsville, TX 78364  
#4003192

Paul M West  
489 N County Road 1050  
Kingsville, TX 78363  
#4003191

FCPT Holdings LLC  
ATTN: Redwood HWY STE 1150  
591 Redwood HWY STE 1150  
Mill Valley, CA 94941  
#4003193

Whataburger INC  
ATTN: Real Estate Dept.  
PO Box 13752  
Philadelphia, PA 19101  
#17360

## Sec. 1. - Land use chart.

Chapter XV - Land Use

Article 16 - Zoning

Appendix A - Land Use  
Categories

The following chart shall set out the land uses within the city:

P = Permitted

→ S = Special use permit required

X = Special review required

= Not permitted (absence of any symbol)

[Land Use Chart on the following pages]

Land Use Chart														↓
Land Use Description	R1	R2	R2A	R3	R4	MH	C1	C2	C3	C4	I1	I2	Ag	
Dwelling, one-family det.	P	P		P	P	P	P	P	P				P	
Dwelling, one-family att.		P	P	P	P		S	P					P	
Dwelling, two-family		P		P	P		S	P						
Dwelling, multi-family				P	P		P	P	P					
Tiny Homes		P	P			P								
Dwelling, above business									P					
Work/live units									P					
Boarding or rooming house					P			S	P	P				
Hotel or motel					P			S	P	P				
Dormitory					P									
Fraternity, sorority					P									

Temporary carnival (14 days - 200 ft. setback from residential property)								S	P	P			
Provisioning and recreational sporting goods sales including boats and vehicles								S	P	P			
Shooting galleries and pistol [ranges] (indoor)								S	P	P			
Souvenir, curio								S	P				
<i>Automobile Related Uses</i>													
Car wash							P	S	P	P	P		
→ Auto sales, repairs including motorcycles								S	P	P	P		
Auto paint and body shop								S	P	P	P		
Drag strip, race track											S	S	
Gasoline service station								P	P	P	P		
Gasoline sales							S	P	P	P	P		
Commercial parking structure auto only								S	P	P	P		
Truck storage								S	S	P	P	P	
Used auto parts, sales, indoors								S	P	P	P	P	

### **PUBLIC HEARING NOTICE**

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 15, 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:

**Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change in C2 (Retail) at ERARD EST #3, LOT 1, (VERIZON) also known as 1401 General Cavazos BLVD, Kingsville, TX**

The meeting will be held at City Hall, 400 West King, Kingsville TX 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 Tuesday, May 28, 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:

**Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change in C2 (Retail) at ERARD EST #3, LOT 1, (VERIZON) also known as 1401 General Cavazos BLVD, Kingsville, TX**

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.





KISD speech therapists and speech pathologists were recognized at the April 16 school board meeting. Pictured, from left, are School Board President Brian Coufal, Tina Gamez, speech pathologist; Debbie Garza, speech therapist; Kimberly Coranada, speech therapist; Roxann Benitez, speech pathologist, Superintendent Dr. Cissy Reynolds-Perez and Laura Zimmerman, Director of Special Education and 504. Not pictured is Carrie Mosqueda, speech pathologist. (Photos by Gloria Bigger-Cantu)



HMKHS JROTC cadets have been selected to participate in the Junior Army JROTC Leadership and Academic Leadership Competition June 21-25 at the Catholic University of America in Washington, D.C. The cadets were recognized at the April 16 school board meeting. Pictured, from left, are School Board President Brian Coufal, CLTC Zachary Hamilton, CPFC Braydon Milon, CPFC Arjun Nakramoni, JROTC Senior Instructor LTC James Truitt, JROTC Assistant Instructor and Superintendent Dr. Cissy Reynolds-Perez.

## KISD School Board hears award recognitions, future events, approve trip

By Gloria Bigger-Cantu  
Contributing Reporter

The Kingsville Independent District Board of Trustees heard about recognition awards, approved an out of state student trip, adopted instructional materials list, and acted on allotment and TEKS certification to be sent to TEA. Announcements for future events were reported at the regular meeting held on April 16.

The first award announcement was recognition received by the HMK High School Drill Team at two February competitions in Corpus Christi. Georganna Guajardo, Gabriella Esquivel and Julissa Rincon received superior ratings at the Showtime International Corpus Christi Beach Blast Dance Competition. Melinda Garza serves as the sponsor of the 45-member team. The new dance season begins on May 18 at the HMK High School Domes.

T.C. Teague was recognized as the 2023-2024 KISD Bus Driver of the Year. KISD along with their insurance firm PCAT, Property

Casualty and Alliance of Texas, recognize a bus driver for their outstanding dedication.

Dr. Analisa Farah, Executive Director for Elementary Education read information on a trip request:

"H.M. King High School JROTC is requesting the Board approval to travel to participate in the Junior Army JROTC Leadership and Academic Championship Competition on June 21-25 at the Catholic University of America," she said. The United States Army Cadet Command hosts this competition in Washington D.C. Next, Lt. Col. James A. Troia, (U.S. Army Retired) KISD Sr. JROTC instructor said that there were 2100 applicants, then narrowed to 1,066, and finalized to 66 participants. "They will be competing mostly with others throughout the U.S. will be no cost to the district," he said.

Dr. Farah also read the approved proclamations. The School Nurses Recognition Week will be May 6-12. The National Speech Therapist Week will be May 6-10; and

Teacher Appreciation Week will be May 6-10.

The trustees voted on the list of teachers approved instructional materials in the areas of science.

K-12 and CTE-Career Development and Health Science. Also approved was the Allotment and TEKS (Texas Essential Knowledge of Skills) Certification to be

sent to the Texas Education Agency.

Trustees Brian Coufal, Joe Mireles, Martin E. Chapas, David R. Garcia, Joseph Ruiz, James Glusing and Delma Salinas unanimously approved all the administration's recommendations on the agenda.

KISD Superintendent Dr. Cissy Reynolds-Perez re-

viewed the future events. A ribbon cutting event will be held at HMK High School's brand-new track at 4:30 p.m. on May 7. The Corando "Cory" Garza AG Farm name dedication will be held at 4 p.m. June 4. The public is invited to attend these two events.

Another major event will be The State of the District,

"United We Stand" will begin at 11:45 a.m. on Thursday May 30 at the HMK High School Domes. Speakers include Dr. Reynolds-Perez, Kleberg County Judge Rudy Madrid, and Senator Morgan LaMantia. Tickets and sponsorships proceeds benefit KISD students and teachers. The KISD Education Foundation sponsors this event.

**RE-ELECT**

*Norma Nelda*

# Alvarez

★★★★★★★★★★ FOR ★★★★★★★★★★

## CITY COMMISSIONER

POL. ADV. PAID FOR BY CANDIDATE

**ELECTION DAY IS SATURDAY, MAY 4**

**ELECT** KRISTAL (SEIDEL) EMERY  
FOR CITY COMMISSIONER PLACE 3

- Experience working with government policy, budgets, & procedures.
- Kingsville native eager to contribute to positive community growth.
- Strong networking, interpersonal & listening skills.

**KINGSVILLE BIBLE STUDY**

EVERY TUESDAY 7-8 PM

HOLIDAY INN  
2400 S. HWY 77  
KINGSVILLE, TX 78363

FOR ADDITIONAL INFORMATION  
CALL 361-444-2313  
OR  
SCAN THIS QR CODE

**Baffin Bay Woodworks**

- Custom Cabinets • Drawer Boxes
- Cabinet Doors • Entry Doors

Call (361) 219-0264

**TRASH-OFF**

The City of Kingsville will be hosting a TRASH-OFF  
Citizens can dump their Trash for FREE!

**Saturday, May 11, 2024 from 8:30 a.m. - 12 p.m.**

\*\*\*Weather Permitting\*\*\*

Located at 6th Street & East Ave. B  
Two blocks north of Kleberg Elementary School  
You must provide proof of residency and utility bill.  
No Contractors Allowed! Kingsville Residents Only!

**We WILL Accept:**

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

ONLY standard automobile tires

**We WILL NOT Accept:**

- Hazardous Waste
- Refrigerators or Freezers
- Concrete
- Household Garbage
- Sheetrock or Roofing Scraps

**VOLUNTEERS NEEDED!**

### PUBLIC HEARING NOTICE

The Planning & Zoning Commission of the City of Kingsville will hold a Public Hearing Wednesday, May 15, 2024, at 6:00 p.m. wherein the Commission will discuss and/or take action on the following item and at which time all interested persons will be heard:

Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change Store in C2 (Retail) at ERARD EST #3, LOT 1, (VERIZON) also known as 1401 General Cavazos BLVD, Kingsville, TX

The meeting will be held at City Hall, 400 West King, Kingsville TX 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 Tuesday, May 28, 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:

Gabby McGinnis, applicant; South Texas Stash, LLC, owner; requesting a Special Use Permit for a Take 5 Oil Change Store in C2 (Retail) at ERARD EST #3, LOT 1, (VERIZON) also known as 1401 General Cavazos BLVD, Kingsville, TX

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

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

**AMENDING THE ZONING ORDINANCE GRANTING A SPECIAL USE PERMIT TO SOUTH TEXAS STASH, LLC FOR A TAKE 5 OIL CHANGE STORE IN C2-RETAIL AT ERARD EST #3, LOT 1,(VERIZON)(PROPERTY ID #33088), ALSO KNOWN AS 1401 E. GENERAL CAVAZOS BLVD, KINGSVILLE, TEXAS; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.**

**WHEREAS**, city staff has received an application from South Texas Stash. LLC, via agent Gabby McGinnis for a Take 5 Oil Change store in a C2-Retail District area; and

**WHEREAS**, the applicant plans to build the oil change store on private property in a C2-Retail District area, but Section 15-6-Appendix A-Land Use Categories of the City of Kingsville Code of Ordinances requires a Special Use Permit process as the auto sales/repairs use is to be located in a C2-Retail District area; and

**WHEREAS**, the Planning and Zoning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of South Texas Stash. LLC for amendment to the zoning map of the City of Kingsville with the request based on the aforementioned City Code sections;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, May 15, 2024, during a meeting of the Planning and Zoning Commission, and on Tuesday, May 28, 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**, on a motion to approve the item, a majority of the Planning Commission voted 5-0, to APPROVE the requested Special Use Permit; and

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

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

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for an auto repair use via a Take 5 Oil Change store in a C2-Retail District area at Erard Est #3, Lot 1,(Verizon)(Property ID #33088), also known as 1401 E. General Cavazos Blvd., Kingsville, Texas as more specifically described on the site plan attached as Exhibit A.

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

1. **ALLOWED USE:** The only use authorized by this Special Use Permit is for the development and operation of an auto repair use via a Take 5 Oil Change store (hereafter referred to as the "Special Permit Business") in C2-Retail District at Erard Est #3, Lot 1,(Verizon)(Property ID #33088), also known as 1401 E. General Cavazos Blvd., Kingsville, Texas.

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

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

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

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

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

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

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

**INTRODUCED** on this the 28th day of May, 2024.

**PASSED AND APPROVED** on this the 10<sup>th</sup> day of June, 2024.

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

**THE CITY OF KINGSVILLE**

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

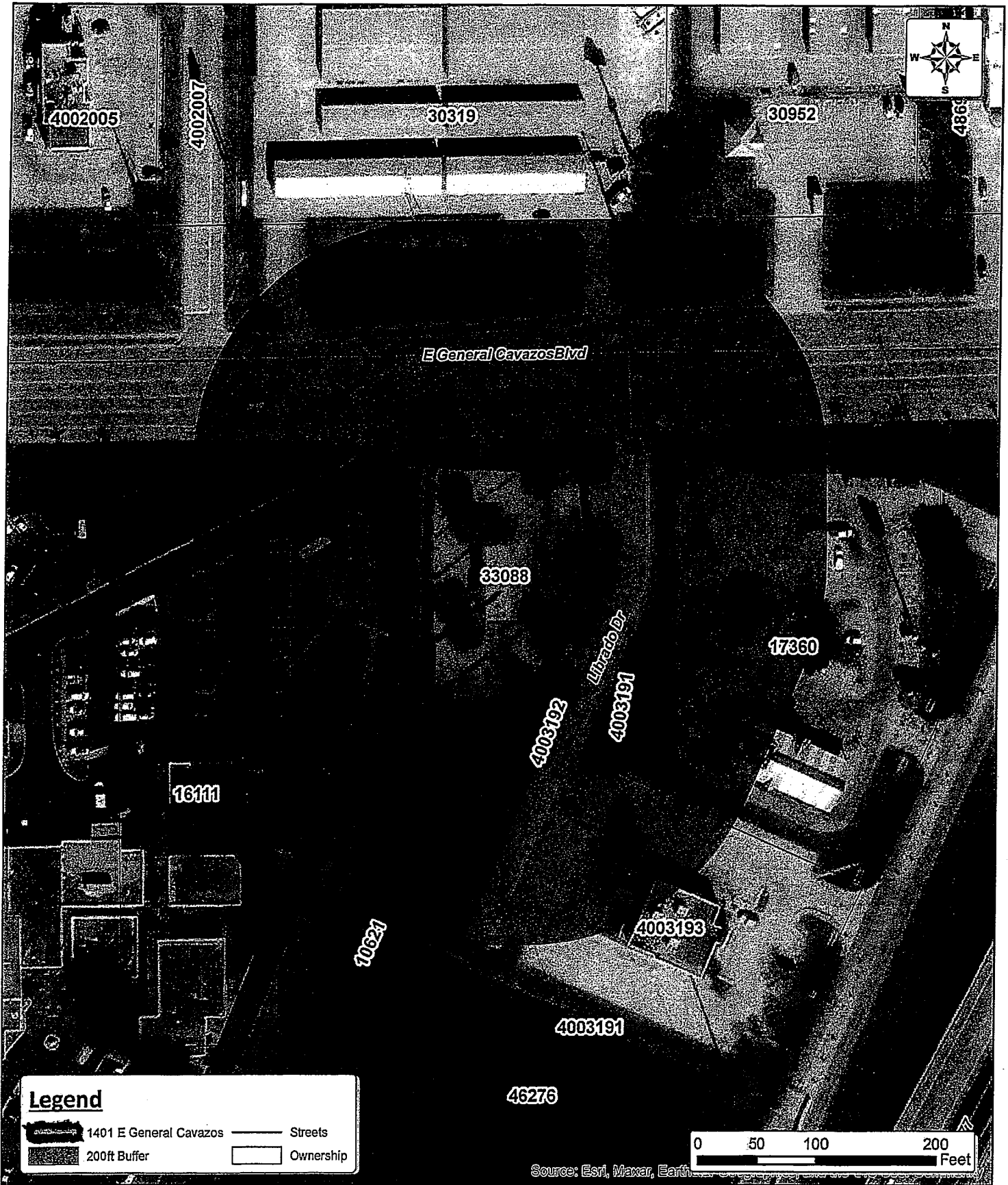
**ATTEST:**

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

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Courtney Alvarez, City Attorney

*200ft Buffer at 1401 E General Cavazos Blvd*



Page: 1/1	Drawn By: G. AMAYA
	Last Update: 4/22/2024
	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**



**City of Kingsville  
Finance Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Deborah Balli, Finance Director  
DATE: May 10, 2024  
SUBJECT: Budget Amendment #37 – Utility Billing Software Increases

---

**Summary:**

The FY 23-24 budget appropriated funding for Utility Billing Software Increases, but the amount of the increase was not enough for the Utility Fund to cover as part of this software was budgeted in General Fund and should have been budgeted fully in the Utility Fund.

**Financial Impact:**

This Budget Amendment appropriates \$11,681 in additional funding for the increased enrollment. Funding for this appropriation will come from the Water Budget Amendment Reserve line item resulting in no effect on the Utility fund balance.

**Recommendation:**

Staff recommends the approval of this budget amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR TYLER UTILITY BILLING SOFTWARE INCREASES.**

**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#37

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051- Utility Fund</b>					
<u>Expenditures – 5</u>					
6001	Water	Budget Amend Reserve	86000		\$11,681
6201	Utility Billing	Computers & Assoc Equip	22600	\$11,681	

[To amend the City of Kingsville FY 23-24 budget to appropriate additional funding for Computer Software Increases. Funding will come from the Utility Fund Budget Amendment Reserve line item.]

II.

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

III.

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

IV.

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

**INTRODUCED** on this the 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

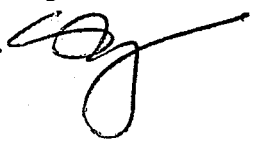
**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #3**

• Approve Budget  
Am. for donation

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Susan Ivy, Parks Director   
**DATE:** May 17, 2024  
**SUBJECT:** Agenda Request – Request for Approval of Donation from Brookshire Foundation

---

**Summary:** We are asking that Commission approve the receipt and associated Budget Amendment for a \$37,000 donation from Brookshire Foundation to Parks and Recreation.

**Background:** This donation is committed as follows:

\$15,000 Shaded lifeguard chairs

\$15,000 Recreation Programs

\$ 7,000 New Lane lines for competitive and lap swim at Brookshire Pool

**Financial Impact:** The will add \$22,000 to Minor Equipment line item 001-5-4513-21700  
And \$15,000 to Rec Programs 001-5-4513-31499.

**Recommendation:** Approve the recommended Budget amendment.

**Note:** The shade structures we requested that are poles mounted in the ground with large umbrellas would not work in our deck surfacing at the pool so we had to go to a different design. We are advising the Brookshire Foundation of the change.



Kingsville Parks & Recreation  
400 W. King (mailing)  
501 Santiago Park Lane (physical)  
Kingsville, Texas 78363  
361-221-8706  
Susan Ivy, Director  
361-219-9125



For information on events and facilities  
[www.cityofkingsville.com/departments/parks](http://www.cityofkingsville.com/departments/parks)  
Email: [sivy@cityofkingsville.com](mailto:sivy@cityofkingsville.com)  
or follow us on Facebook  
Kingsville Parks and Recreation

April 22, 2024

B. C. & Addie Brookshire Foundation  
c/o Board of Directors

Dear Board Members,

We are asking your consideration for:

\$15,000 donation to assist with our 2024 Summer Programming.

\$15,000 for shade structures to be placed over the lifeguard stands at Brookshire Pool

\$ 7,000 to replace lane lines(7) for competitive swim meets and triathlon and lap swimming

**\$37,000 Total Request**

First of all, as always, the generosity of the Brookshire Foundation is one of the biggest benefits the Parks Department has enjoyed continually for all of my 34 years here. The recreational opportunities expanded for our kids by funds donated by the Brookshire Foundation is tremendous and I thank you on behalf of them. This is the program we partner with the County Extension office on and they provide a wealth of expertise in many of our nature based activities.

The Summer Program request is detailed in an attachment. We have added a much requested camp for Special Needs kids and are anxious to serve more kids this summer. We have added days to our camp this last year for the KISD days they are off half a day. Those days will be expanding in the 2024/2025 School Year to include a few all day camps at the request of the Boys and Girls Club.

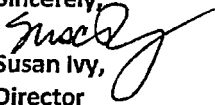
The request for shade structures over the lifeguard chairs is a great need for the lifeguards. The winds here are so strong in the summer that we have struggled with the strongest umbrellas we can find that stick into the pole on the chair. They all break from high winds. With increasing heat temperatures, it is vital that we provide some sturdy support for our staff. Your assistance would be appreciated. This quote includes the purchase of the pole and shade cloths and installation supplies. Our staff will do the installation guided by City Engineering staff. The installation quoted by the Shade Company was an additional \$24,000.

We are also asking for your assistance in replacing the lane lines used for competitive swim meets and triathlons. Both of which we host with our Swim Team and CrossFit Kingsville.

---

Your kind consideration of our request is appreciated. If you have any questions I will be available via my cell phone at 361-522-1202.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Ivy", written over the printed name.

Susan Ivy,  
Director

Kingsville Parks and Recreation



**Lifeguard Shade Structure x 4**  
8 Feet / 9 Feet / 10 Feet  
LFGUARD\*8x9-10E

**\$11,959.96**



**Shade Structure Engineered Drawings x 1**  
Sealed-Digital  
Engineered Drawings-Sealed

**\$875.00**




**Shade Structure Anchor Bolts & Plates x 4**  
Lifeguard  
Lifeguard-AnchorBolts

**\$704.00**

**Standard Installation**

**~~\$24,150.00~~**

Discount  GOOD THROUGH 5-31-2024 **-\$1,318.96**

Subtotal **\$36,370.00**

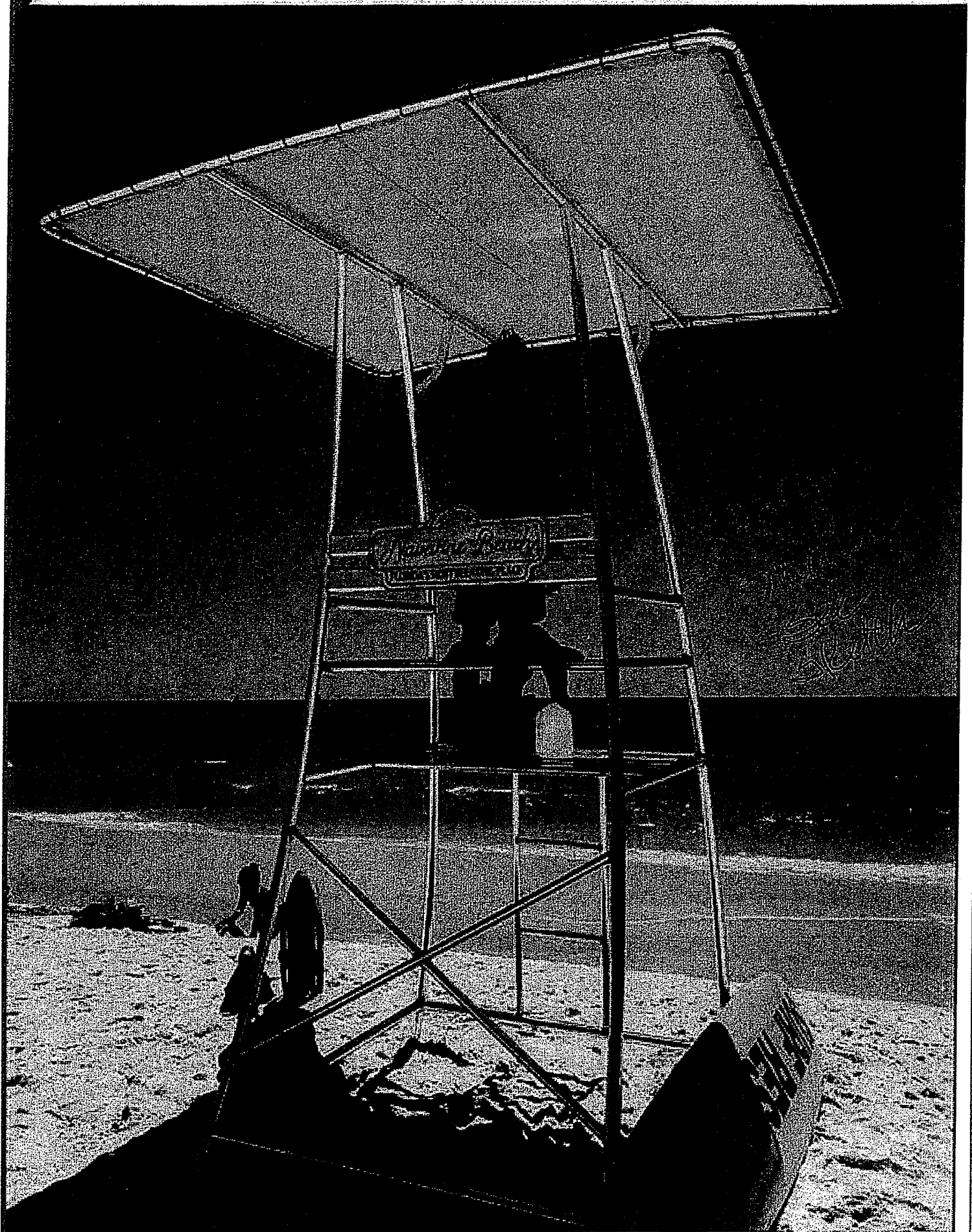
Shipping **\$908.00**

Total **\$37,278.00 USD**

You saved \$1,318.96

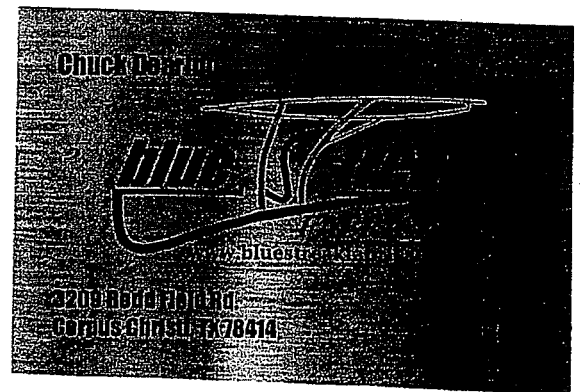
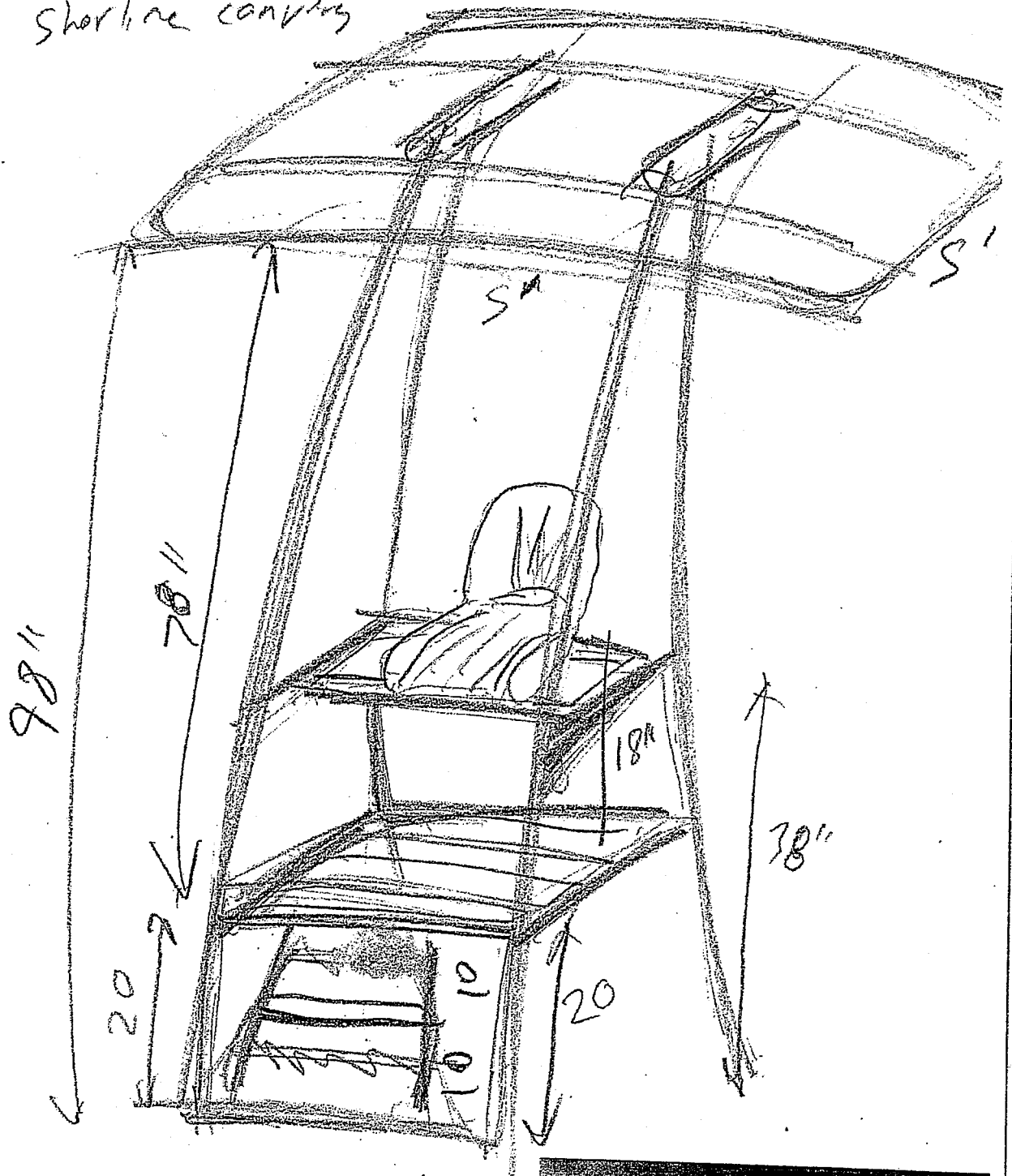
*(24150.00)*  
*13128.00*

*Could not Mount this into  
Pool Deck*





shortline convey

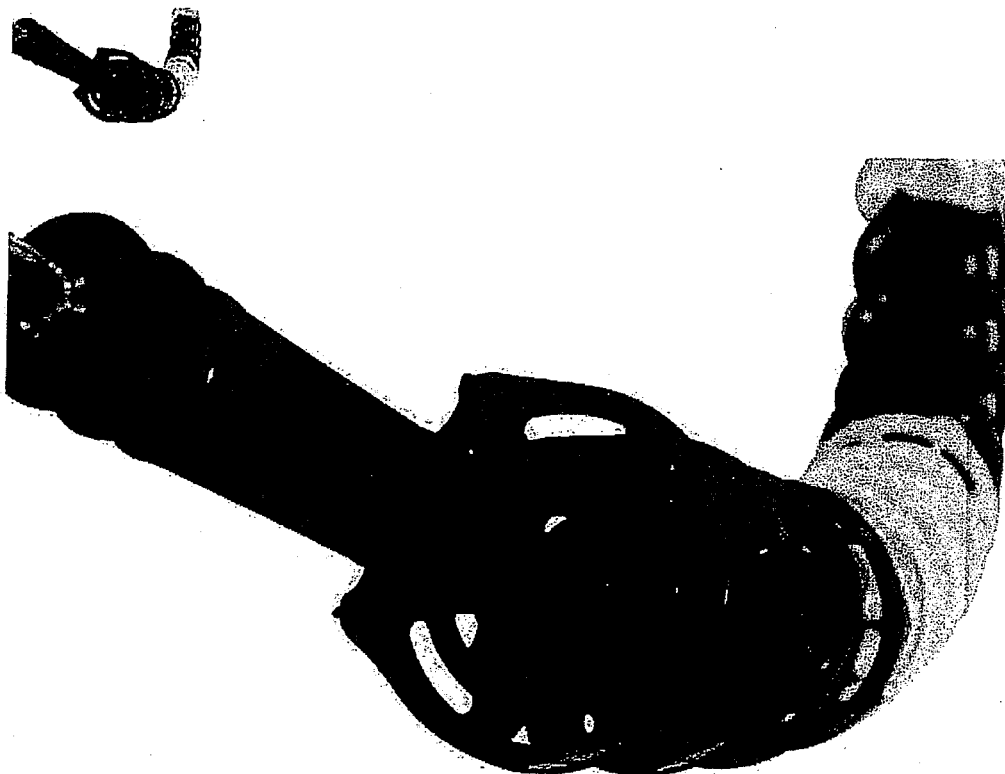


## 75 Foot Maximum Racing Lane Line With 6 Inch Disks

WRITE A REVIEW

ALLOW 7-10 DAYS TO SHIP

**\$932.25** **\$932.25** & SHIPS FREE! X 7



**SUMMER CAMP EXPENSES FOR 50 CAMPERS AND RAINBOW SPECIAL NEED CAMP**

Name	SUMMER CAMP 2024	Department	PARKS AND RECREATION
------	------------------	------------	----------------------

**FIELD TRIPS**

Dates	LOCATION	AMOUNT
JUNE 18	BAFFIN BAY, RIVIERA, TX	100.00
JUNE 20	BAFFIN BAY, RIVIERA, TX	100.00
JUNE 27	NAS BOWLING	500.00
JULY 18	PLANETARIUM, CORPUS CHRISTI	200.00
JULY 25	BROWNSVILLE ZOO, END OF YEAR TRIP	1,250.00

TOTAL	2,150.00
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Category	FIELD TRIPS	LOCATIONS	Amount
Transportation	DATES	MILEAGES ROUND TRIP/ PLUS DRIVERS HOURS	
KISD BUS TRANSPORTATION	JUNE 18	BAFFIN BAY, RIVIERA= 60 MILES	
	JUNE 20	BAFFIN BAY, RIVIERA = 60 MILES	
	JUNE 27	NAS BOWLING = 28	
	JULY 18	PLANETARIUM, CORPUS CHRISTI =140 MILES	
	JULY 25	GLADY'S PORTER ZOO, BROWNSVILLE=234	
TOTAL			2,000.00
ACTIVITIES /EXPENSES	DATE	SUPPLIES	
		ROLLS OF BUTCHER PAPERS FOR BANNER/PAINT, BRUSHES, PENCILS, GLUE AND OTHER MATERIALS FOR PROJECT	450.00
WILLY WONKA STEM	6/4-6/5-6/6	ART SUPPLIES, NOODLES, SCIENCE EXPERIMENTS SUPPLIES, DECORATIONS, SNACKS, DRINKS FOR LIFT EXPERIMENT ETC	500.00
BUGGIN' OUT	6/11-6/12-6/13	HANDHELD MIROSCOPES, BUG NETS, BUGS SPRAY, ARTS SUPPLIES FOR BUGS ACTIVITIES	500.00
KAYAKING & FISHING	6/18-6/20	TACKLE BOXES, NETS, WATER BOTTLES, NECK COOLING WRAPS/ PADDLES FOR KAYAKS AND LIFE JACKETS SUNBLOCK, BUG SPRAY	350.00
SPORT MANIA, PICKLEBALL, MIIN GOLF, BASKETBALL, VOLLEYBALL & MUDDY BUDDIES 5K	6/25-6/26-6/27	PADDLES, BALLS, NETS, MEDALS, MATERIALS FOR MUD RUN OBSTACLE COURSE, WOOD, NAILS, ROPES ETC, INFLATABLE POOL TRAPS, WATER HOSES	600.00
BASH THE TRASH	7/9-7/10-7/11	ROCKS FOR PAINTING, ROCK PENS, GLUE, TAPE, BOXES, FOIL PAPPER, BUBBLE WRAPS ETC POPCORN KERNELS, LENTILS ALPHABET STICKERS RICE, PAPER PLATE, COLORFUL RIBBON SMALL BELLS AND HOPE PUNCHERS	400.00
GALACTIC EXPLORES	7/16-7/17/7/18	SUPPLIES FOR ROCKIES, CANVAS, SPONGES, TELESCOPES MATERIALS, TELESCOPE LENSES, TAPE SPACE MATERIALS, ETC	500.00
ANIMAL OLYMPICS	7/23/7/24/7/25	POSTERS, PIPE CLEANERS, TISSUE PAPERS, CARDSTOCK, GOOGLY EYES, CANVAS, PAINT ETC, CAMERA'S, SUPPLIES FOR BIRD HOUSES, FOOTPRINT STONES	450.00
MISCELLANEOUS:		BREAKFAST BARS, SNACKS AND WATERS FOR ALL DAILY ACTIVITIES & FILED TRIPS, BATTERIES, WET ONES, CLOROX WIPES, FIRST AID KIT, WATER JUG, CAMPER SHIRTS AND BUCKET HATS	2,500.00
		ALL STAFF SHIRTS, CAPS AND WHISTLES/ WALKIE TALKIES	700.00
NEW CAMP FOR SPECIAL NEEDS KIDS	6/7-6/14-6/21-7/12-7/19	SUPPLIES FOR RAINBOW SPEICAL NEED CAMP, CHALK, PLAYDOUGH, MUSICAL INSTRUMENTS, KIDS CAMP SHIRTS, OBSTACLE COURSE ITEMS, ARTS AND CRAFT, STEM PROJECTS AND SCIENCE EXPERIMENTS, SPORTS EQUIPMENT	3,000.00
TOTAL			15,000.00

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ACCEPT AND EXPEND DONATION FROM THE BROOKSHIRE FOUNDATION FOR POOL EQUIPMENT AND RECREATION PROGRAMS FOR THE PARKS 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#42

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<u>Revenues – 4</u>					
4513	Parks	Donations	72030	\$37,000	
<u>Expenditures - 5</u>					
4513	Parks	Minor Equipment	21700	\$22,000	
4513	Parks	Recreation Programs	31499	\$15,000	

[To amend the City of Kingsville FY 23-24 budget to accept and expend donation from the Brookshire Foundation for pool equipment and recreational programs for Parks. Funding will come from the donation for the stated purpose.]

II.

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

III.

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

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

IV.

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

**INTRODUCED** on this the 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 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  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Susan Ivy, Parks Director  
**DATE:** May 17, 2024  
**SUBJECT:** Agenda Request – Request for Approval of Budget Amendment for Golf Course Hydroseeding

---

**Summary:** We are requesting approval of the attached Budget Amendment in the amount of \$21,018.03 to match a commitment of \$24,320 from the County to pay a \$48,640 Hydroseeding quote for the L.E. Ramey Golf Course. In order to do this, \$3,301.97 will have to be transferred into the 026 account as follows:

**From:** 001-5-4502-21100 \$1,500.00  
          001-5-4502-21179 \$1,000.00  
          001-5-4502-21400 \$ 802.00  
                                  **\$3,302.00**

**Background:** This project will Hydroseed fairways 2,3,4,6 and spot treat 9,10,11,12,14,15,18. These areas will be roped off to restrict patrons from driving over them for some time. We have had a long history of trouble with grass growing in the fairways and testing Ruben has done with this type of grass seems to be growing well.

**Financial Impact:** This will add \$24,000 From the fund balance in the 026 Fund Golf Course Improvements to the Golf Course Budget.

**Recommendation:** Approve the recommended Budget amendment and expenditure of funds.



# City of Kingsville Parks & Recreation Department



VKR Landscaping, Inc  
2504 Penorse Ave  
Edinburg, Tx 78539

## Estimate

Date	Estimate #
5/17/2024	185

Name / Address
City Of Kingsville

			Project
Description	Qty	Rate	Total
LE Ramey Golf Course			
One Time Hydromulch with Bermuda Seed	128,000	0.38	48,640.00
Will Require 1/2 to Start and Remaining Upon Completion			
NO WARRANTY MUST HAVE A 2" WATER CONNECTION			
Thank you for your business.			Total \$48,640.00

Phone #
(956)655-3990

E-mail
myrna@vkrlandscaping.com





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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE GOLF COURSE HYDROSEEDING PROJECT.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#45

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 026 – Golf Course Capital Projects Fund</b>					
<u>Revenues – 4</u>					
0000	Golf Course	Transfer from Fund 001	75001	\$3,302.00	
<u>Expenditures – 5</u>					
4502	Golf Course	Grounds & Perm Fixtures	59100	\$24,320.00	
<b>Fund 001 – General Fund</b>					
6900	Transfer	Transfer to Fund 026	80026	3,302.00	
4502	Golf Course	Supplies	21100		\$1,500.00
4502	Golf Course	Golf Course Accessories	21179		\$1,000.00
4502	Golf Course	Chemicals	21400		\$802.00

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the Golf Course hydroseeding project. Funding of \$21,018 will come from the fund balance of Fund 026 Golf Course Capital Projects Fund and \$3,302 will come from various line items in General Fund Division 4502. This funding only pays for 50% of this project. The other 50% will come from the County.]

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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 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  
Purchasing Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa Purchasing Manager  
DATE: May 10, 2024  
SUBJECT: Budget Amendment for HVAC System at Police Dept.

---

**Summary:**

This item authorizes the approval of a Budget Amendment in the amount of \$19,358.00 to replace a 10-ton HVAC system for the Police Department.

**Background:**

The City staff is requesting a budget amendment to replace a 10 ton HVAC System for the Police Department that provides heating and cooling for the server room and dispatch area. The existing unit is the last of the original units on the building. The funds will transfer from 001-5-1030-86000 Budget Amendment Reserve to 001-5-1805-51100 Building Maintenance.

**Financial Impact:**

Staff is requesting a budget amendment in the amount of \$19,358.00 be transferred from Fund 1-5-1030-86000 City Special Budget Amendment Reserve.

**Recommendation:**

It is recommended the City Commission approve the Budget Amendment for the replacement of a 10-ton HVAC system for the Police Department, in the amount of \$19,358.00 as per staff recommendation.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR EMERGENCY REPAIR TO POLICE DEPARTMENT AC UNIT.**

**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#38

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<b>Expenditures – 5</b>					
1030	City Special	Budget Amend Reserve	86000		\$19,358.00
1805	Facilities	Building Maintenance	51100	\$19,358.00	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for an emergency repair to the Police Department AC unit. 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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



ESTIMATE	#792
ESTIMATE DATE	May 17, 2024
TOTAL	\$19,358.00

## Ramos Refrigeration & A/C, LLC.

CITY OF KINGSVILLE  
POLICE DEPARTMENT  
KINGSVILLE, TX 78363

### CONTACT US

1418 E. King Ave  
Kingsville, TX 78363

☎ (361) 592-6445  
✉ SSAENZ@CITYOFKINGSVILLE.COM

☎ (361) 592-4293  
✉ RAMOSAC.ACCTPAY@YAHOO.COM

## ESTIMATE

Services	qty	unit price	amount
10 TON PACKAGEUNIT REPLACMENT	1.0	\$19,358.00	\$19,358.00
PRICE INCLUDES THE FOLLOWING: NECESSARY CRANE REMOVE EXISTING PACKAGE UNIT OFF OF ROOF AND DISPOSE OF AS PER EPA SPECIFICAITONS INSTALL NEW 10 TON PACKAGE UNIT WITH ELECTRIC HEATING ADAPT TO EXISTING DUCT WORK, ELECTRICAL, AND PLUMBING SEAL DUCT CONNECTIONS WITH LOW VOC AIRLOCK MASTIC CHARGE AND BALANCE REFRIGERANT LEVELS			

Services subtotal: \$19,358.00

Subtotal \$19,358.00

Tax (Tax 8.25%) \$0.00

**Total \$19,358.00**

SERVING SOUTH TEXAS SINCE 1942.

Thank you for choosing Ramos Refrigeration & A/C for all your heating and cooling needs.



# **AGENDA ITEM #6**

Approve  
Budget Am.

**City of Kingsville  
Purchasing Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: May 20, 2024  
SUBJECT: Budget Amendment for the Chamberlain Park Restroom Roof

---

**Summary:**

This item authorizes the reallocation of ARP Funds and approval of a Budget Amendment in the amount of \$10,392.46 for the Chamberlain Park restroom roof.

**Background:**

City staff is requesting a relocation of ARP funds for the Chamberlain Park restroom roof. Funds will be used to purchase materials and labor to construct the new roof on the Chamberlain Park restrooms. Purchasing received bids for the labor of the new roof, two bids were submitted from Rafael Ledesma in the amount of \$5,280.00 and from Hubert Construction in the amount of \$7,500.00. The materials were purchased through McCoy's Building Supply in the amount of \$5,112.46.

**Financial Impact:**

Staff is requesting an ARP Fund budget amendment in the amount of \$10,392.46 from the reallocation of moneys in Fund 121-5-2104-51100 in the amount of \$1,095.96; 121-5-1030-31400 Time and Attendance in the amount of \$7,082.84; 121-5-3000-71300 PW Remodel in amount of \$384.38; 121-5-4503-95100 Concession Bldg. in the amount of \$1,285.00; 121-5-4503-59100 Chair lift in the amount of \$1.00; and 121-5-4503-59113 Parking Lot in the amount of \$503.28.

**Recommendation:**

It is recommended the City Commission approve: 1) the reallocation of ARP Funds as noted above and ② the budget amendment for the construction of the Chamberlain Park restroom roof in the amount of \$10,932.46 as per staff recommendation.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE CHAMBERLAIN PARK BATHROOM ROOF.**

**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#41

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 121 - GF Fund ARP</b>					
<b>Expenditures – 5</b>					
4503	Parks	Chamberlain Park	71240	\$10,392.46	
2104	Police	Building Maintenance	51100		\$1,095.96
1030	City Special	Professional Services	31400		\$7,082.84
3000	Public Works	Building	71300		\$384.38
4502	Parks	Machinery & Equipment	71200		\$40.00
4503	Parks	Grounds & Perm Fixtures	59100		\$1,286.00
4503	Parks	Dick Kleberg Park	59113		\$503.28

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the Chamberlain Park bathroom roof. Funding will come from the left-over funds from completed ARP projects. The movement of these funds is a project reallocation.]

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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #7**

**City of Kingsville**  
**Public Works, Street Division**

---

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: May 21, 2024

SUBJECT: Fund 001 Budget Amendment Reserve Request-Street Division Vehicle & Equipment Maintenance

---

**Summary:**

This item authorizes additional funding in the Street Division for Vehicle & Equipment Maintenance.

**Background:**

The average monthly operational maintenance cost for the Street Division equipment before any repairs averages \$2,000 per month. Currently major repairs include wheel loader at \$6,120 (drive shaft dampener flange), Unit 534 dump truck at \$8,812 (replace king pins/fuel rail), Unit 575 Maintainer at \$1,667 (replace shifter/PCU), Unit 5125 Roadtec Paver at \$13,640 (planetary drive), Unit 5131 dump truck at \$10,446 (low power/dash cluster/hi-low switch & fuel pump), Unit 5130 dump truck at \$1,311 (mirror/grill), Unit 5110 backhoe at \$1,365 (steer piston /hydraulic hoses). These repairs along with many other minor repairs have the current account balance at negative \$26,149. I am requesting additional funds in the amount of \$50,000 to cover the negative balance and for repairs through the remaining fiscal year.

**Financial Impact:**

This will reduce the General Fund's unappropriated Fund 001-5-3050-68000 Budget Amendment Reserves balance by \$50,000.00 and increase the Vehicle/Equipment Maintenance line account 001-5-3050-41100 by \$50,000.00.

**Recommendation:**

Staff is requesting approval of funds to cover costs associated with repairing and maintaining vehicles and equipment in the Street Division this fiscal year.

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR STREET DEPARTMENT VEHICLE REPAIRS.**

**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#43

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 – General Fund</b>					
<b>Expenditures - 5</b>					
1030	City Special	Budget Amend Reserve	86000		\$50,000
3050	Street	Vehicle Maintenance	41100	\$50,000	

[To amend the City of Kingsville FY 23-24 budget to appropriate additional funding for Street Department vehicle repairs and maintenance. Funding will come from the General Fund Budget Amendment Reserve line item. There is currently \$237,000 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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #8**

**City of Kingsville**  
**Public Works, Water Construction Division**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: May 21, 2024

SUBJECT: Fund 051 Budget Amendment Reserve Request-Water Construction Division  
Waterline Account

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**Summary:**

This item authorizes additional funding in the Water Construction Division for materials to repair watermain breaks.

**Background:**

Water Construction employees have repaired 92 more waterline breaks than last year for a total of 206 main break repairs through March. Materials prices associated with waterline repairs have also increased. The increase in the number of main breaks and increased cost of materials has depleted the waterline funds to negative \$10,932. Currently spent for parts to repair waterline main breaks is \$230,639, sand/limestone is \$16,347, sidewalk/driveway/curb is \$22,008 and meter valves is \$9,472. I am requesting additional funds in the amount of \$156,000 to cover the negative balance and for repairs through the remaining fiscal year.

**Financial Impact:**

Funding will come from the Utility Fund Budget Amendment Reserve line items by reducing 051-5-6001-86000 (Water) by \$150,000 and reducing 051-5-7001-86000 (Wastewater) by \$6,000. It will increase the UF Water Lines account 051-5-6001-54100 by \$156,000.

**Recommendation:**

Staff is requesting approval of funds to cover costs associated with repairing waterline main breaks in the Water Construction Division this fiscal year.

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR WATER LINE REPAIRS.**

**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#44

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility Fund</b>					
<b>Expenditures - 5</b>					
6001	Water	Budget Amend Reserve	86000		\$150,000
7001	WasteWater	Budget Amend Reserve	86000		\$6,000
6001	Water	Water Lines	54100	\$156,000	

[To amend the City of Kingsville FY 23-24 budget to appropriate additional funding for water lines. Funding will come from the Utility Fund Budget Amendment Reserve line items by reducing 051-5-6001-86000 by \$150,000 and reducing 051-5-7001-86000 by \$6,000. It will increase the UF Water Lines account 051-5-6001-54100 by \$156,000.]

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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #9**

Budget Am  
- ARP Funds

**City of Kingsville**  
**Public Works, Water Construction Division**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Donnell, Director of Public Works

DATE: May 16, 2024

SUBJECT: Utility ARP Fund 025 Budget Amendment for Water Line Repairs

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**Summary:**

This item authorizes the reallocation of Utility ARP Fund 025 and a budget amendment for 18" water line repairs.

**Background:**

There is an existing 18" reinforced concrete cylinder pipe (RCCP) waterline that spans from the East Elevated Water Tank to the West Elevated Water Tank located under Huisache Street from 1st to 7<sup>th</sup> Streets and the alley between Lott & Huisache from 7<sup>th</sup> to 13<sup>th</sup> Street. A new 18" PVC line was installed in 2015-2016 to replace the existing waterline. Funding was only available to install the new line, not to disconnect the old one or connect laterals.

On May 7, 2024, the old 18" waterline was scheduled for a repair at 8<sup>th</sup> Street between Lott & Huisache. During the repair the line blew and gushed about 2,000 gallons per minute. Water Construction employees along with DIA Utilities were able to reduce the flow and place a clamp over the leak. During the night on May 8<sup>th</sup> the line burst again next to the clamp, but clamps were not available to make another repair. When clamps were delivered, Water Construction crews along with DIA Utilities was able to place two more clamps on the pipe to hold it together allowing the water system pressure to rebuild. Currently the leak is flowing at a calculated 50gpm or 72,000gpd.

We have a plan to cap the old 18" line at 7<sup>th</sup> Street and at 13<sup>th</sup> Street with welded plugs via contractor and plug the lateral waterlines via Water Construction employees. Future work will be required to connect the laterals to the new 18" PVC waterline.



**City of Kingsville**  
**Public Works, Water Construction Division**

Utility Arp funds are currently allocated for Water meters (\$150,000) and Wastewater Smoke Testing (\$200,000). I am requesting these funds be reallocated to work on the old 18" waterline repairs.

**Financial Impact:**

This will reallocate Utility ARP Funds from Water Meters (\$150,000) and Wastewater Smoke testing (\$200,000) to Machinery/Equipment (\$250,000) for a Hydro-stop valve installer/valves and Professional Services (\$100,000) to make the required repairs.

**Recommendation:**

Staff is recommending: 1) approval of the reallocation of \$350,000 of ARP funds to cover the cost to move forward plugging and abandoning a portion of the old 18" waterline from 7<sup>th</sup> to 13<sup>th</sup> Street and 2) approval of the corresponding Budget Amendment.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO REALLOCATE UF ARP FUNDING FOR WATER LINE REPAIRS.**

**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#39

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 125 – UF ARP</b>					
<b>Expenditures – 5</b>					
6001	Water	Water Meter Parts	22800		\$150,000
7001	Wastewater	Professional Services	31400		\$200,000
6001	Water	Machinery/Equipment	71200	\$250,000	
6001	Water	Professional Services	31400	\$100,000	

[To amend the City of Kingsville FY 23-24 budget to reallocate UF ARP funding for an Inserta Valve tool and professional services that will assist with water line breaks repairs. No additional funding is necessary as current budget current funding only needs to be reallocated.]

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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **REGULAR AGENDA**

# **AGENDA ITEM #10**



## City Manager's Office

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TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: May 20, 2024

SUBJECT: Memo for Agenda Item IRT Appointment of Krystal Emery to the Planning and Zoning Commission

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### Summary:

The City of Kingsville Planning and Zoning Commission consists of a seven-member board. Current members are:

1. Steve Zamora – Chairman
2. Mike Klepac
3. Debbie Tiffie
4. Larry Garcia
5. Brian Coufal
6. Rev. Idotha Battle
7. VACANT POSITION

Mr. Emery approached me with a request to volunteer her services to an open board position. I proposed Ms. Emery to the P&Z Board and they were unanimous in their support for her to fill the vacant seventh and final position to the board for a two-year term.

### Costs:

- a. None to the City for this action item.

### Recommendation:

- a. City Manager is recommending City Commission approval for the appointment of Ms. Krystal Emery to the City of Kingsville Planning and Zoning Commission for a two-year term (June 2024-June 2026).



# Krystal Emery

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## Academic Credentials

<b>Bachelor of Arts</b> Communications	Texas A&M University – Kingsville Kingsville, Texas	Cum Laude	May 2007
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## Professional Skills

**Interpersonal:** I can multitask, work cooperatively with others, meet deadlines, and work under pressure, and I have strong verbal and written communication skills. I can lead without assistance and follow directions when required, and I am a fast learner of new technology. I always strive to get a positive outcome and am very data-driven for proven results. I enjoy networking with other businesses, civic and community organizations, government agencies, and related organizations.

**Hardware:** I am highly proficient with personal computers, digital scanners, all-in-one printers, tablets, smartphones, and digital cameras (DSLR and P-S).

**Software:** I am highly proficient in Adobe Creative Cloud and Microsoft Office, including Word, Excel, PowerPoint, Outlook, Teams, and SharePoint, as well as several social media platforms, including Meta (Facebook/Instagram), LinkedIn, and X. I have experience with video and audio software for importing, exporting, converting, and uploading online. My average net speed is 89 words per minute with 98% accuracy.

## Employment

**Employer:** Texas A&M University-Kingsville, 955 University Blvd, Kingsville, Texas 78363

**Job Title:** Assistant Director for Marketing & Communications

**Employment Dates:** November 2019 – Current

**Duties:** My responsibilities included managing all paid marketing for recruitment, retention, and special events for the University with an annual budget of \$1M across traditional print, digital and out-of-home, digital buys, social media, and radio/television advertising. Additional duties include the oversight, responses, and content production for the flagship University social media channels, content creation and implementation of website material using a CRM, creation of a marketing plan for recruitment of high school students, working with a combination of vice presidents, department heads, faculty chairs, and program directors for recruitment, retention, promotion and after action reports for the University, placing advertising for specialty events, student and faculty success stories, marketing campaigns and promotions, implementation of a University-wide calendar system, serving on specialty task forces, employee hiring, and event planning committees. I also identify survey mechanisms and metrics and create reporting and tracking methods in Google Analytics, Meta Dashboard, and Site Improve to analyze the effectiveness of our marketing efforts for incoming, potential, and current students and their families, both paid and organic.

**Employer:** Navy Morale Welfare & Recreation, Naval Air Station Kingsville, Kingsville, Texas 78363

**Job Title:** Marketing Assistant & Commercial Sponsorship/Advertising Coordinator; NF-1101-03

**Employment Dates:** July 2015 – October 2019

**Duties:** My responsibilities included managing marketing, commercial sponsorship, and advertising for all MWR facilities as the only marketing department employee. I was also the

Star Service coordinator, Genuine Leadership coordinator, and G2 Installation Content Manager. Duties included utilizing various legal & other forms and formats to prepare correspondence, records, and reports for administrative needs, composing routine correspondence, flyers, posters, postcards, digital flyers for use on N9-owned digital boards, social media postings & events, maintain office database and producing reports for commercial sponsorship as well as for training, meeting with local businesses and representing MWR at both internal events (ex: INDOC, Base Action Group) and external events under the approval of the Public Affairs Office. In addition, I was on the Executive Committee for the Wings Over South Texas Air Show. I was responsible for all air show entertainment marketing & sponsorship with a \$250,000 cash and in-kind budget procured through sponsorships, premium seating, and private chalet sales.

**Employer:** Myane Insulation & Construction, PO Box 915, Premont, Texas 78379

**Job Title:** Accounts Payable

**Employment Dates:** March 2012 – July 2015

**Duties:** My responsibilities include front desk phone operator, all accounts payable, pricing field tickets & creating invoices for accounts payable, filing, creating reports/documents, & additional paperwork duties. Duties include composing routine correspondence and generating reports, spreadsheets, and databases utilizing office automation software, including Microsoft Office & Intuit QuickBooks.

**Employer:** Y Public Relations/Y Communications & Consulting, 7945 W. Sahara Ave, STE 201, Las Vegas, NV 89117

**Job Title:** Social Media Strategy & Development Manager

**Employment Dates:** December 2012 – May 2015

**Duties:** My responsibilities included creating social media accounts for clients over various networks (Facebook, Twitter, Google +, Pinterest, Instagram) & creating an editorial calendar for each client to be used for their social media accounts. I was also responsible for giveaways on social media accounts, including fulfillment. In addition, I monitored the audience while working to produce increased engagement for all social media accounts. I was also responsible for creating, editing, and proofing publications, flyers, business cards, and media for clients. This included but was not limited to camera-ready art for all forms of advertising/media using Adobe Creative Suite and Microsoft products.

**Employer:** Good Carma Studio, 4996 Kilburn Ct., Oak Park, CA 91377

**Job Title:** Social Media Contractor

**Employment Dates:** June 2013 – March 2014

**Duties:** My responsibilities included creating social media accounts for clients over various networks (Facebook, Twitter, Google +, Pinterest, Instagram) & creating an editorial calendar for each client to be used for their social media accounts. I was also responsible for giveaways on social media accounts, including fulfillment. In addition, I monitored the audience while working to produce increased engagement for all social media accounts.

**Employer:** Platform G/MindJolt/Social Gaming Network/(fluff)Friends, LLC, 9606 S. Santa Monica Blvd, 2<sup>nd</sup> Floor, Beverly Hills, CA 90210

**Job Title:** Customer Services Specialist

**Employment Dates:** July 2006 – March 2012

**Duties:** I was the sole contact for all customer service & support for the (fluff)Friends application (Facebook & MySpace Applications/Games platforms), which at the final count was over 10M installs. This included the (fluff)Friends phpbb Forum, Facebook Discussion Board, Facebook Application Wall, & Help Link. I was responsible for refunds of virtual currency using PayPal, gathering new information, relaying information to Development (located in California, Argentina, and China) & general monitoring of the application. I also

single-handedly organized & managed the international mail out of 2300 client packages, including packaging, labeling, postage & customs forms (when applicable) & physical shipping. In addition, I developed new virtual content, both visual and written. I answered customers' questions, maintained security procedures, and maintained various documents using Adobe Creative Suite, Google Suite, and Microsoft products.

#### **Current Associations/Organizations**

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**American Marketing Association** Member

**Boy Scouts of America Troop 186** Treasurer and Adult Volunteer

**Kingsville Chamber of Commerce** Member

**Rotary International** Member and Club Past President

**U.S.S. Kingsville Commissioning Committee** Public Affairs/Social Media Team

#### **Awards**

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**NAS Kingsville Senior NAF Employee of the Quarter** Second Quarter 2016

**NAS Kingsville Senior NAF Employee of the Quarter** Second Quarter 2018

**NAS Kingsville Senior NAF Employee of the Year** 2018-2019

# **AGENDA ITEM #11**



# **Proposed Tax Increment Reinvestment Zone #2**

**City of Kingsville, TX**

**JUNE 10, 2024**



**DAVID PETTIT**  
*Economic Development*

# PURPOSE

- Tax Increment Financing Concept
- Proposed Tax Increment Reinvestment Zone #2
- Next Steps
- Questions

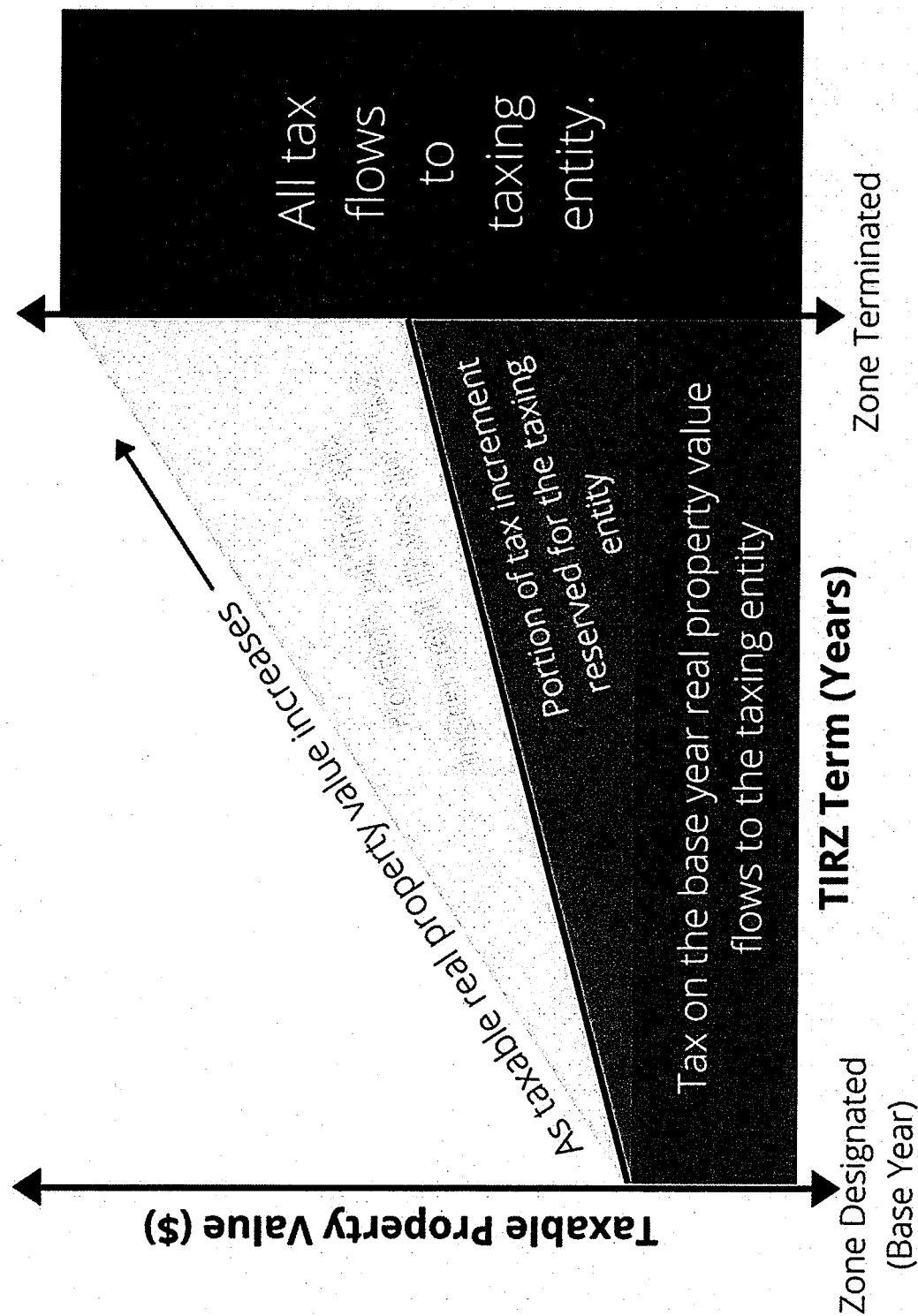
## TAX INCREMENT FINANCING

- Tax Increment Financing (TIF) is a tool that incentivizes economic development within a Tax Increment Reinvestment Zone (TIRZ)
- Governed by Tax Code, Chapter 311
- Hundreds of TIRZs have been created in the state of Texas
- Cities, alone or *in partnership with other taxing units*, can use this tool to pay for improvements in a zone so it will attract new development, facilitate investment, and bring excitement and energy to a designated area



## TAX INCREMENT FINANCING

- Not a new tax on development
  - Redirects a portion of tax generated from new development within TIRZ



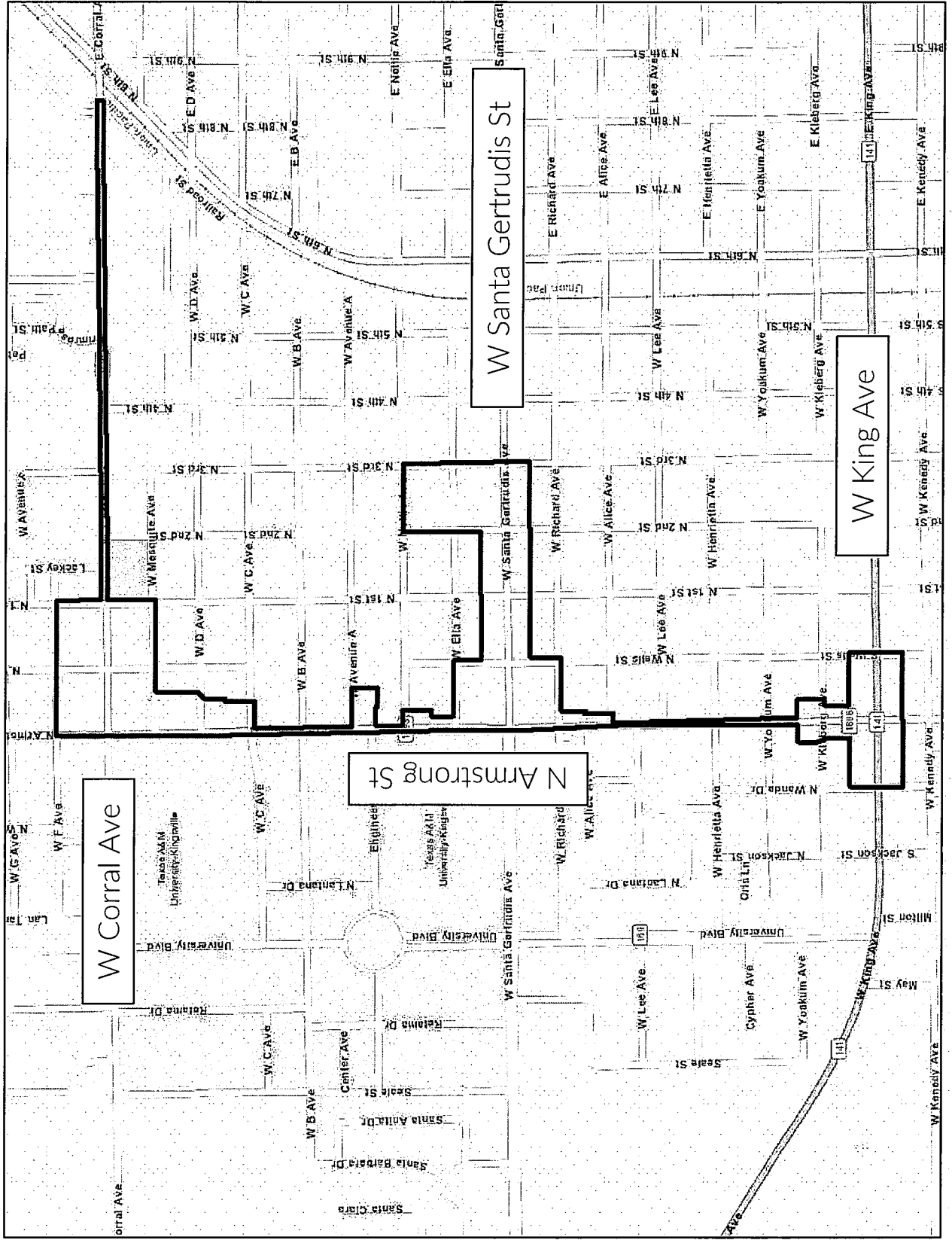
# WHY CREATE A TIRZ?

- Private development activity expected to occur within a designated area
- Provides a funding source without impacting the current amount of general fund revenues for each participating taxing entity
- Ability to leverage revenues from taxable property within the TIRZ to generate a larger increment
- Attracts potential developers and investment into area that may not otherwise occur
- A TIRZ can pay for:
  - infrastructure;
  - public improvements;
  - economic development programs (Chapter 380); or
  - other projects benefiting the zone

# TIRZ CREATION PROCESS

- Chapter 311 outlines the various procedures for creating and amending a TIRZ. Two main documents:
  1. Creation Ordinance
  2. TIRZ Project and Financing Plan
- Creation Ordinance establishes five key elements:
  - 1) Boundary; 2) Term; 3) TIRZ Board; 4) City Participation and 5) *Preliminary Project and Financing Plan*
- *Final Project and Financing Plan*
  - 1) After TIRZ creation the Final Project and Financing Plan is recommended by the TIRZ Board; and
  - 2) Approved the City Council by separate ordinance

# PROPOSED TIRZ #2 - Boundaries



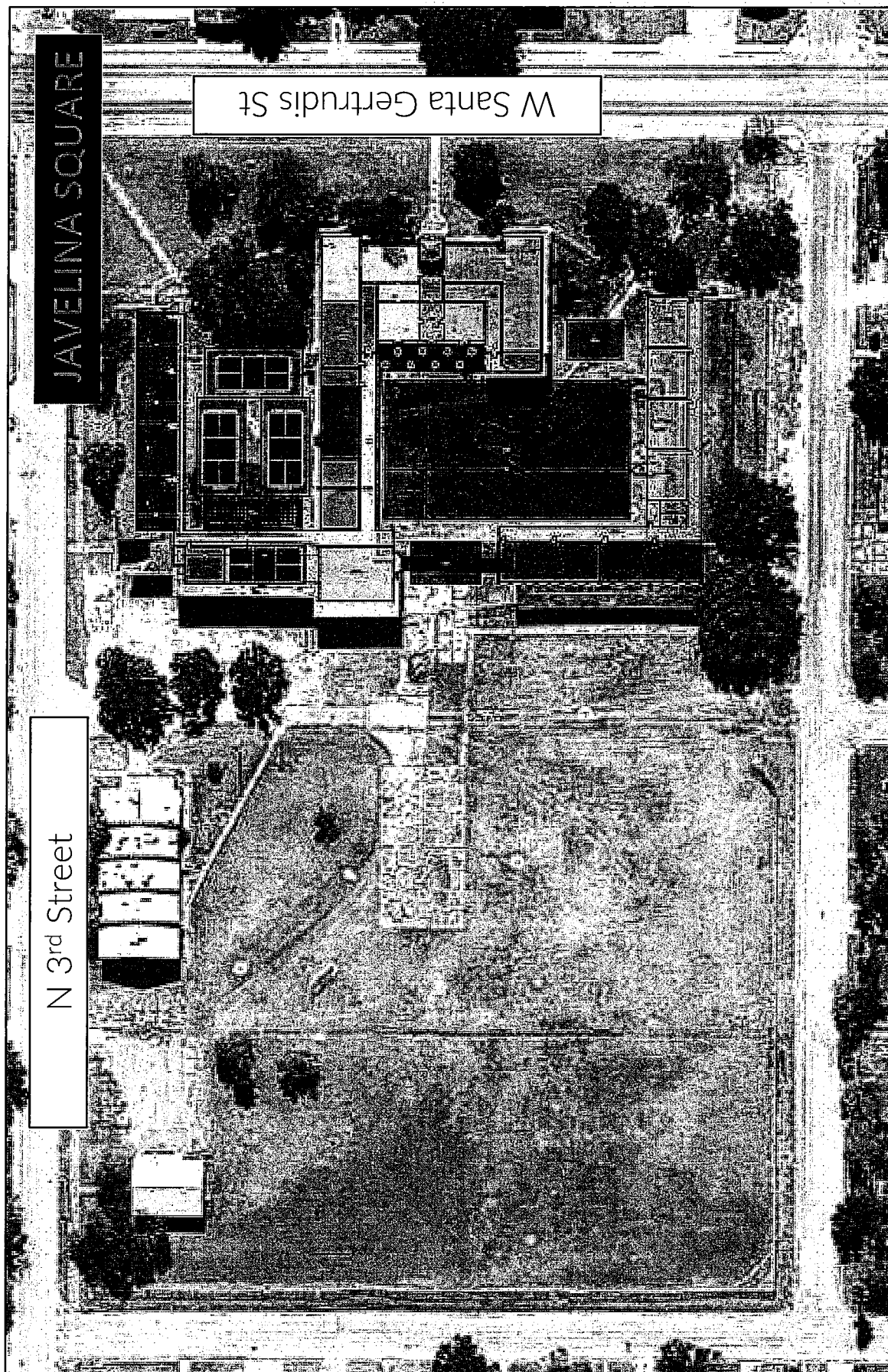
## PROPOSED TIRZ #2 – Overview

- Goal is to encourage private development that will yield additional tax revenue to all taxing jurisdictions
- Consists of approximately 39 acres
- The base value would be as of January 1, 2024
- **30-year** term - December 31, 2054 (with final year's tax to be collected by September 1, 2055)
- Proposing that the **City participate at a rate of 50%** of it's real property increment
- Potential for Kleberg County to participate, subject to a yet to be negotiated interlocal agreement





# PROPOSED TIRZ #2 – Anticipated Development



## PROPOSED TIRZ #2 – Anticipated Development

- The land within the zone is well positioned for future development and redevelopment
- DPED projects that retail and multifamily development could occur during the life of the TIRZ, based on market trends, known planned development, and input from City staff



DAVID PETTIT  
Economic Development

TIRZ #1		Projected Completion Date	Units/SF	RP Taxable Value per Unit/SF	Incremental Value	Sales/SF	Incremental Sales
Retail	2025	16,500		\$	200	\$	3,300,000
Multifamily	2026	60		\$	75,000	\$	-
Retail	2028	6,500		\$	200	\$	1,300,000
Retail	2029	3,500		\$	200	\$	700,000
Retail	2031	4,000		\$	200	\$	800,000
Retail	2032	8,000		\$	200	\$	1,600,000
Retail	2034	6,000		\$	200	\$	1,200,000
Retail	2035	10,000		\$	200	\$	2,000,000
Total				\$		\$	10,900,000

## PROPOSED TIRZ #2 – Participation

- \$15.4 Million represents the 2024 taxable value of the Anticipated Development
- Proposing the City of Kingsville would contribute **50%** of the real property increment within the Zone, above a 2024 base
- The Anticipated Development is projected to generate **\$3.5 Million in TIRZ Revenue** to fund the Project Costs, over the 30 year term



DAVID PETTIT  
Economic Development

Taxing Jurisdictions	Total Taxes Generated	TIRZ Participation	Net Benefit
City of Kingsville	\$13,816,450	\$3,459,886	\$10,356,564
Kleberg County	\$9,326,740	\$0	\$9,326,740
Kingsville ISD	\$12,841,639	\$0	\$12,841,639
South Texas Water Authority	\$640,753	\$0	\$640,753
<b>Total</b>	<b>\$36,625,583</b>	<b>\$3,459,886</b>	<b>\$33,165,697</b>



## PROPOSED TIRZ #2 – Project Costs

Proposed Project Costs - TIRZ #2		
Public Utilities	\$	518,983 15%
<i>Water Facilities and Improvements, Sanitary Sewer Facilities and Improvements, Storm Water Facilities and Improvements</i>		
Parking and Transit Improvements	\$	518,983 15%
Street and Intersection Improvements	\$	518,983 15%
Pedestrian Enhancements	\$	415,186 12%
<i>Streetscape, lighting, public art, and other amenities that enhance the pedestrian experience</i>		
Open Space, Park and Recreation Facilities and Improvements, Public Facilities and Improvements	\$	345,989 10%
Economic Development Grants	\$	1,037,966 30%
Administrative Costs	\$	103,797 3.0%
Total	\$	3,459,886 100%

- The categories listed in the table above are meant to include all projects eligible under Chapter 311, Section 311.002 of the Texas Tax Code.
- The costs illustrated are estimates and may be revised. Savings from one line item may be applied to a cost increase in another line item
- It is anticipated that the individual TIRZ project cost allocations will be evaluated on a case by case basis, consistent with the categories listed above, and brought forward to the TIRZ board and City Council for consideration

## PROPOSED NEXT STEPS

- **June 10: 1<sup>st</sup> Reading and Public Hearing Creation Ordinance**
- **June 24: 2<sup>nd</sup> Reading and Consideration**
- Creation ordinance establishes five key elements:
  - Boundary;
  - Term;
  - TIRZ Board;
  - City Participation; and
  - Preliminary Project and Financing Plan
- **Summer/Fall 2024:** Upon TIRZ creation the Final Project and Financing Plans is approved by the TIRZ Board and then the City Council by separate ordinance

# QUESTIONS



**CITY OF KINGSVILLE, TEXAS**

**ORDINANCE NO. 24-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, CREATING TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER TWO, CITY OF KINGSVILLE, TEXAS**

**WHEREAS**, the City of Kingsville, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

**WHEREAS**, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality or the extraterritorial jurisdiction (the "ETJ") of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

**WHEREAS**, the City Commission desires to promote the development of a certain contiguous geographic area in the City, which is more specifically described in *Exhibits "A" and "B"* of this Ordinance (the "Zone"), through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

**WHEREAS**, pursuant to and as required by the Act, the City has prepared a *Preliminary Reinvestment Zone Project Plan and Financing Plan for Reinvestment Zone Number Two, City of Kingsville*, attached as *Exhibit C* (hereinafter referred to as the "Preliminary Project and Finance Plan") for a proposed tax increment reinvestment zone containing the real property within the Zone; and

**WHEREAS**, notice of the public hearing on the creation of the proposed zone was published in a newspaper having general circulation in the City on May 30, 2024, which date is before the seventh (7th) day before the public hearing held on June 10, 2024; and

**WHEREAS**, at the public hearing on June 10, 2024, interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act; and

**WHEREAS**, evidence was received and presented at the public hearing on June 10, 2024, and in favor of the creation of the Zone; and

**WHEREAS**, after all comments and evidence, both written and oral, were received by the City Commission, the public hearing was closed on June 10, 2024; and

**WHEREAS**, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

**WHEREAS**, the percentage of the property in the proposed zone, excluding property that is public owned, that is used for residential purposes is less than thirty percent; and

**WHEREAS**, a Preliminary Project and Finance plan has been prepared for the proposed reinvestment zone.

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

#### **SECTION 1. RECITALS INCORPORATED.**

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

#### **SECTION 2. FINDINGS.**

That the City Commission, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the creation of the reinvestment zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law; and
- (b) That the creation of the proposed reinvestment zone with boundaries as described and depicted in *Exhibits "A" and "B"* will result in benefits to the City, its residents and property owners, in general, and to the property, residents, and property owners in the reinvestment zone; and
- (c) That the proposed reinvestment zone, as defined in *Exhibits "A" and "B"*, meets the criteria for the creation of a reinvestment zone set forth in the Act in that:

1. It is a geographic area located within the City limits of the City; and



2. That the City Commission further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone is predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City or county.

- (d) That 30 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and
- (e) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 50 percent of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City or county; and
- (g) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonable foreseeable future.

### **SECTION 3. DESIGNATION AND NAME OF THE ZONE.**

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Commission hereby designates the area described and depicted in Exhibits "A" and "B" hereto as a tax increment reinvestment zone. The name assigned to the zone for identification is Reinvestment Zone Number Two, City of Kingsville, Texas (hereinafter referred to as the "Zone").

### **SECTION 4. BOARD OF DIRECTORS.**

That a board of directors for the Zone ("Board") is hereby created. The Board shall consist of five (5) members comprised of four (4) City Commission members and the Mayor.

The Mayor shall serve as chairman of the Board and the Board may elect a vice chairman and such other officers as the Board sees fit. Additionally, each taxing unit that levies taxes within the Zone and chooses to contribute all or part of the tax increment produced by the unit into the tax increment fund may appoint one member of the board. The number of directors on the Board of Directors shall be increased by one for each taxing unit that appoints a director to the board; provided, that the maximum number of directors shall not exceed fifteen (15).

The Board shall make recommendations to the City Commission concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City Commission for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board shall not be authorized to (i) issues bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone's project plan and financing plan.

### **SECTION 3. DURATION OF THE ZONE.**

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone shall occur upon any of the following: (i) on December 31, 2054 (with the final year's tax increment to be collected by September 1, 2055); (ii) at an earlier time designated by subsequent ordinance; (iii) at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

### **SECTION 4. TAX INCREMENT BASE AND TAX INCREMENT.**

That the tax increment base for the Zone, as defined by Section 311.012(c) of the Texas Tax Code, shall be the total appraised value of all real property in the Zone taxable by a taxing unit, determined as of January 1, 2024, which is the year in which the Zone was designated as a reinvestment zone.

The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Texas Tax Code, (ii) fifty percent (50%) of the City's tax increment, as defined by section 311.012(a) of the Texas Tax Code, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment.

### **SECTION 5. TAX INCREMENT FUND.**

That there is hereby created and established a "Tax Increment Fund" for the Zone which may be divided into such subaccounts as may be authorized by subsequent ordinance, into which all tax increments of the City, as such increments are described in the final project plan and reinvestment zone financing plan and may include administration costs, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained in an account at the affiliated depository

bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the City and secured in whole or in part from the tax increments; (ii) the sale of any property acquired as part of a tax increment financing plan adopted by the Board; and (iii) other revenues dedicated to and used in the Zone shall be deposited into the TIF Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b), Texas Tax Code.

#### **SECTION 6. SEVERABILITY CLAUSE.**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

#### **SECTION 7. OPEN MEETINGS.**

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Commission at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Commission further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 8.        EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

**INTRODUCED** on this the 10<sup>th</sup> day of June, 2024.

**PASSED AND APPROVED** on this the 24<sup>th</sup> day of June, 2024.

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

**CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam Fugate  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## ***EXHIBIT A***

### **BOUNDARY DESCRIPTION**

Beginning at the point where the western right of way boundary of N Armstrong Street meets the northern right of way boundary of W. F Avenue, thence

East along the northern right of way boundary of W. F Avenue to the point it meets the eastern right of way boundary of N. 1<sup>st</sup> Street, thence

South along the eastern right of way boundary of N. 1<sup>st</sup> Street to the point it meets the northern right of way boundary of W. Corral Avenue, thence

East along the northern right of way boundary of W. Corral Avenue to the point it meets the western right of way boundary of Railroad Street, thence

South across W. Corral Avenue to the point the southern right of way boundary of W. Corral Avenue meets the western right of way boundary of Railroad Street, thence

West along the southern right of way boundary of W. Corral Avenue to the point it meets the eastern right of way boundary of N. 1<sup>st</sup> Street, thence

South along the eastern right of way boundary of N. 1<sup>st</sup> Street to the point it meets the southern right of way boundary of W. Mesquite Avenue, thence

West along the southern right of way boundary of W. Mesquite Avenue to the point it meets the northeast corner of Property ID 22344, thence

South along the eastern boundary of Property ID 22344 to the point it meets the eastern boundary of Property ID 20018, thence

South along the eastern boundary of Property ID 20018 to the point it meets the northern right of way boundary of W. D Avenue, thence

South across W. D Avenue to the northeast corner of Property ID 13403, thence

South along the eastern boundary of Property ID 13403 to the point it meets the northern right of way boundary of W. C Avenue, thence

South across W. C Avenue to northeast corner of Property ID 18037, thence

West along the southern right of way boundary of W. C Avenue to the point it meets the eastern right of way boundary of N. Armstrong Street, thence

South along the eastern right of way boundary of N. Armstrong Street to the point it meets the northern right of way boundary of W. Avenue A, thence

East along the northern right of way boundary of W. Avenue A to the point it meets the southeast corner of Property ID 15255, thence

South across W. Avenue A to the northeast corner of Property ID 13309, thence

South along the eastern boundary of Property ID 13309, continuing west along the boundary of Property ID 13309, continuing west to the southeast corner of Property ID 16706, thence

West along the southern boundary of Property ID 16706 to the point it meets the eastern right of way boundary of N. Armstrong Street, thence

South along the eastern right of way boundary of N. Armstrong Street to the point it meets the northern right of way boundary of W. Nettie Avenue, thence

East along the northern right of way boundary of W. Nettie Avenue to the point it meets the southeast corner of Property ID 22766, thence

South across W. Nettie Avenue to the northeast corner of Property ID 23758, thence

South along the eastern boundary of Property ID 23758, continuing south to the northeast corner of Property ID 25284, thence

South along the eastern boundary of Property ID 25284 to the point it meets the northern right of way boundary of W. Ella Avenue, thence

East along the northern right of way boundary of W. Ella Avenue to the point it meets the eastern right of way boundary of N. Wells Street, thence

South along the eastern right of way boundary of N. Wells Street to the point it meets the northwest corner of Property ID 11998, thence

East along the northern boundary of Property ID 11998, continuing east to the point the northeast corner of Property ID 11936 meets the western right of way boundary of N. 2<sup>nd</sup> Street, thence

North along the western right of way of N 2nd Street to the point it meets the northern right of way boundary of W. Nettie Avenue, thence

East along the northern right of way boundary of W. Nettie Avenue to the point it meets the eastern right of way boundary of N. 3<sup>rd</sup> Street, thence

South along the eastern right of way boundary of N. 3<sup>rd</sup> Street to the point it meets the southwest corner of Property ID 20221, thence

West across N. 3<sup>rd</sup> Street to the point it meets the southeast corner of Property ID 18226, thence

West to the point the southwest corner of Property ID 20218 meets the eastern right of way boundary of N. Wells Street, thence

South along the eastern right of way boundary of N. Wells Street to the point it meets the southern right of way boundary of W. Richard Avenue, thence

West along the southern right of way boundary of W. Richard Avenue to the point it meets the northeast corner of Property ID 18032, thence

South along the eastern boundary of Property ID 18032, continuing south to the northeast corner of Property ID 12918, thence

South along the eastern boundary of Property ID 12918 to the point it meets the northern right of way boundary of W. Alice Avenue, thence

South across W. Alice Avenue to the northern boundary of Property ID 24002, thence

West along the southern right of way boundary of W. Alice Avenue to the point it meets the eastern right of way boundary of N. Armstrong Street, thence

South along the eastern right of way boundary of N. Armstrong Street to the point it meets the northwest corner of Property ID 22010, thence

East along the northern boundary of Property ID 22010, continuing south along the eastern boundary of Property ID 22010 to the point it meets the northern right of way boundary of W. Kleberg Avenue, thence

South across W. Kleberg Avenue to the northeast corner of Property ID 13752, thence

South along the eastern boundary of Property ID 13752 to the northern boundary of Property ID 16224, thence

East to the point the eastern right of way boundary of S. Wells Street meets the northwest corner of Property ID 25165, thence

South along the eastern right of way boundary of S. Wells Street to the point it meets the southwest corner of Property ID 20261, thence

West across S. Wells Street to the point the western right of way boundary of S Wells Street meets the southeast corner of Property ID 16278, thence

West to the point the southeast corner of Property ID 25673 meets the western right of way boundary of S. Wanda Drive, thence

North along the western right of way boundary of S. Wanda Drive to the point it meets the southeast corner of Property ID 22667, thence

East to the southwest corner of Property ID 13230, thence

North along the western boundary of Property ID 13230 to the point that it meets the southern right of way boundary of W. Kleberg Avenue, thence

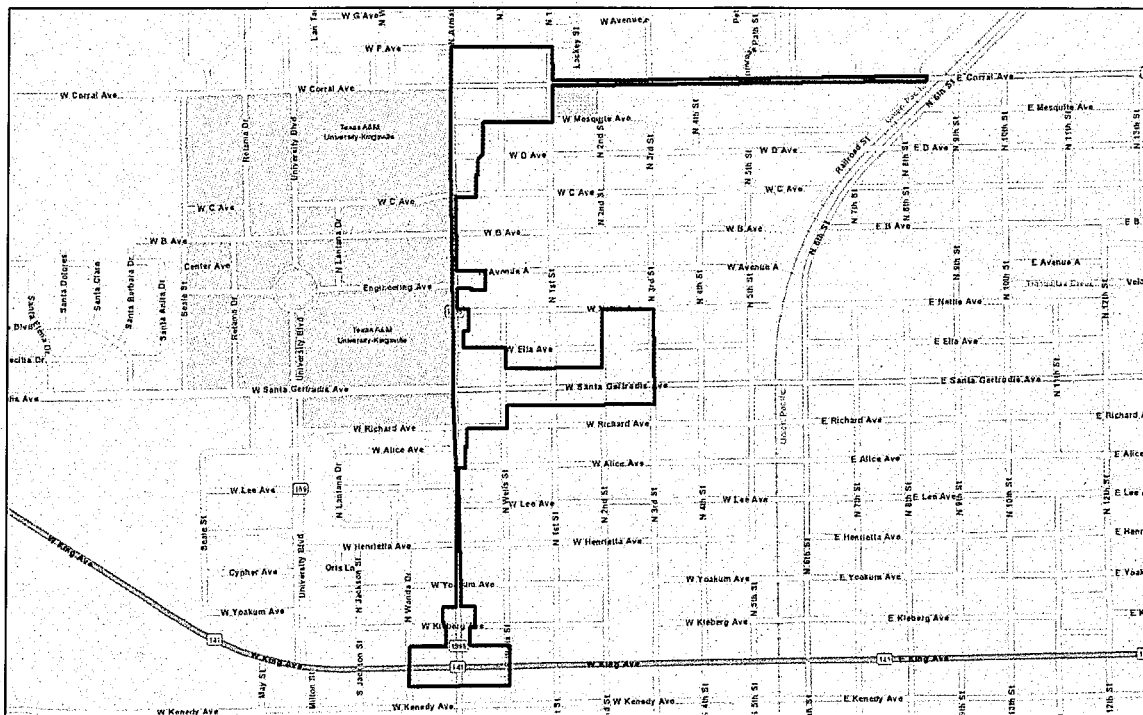
North across W. Kleberg Avenue to the southwest corner of Property ID 25903, thence

North along the western boundary of Property ID 25903, continuing east along the northern boundary to the point it meets the northwest corner of Property ID 24402, thence

East along the northern boundary of Property ID 24402 to the point it meets the western right of way boundary of N. Armstrong Street, thence

North along the western right of way boundary of N. Armstrong Street to the point it meets the northern right of way boundary of W. F Avenue, which is the point of beginning.

# **EXHIBIT B** **BOUNDARY MAP**



 - TIRZ Boundary



***EXHIBIT C***  
**PRELIMINARY PROJECT PLAN AND FINANCE PLAN**

# Tax Increment Reinvestment Zone #2 City of Kingsville, Texas

PRELIMINARY PROJECT AND FINANCING PLAN  
JUNE 2024



Preliminary Project and Financing Plan, TIRZ #2

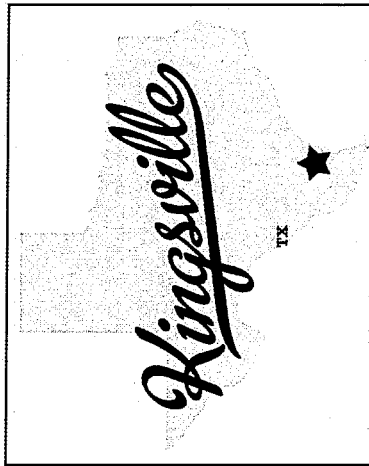
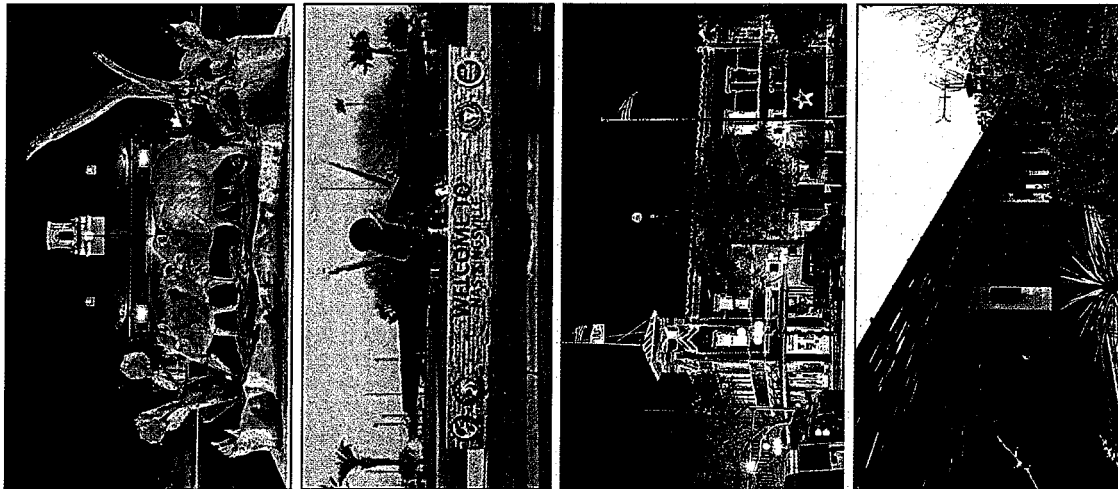
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■ Proposed Development .....	6
■ Project Costs .....	7
■ Financial Feasibility Analysis .....	9
■ Terms and Conditions .....	15
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### DISCLAIMER

Our conclusions and recommendations are based on current market conditions and the expected performance of the national, and/or local economy and real estate market. Given that economic conditions can change and real estate markets are cyclical, it is critical to monitor the economy and real estate market continuously, and to revisit key project assumptions periodically to ensure that they are still justified.

The future is difficult to predict, particularly given that the economy and housing markets can be cyclical, as well as subject to changing consumer and market psychology. There will usually be differences between projected and actual results because events and circumstances frequently do not occur as expected, and the differences may be material.



Kingsville, TX, located in Kleberg County, is positioned between the Texas Gulf Coast on the east and the Brush Country on the west. Kingsville is home to nearly 25,000 people and is also home to a leading public research university, Texas A&M Kingsville, a Naval Air Station and several Fortune 500 industrial companies.

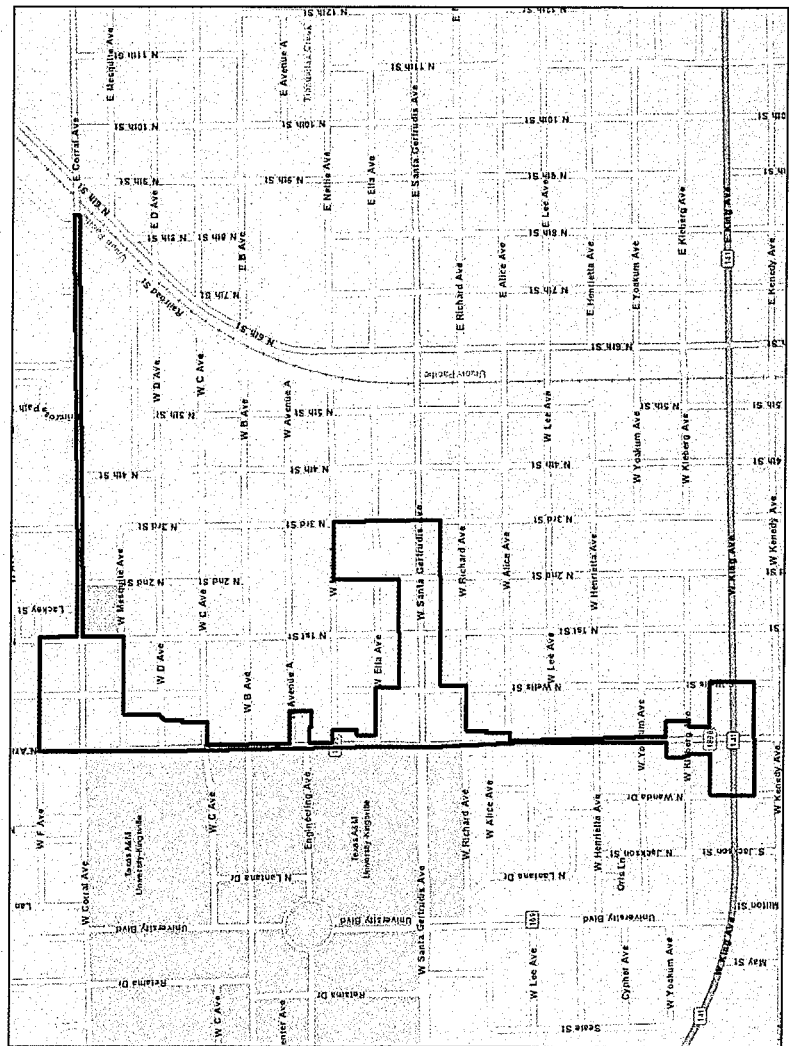
Kingsville's proximity to major highways is a plus for this community that promotes itself as "A Main Street Community." The city sits just off U.S. Highway 77, which is a major corridor from Texas to Mexico. Highway 77, soon to become a part of the I-69 corridor, is a busy road. Both local and national truck carriers provide inbound and outbound service through connecting lines from San Antonio, Houston and Dallas. Shipments to and from the Ports of Corpus Christi and Houston are convenient to Kingsville by truck. The city is also served with incoming and outgoing rail service by the Union Pacific Railroad. Kingsville is located 38 miles southwest of Corpus Christi International Airport, and is served by American, Southwest and United Airlines. Kingsville is also immediately accessible when you fly into Kleberg County Airport.

Kingsville proudly offers a diverse selection of outdoor activities, restaurants, and retail establishments for visitors and locals alike. Tour one of our many historic museums, exciting planned events, or local attractions and enjoy an unforgettable excursion off the beaten path.

## Tax Increment Reinvestment Zone #2, City of Kingsville

On June 24, 2024 the City Commission of the City of Kingsville, Texas (the "Commission"), pursuant to Chapter 311 of the Texas Tax Code, will consider an ordinance to designate a contiguous geographic area within the City limits as Reinvestment Zone Number Two, City of Kingsville, Texas. The goal of Tax Increment Reinvestment Zone #2 (TIRZ #2) is to fund the construction of needed public infrastructure and to encourage private development that will yield additional tax revenue to all local taxing jurisdictions.

This preliminary project and financing plan outlines the funding of \$3,459,886 in public improvements related to water, sanitary sewer, and storm water facilities, as well as street and intersection improvements, open space and park facilities, utilities and street lighting, and economic development grants. The TIRZ can fund these improvements through ad valorem participation of eligible taxing jurisdictions, including the City of Kingsville. Without the implementation of the TIRZ, the specified property would continue to impair the sound growth of the municipality.



- TIRZ Boundary

## TIRZ Boundary

### Boundary Description

TIRZ #2 consists of approximately 39 acres located within the city limits of the City of Kingsville. The legal description for the zone is described in detail below.

#### Legal Description TIRZ #2

Beginning at the point where the western right of way boundary of N Armstrong Street meets the northern right of way boundary of W F Avenue, thence

East along the northern right of way boundary of W F Avenue to the point it meets the eastern right of way boundary of N 1st Street, thence

South along the eastern right of way boundary of N 1st Street to the point it meets the northern right of way boundary of W Corral Avenue, thence

East along the northern right of way boundary of W Corral Avenue to the point it meets the western right of way boundary of Railroad Street, thence

South across W Corral Avenue to the point the southern right of way boundary of W Corral Avenue meets the western right of way boundary of Railroad Street, thence

West along the southern right of way boundary of W Corral Avenue to the point it meets the eastern right of way boundary of N 1st Street, thence

South along the eastern right of way boundary of N 1st Street to the point it meets the southern right of way boundary of W Mesquite Avenue, thence

West along the southern right of way boundary of W Mesquite Avenue to the point it meets the northeast corner of Property ID 22344, thence

South along the eastern boundary of Property ID 22344 to the point it meets the eastern boundary of Property ID 20018, thence

South along the eastern boundary of Property ID 20018 to the point it meets the northern right of way boundary of W D Avenue, thence

South across W D Avenue to the northeast corner of Property ID 13403, thence

South along the eastern boundary of Property ID 13403 to the point it meets the northern right of way boundary of W C Avenue, thence

South across W C Avenue to northeast corner of Property ID 18037, thence

West along the southern right of way boundary of W C Avenue to the point it meets the eastern right of way boundary of N Armstrong Street, thence

South along the eastern right of way boundary of N Armstrong Street to the point it meets the northern right of way boundary of W Avenue A, thence

East along the northern right of way boundary of W Avenue A to the point it meets the southeast corner of Property ID 15255, thence

South across W Avenue A to the northeast corner of Property ID 13309, thence

South along the eastern boundary of Property ID 13309, continuing west along the boundary of Property ID 13309, continuing west to the southeast corner of Property ID 16706, thence

West along the southern boundary of Property ID 16706 to the point it meets the eastern right of way boundary of N Armstrong Street, thence

South along the eastern right of way boundary of N Armstrong Street to the point it meets the northern right of way boundary of W Nettle Avenue, thence

East along the northern right of way boundary of W Nettle Avenue to the point it meets the southeast corner of Property ID 22766, thence

South across W Nettle Avenue to the northeast corner of Property ID 23758, thence

South along the eastern boundary of Property ID 23758, continuing south to the northeast corner of Property ID 25284, thence

South along the eastern boundary of Property ID 25284 to the point it meets the northern right of way boundary of W Ella Avenue, thence

East along the northern right of way boundary of W Ella Avenue to the point it meets the eastern right of way boundary of N Wells Street, thence

South along the eastern right of way boundary of N Wells Street to the point it meets the northwest corner of Property ID 11998, thence

East along the northern boundary of Property ID 11998, continuing east to the point the northeast corner of Property ID 11936 meets the western right of way boundary of N 2nd Street, thence

North along the western right of way of N 2nd Street to the point it meets the northern right of way boundary of W Nettle Avenue, thence

East along the northern right of way boundary of W Nettle Avenue to the point it meets the eastern right of way boundary of N 3rd Street, thence

South along the eastern right of way boundary of N 3rd Street to the point it meets the southwest corner of Property ID 20221, thence

West across N 3rd Street to the point it meets the southeast corner of Property ID 18226, thence

West to the point the southwest corner of Property ID 20218 meets the eastern right of way boundary of N Wells Street, thence

## TIRZ Boundary

### Legal Description TIRZ #2 (Continued)

South along the eastern right of way boundary of N Wells Street to the point it meets the southern right of way boundary of W Richard Avenue, thence

West along the southern right of way boundary of W Richard Avenue to the point it meets the northeast corner of Property ID 18032, thence

South along the eastern boundary of Property ID 18032, continuing south to the northeast corner of Property ID 12918, thence

South along the eastern boundary of Property ID 12918 to the point it meets the northern right of way boundary of W Alice Avenue, thence

South across W Alice Avenue to the northern boundary of Property ID 24002, thence

West along the southern right of way boundary of W Alice Avenue to the point it meets the eastern right of way boundary of N Armstrong Street, thence

South along the eastern right of way boundary of N Armstrong Street to the point it meets the northwest corner of Property ID 22010, thence

East along the northern boundary of Property ID 22010, continuing south along the eastern boundary of Property ID 22010 to the point it meets the northern right of way boundary of W Kleberg Avenue, thence

South across W Kleberg Avenue to the northeast corner of Property ID 13752, thence

South along the eastern boundary of Property ID 13752 to the northern boundary of Property ID 16224, thence

East to the point the eastern right of way boundary of S Wells Street meets the northwest corner of Property ID 25165, thence

South along the eastern right of way boundary of S Wells Street to the point it meets the southwest corner of Property ID 20261, thence

West across S Wells Street to the point the western right of way boundary of S Wells Street meets the southeast corner of Property ID 16278, thence

West to the point the southeast corner of Property ID 25673 meets the western right of way boundary of S Wanda Drive, thence

North along the western right of way boundary of S Wanda Drive to the point it meets the southeast corner of Property ID 22667, thence

East to the southwest corner of Property ID 13230, thence

North along the western boundary of Property ID 13230 to the point that it meets the southern right of way boundary of W Kleberg Avenue, thence

North across W Kleberg Avenue to the southwest corner of Property ID 25903, thence

North along the western boundary of Property ID 25903, continuing east along the northern boundary to the point it meets the northwest corner of Property ID 24402, thence

East along the northern boundary of Property ID 24402 to the point it meets the western right of way boundary of N Armstrong Street, thence

North along the western right of way boundary of N Armstrong Street to the point it meets the northern right of way boundary of W F Avenue, which is the point of beginning.

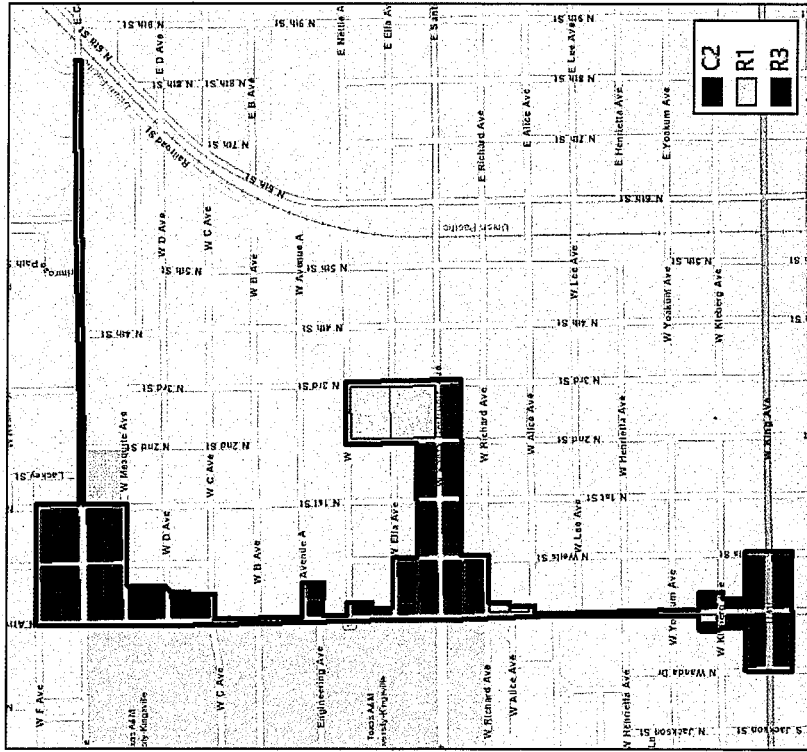
## Current Conditions

### Land Use

The land within the zone is primarily developed with commercial uses that are well positioned for redevelopment. There are also various surface parking lots and vacant tracts that are well positioned to be utilized for new development. Less than 30 percent of the property in the zone, excluding property that is publicly owned, is used for residential purposes.

### Zoning

The land within the TIRZ is primarily zoned C2: Retail District (shaded in red) and R3: Multi-Family District 3 (shaded in green), with a portion zoned R1: Single-Family District 1 (shaded in yellow). The property may need to be rezoned to accommodate any future development. It is not anticipated there will be any changes to the City of Kingsville zoning ordinance, master plan, building codes, subdivision rules and regulations or other municipal ordinances as a result of the TIRZ.



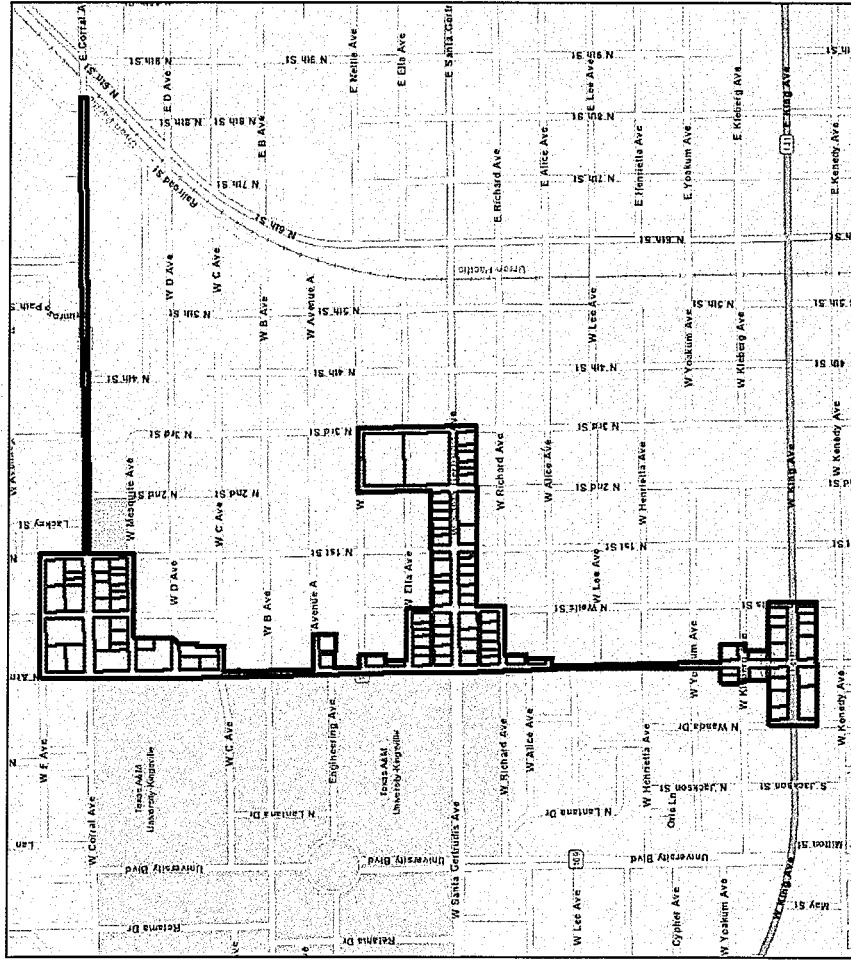
## Current Conditions

### Method of Relocating Persons to be Displaced

It is not anticipated that any persons will be displaced or need to be relocated as result of the implementation of the TIRZ.

### Current Ownership

There are currently 102 parcels within Tax Increment Reinvestment Zone #2. The estimated taxable base value of the property within the TIRZ is \$12,609,522. The 2024 base value will need to be verified by Kleberg County Appraisal District when the final 2024 taxable values are available. For further details of parcels included within the TIRZ see Appendix A.





## Proposed Development

### Anticipated Development

The land within the zone is well positioned for future development and redevelopment. The table below provides an overview of the scope and timing of potential development that DPED projects could occur during the life of the TIRZ, based on market trends, known planned development, and input from City staff. It is anticipated that the development that occurs within the TIRZ could be financed in part by incremental real property tax generated within the TIRZ.

	Projected Completion Date	Units/SF	RP Taxable Value per Unit/SF	Incremental Value	Sales/SF	Incremental Sales
<b>TIRZ #1</b>						
Retail	2025	16,500	\$	200 \$	200 \$	3,300,000
Multifamily	2026	60	\$	75,000 \$	- \$	-
Retail	2028	6,500	\$	200 \$	200 \$	1,300,000
Retail	2029	3,500	\$	200 \$	200 \$	700,000
Retail	2031	4,000	\$	200 \$	200 \$	800,000
Retail	2032	8,000	\$	200 \$	200 \$	1,600,000
Retail	2034	6,000	\$	200 \$	200 \$	1,200,000
Retail	2035	10,000	\$	200 \$	200 \$	2,000,000
<b>Total</b>				<b>\$ 15,400,000</b>	<b>\$</b>	<b>10,900,000</b>

\*\$15,400,000 represents the estimated 2024 taxable value of the Anticipated Development. The Anticipated Development is projected to generate \$3,459,886 in TIRZ Revenue to fund the Project Costs outlined on Page 7

## Project Costs

### Project Costs of the Zone

There are a number of improvements within Tax Incremental Reinvestment Zone #2 that will be financed by in part by incremental real property tax generated within the TIRZ.

Proposed Project Costs - TIRZ #2			
Public Utilities		\$	518,983
<i>Water Facilities and Improvements, Sanitary Sewer Facilities and Improvements, Storm</i>			
Parking and Transit Improvements		\$	518,983
Street and Intersection Improvements		\$	518,983
Pedestrian Enhancements		\$	415,186
<i>Streetscape, lighting, public art, and other amenities that enhance the pedestrian experience</i>			
Open Space, Park and Recreation Facilities and Improvements		\$	345,989
Economic Development Grants		\$	1,037,966
Administrative Costs		\$	103,797
Total		\$	3,459,886
			100%

The categories listed in the table above outline various public improvements, and are meant to include all projects eligible under Chapter 311, Section 311.002 of the Texas Tax Code. The project costs listed above are estimates and may be revised. Savings from one line item may be applied to a cost increase in another line item. The \$3,459,886 project cost total amount shall be considered a cap on expenditures that shall not be exceeded without an amendment to the project and financing plan.

Economic Development Grants may include grants, loans, and services for public and private development. Chapter 380 of the Local Government Code grants municipalities in Texas the authority to offer grants and loans of public funds to stimulate economic development. Section 311.010 (h) of the Texas Tax Code details the authority of Chapter 380 within a project and financing plan and limits the aggregate amount not to exceed the amount of tax increment produced by the municipality and paid into the tax increment fund for the zone for activities that benefit the zone and stimulate business and commercial activity in the zone.

The project costs are anticipated to be incurred over the term of the TIRZ, subject to demand for development driven by market conditions. It is anticipated that the individual TIRZ project costs will be evaluated on a case-by-case basis consistent with Chapter 311, Section 311.002, and brought forward to the TIRZ Board and City Council for consideration.

### Chapter 311 of the Texas Tax Code

#### Sec. 311.002.

- (1) "Project costs" means the expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by the municipality or county designating a reinvestment zone that are listed in the project plan as costs of public works, public improvements, programs, or other projects benefiting the zone, plus other costs incidental to those expenditures and obligations. "Project costs" include:
- (A) capital costs, including the actual costs of the acquisition and construction of public works, public improvements, new buildings, structures, and fixtures; the actual costs of the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures; the actual costs of the remediation of conditions that contaminate public or private land or buildings; the actual costs of the preservation of the facade of a public or private building; the actual costs of the demolition of public or private buildings; and the actual costs of the acquisition of land and equipment and the clearing and grading of land;
  - (B) financing costs, including all interest paid to holders of evidences of indebtedness or other obligations issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations before maturity;
  - (C) real property assembly costs;
  - (D) professional service costs, including those incurred for architectural, planning, engineering, and legal advice and services;
  - (E) imputed administrative costs, including reasonable charges for the time spent by employees of the municipality or county in connection with the implementation of a project plan;
  - (F) relocation costs;
  - (G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;
  - (H) interest before and during construction and for one year after completion of construction, whether or not capitalized;
  - (I) the cost of operating the reinvestment zone and project facilities;
  - (J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan;
  - (K) the costs of school buildings, other educational buildings, other educational facilities, or other buildings owned by or on behalf of a school district, community college district, or other political subdivision of this state; and
  - (L) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

## Project Costs

### Public Utilities includes but is not limited to:

**Water Facilities and Improvements:** This category includes TIRZ eligible expenditures for design, engineering and construction of water facilities and improvements that support the development and redevelopment of the TIRZ.

**Sanitary Sewer Facilities and Improvements:** This category includes TIRZ eligible expenditures for design, engineering and construction of structures or systems designed for the collection, transmission, treatment, or disposal of sewage, and includes trunk mains, interceptors, treatment plants and disposal systems.

**Storm Water Facilities and Improvements:** Many areas within the TIRZ have an aging infrastructure, making proper utility drainage an important component of the project plan. Utility drainage encompasses the physical provisions to accommodate and regulate stormwater runoff to preclude excessive erosion and sedimentation and to control and regulate the rate of flow. Facilities/systems can include natural features and conduits, channels, ditches, swales, pipes, detention devices or other devices designed or intended to carry, direct, detain or otherwise control stormwater.

**Parking and Transit Improvements:** Parking structures, whether newly constructed or existing, may be utilized to encourage denser development and support public access to commercial, residential, and retail developments at future mixed-use or transit-oriented developments. Parking includes, but is not limited to, parking garages; surface parking; parking lighting; parking signage and wayfinding, parking meters/kiosks and electrical charging stations. The goal is to create compact, walkable, pedestrian-centered developments to enhance and act as a catalyst to spur additional development and redevelopment in the district.

**Street and Intersection Improvements and Pedestrian Enhancements:** The TIRZ will encourage the construction of multi-functional, pedestrian-oriented, aesthetically-pleasing, safe, and inviting street for residents and visitors. Creating a pleasing public realm supports and encourages a wide variety of new development and investment. Elements of complete streets include the building to building improvements which may encompass: sidewalks, shared travel lanes (e.g. bus and bicycle), parallel and angled parking, pedestrian crosswalks, pedestrian and emergency bulb (American with Disabilities Act (ADA) accessibility), awnings, street improvements, planters, pedestrian street furniture, bike racks and pedestrian lighting. This includes public art and other amenities that enhance the pedestrian experience.

**Open Space, Park and Recreation Facilities and Improvements, Public Facilities and Improvements:** In accordance with Sec. 311.008(4B), TIRZ funds may be used to acquire, construct, reconstruct, or install public works, facilities, or sites or other public improvements. Costs of design, improvements, and land acquisition are TIRZ eligible expenses and can be funded from this category.

**Economic Development Grants:** This may include grants, loans, and services for public and private development. Eligible TIRZ project costs are not limited to public uses and may also include projects that involve: historic preservation, demolition, environmental remediation and economic development grants. Chapter 380 of the Local Government Code grants municipalities in Texas the authority to offer grants and loans of public funds to stimulate economic development. Section 311.010 (h) of the Texas Tax Code details the authority of Chapter 380 within a project and financing plan and limits the aggregate amount not to exceed the amount of tax increment produced by the municipality and paid into the tax increment fund for the zone for activities that benefit the zone and stimulate business and commercial activity in the zone.

**Administrative Costs:** Administrative costs, including reasonable charges for the time spent by employees of the City, to assist with implementation within the TIRZ will be eligible for reimbursement as project costs, upon approval by the Board of Directors and in connection with the implementation of the Project and Financing Plan. Other related administrative expenses including legal fees and consulting fees of the City, management expenses, meeting expenditures and equipment are included in this category.

## Financial Feasibility Analysis

### Method of Financing

To fund the public improvements outlined on the previous page, the City of Kingsville will contribute 50% of the real property increment within the Zone.

### Debt Service

It is not anticipated at this time that the TIRZ will incur any bonded indebtedness.

### Economic Feasibility Study

A taxable value analysis was developed as part of the project and financing plan to determine the economic feasibility of the project. The study examined the expected tax revenue the TIRZ would receive based on the previously outlined developments. A summary overview of the anticipated development square footages, the anticipated sales per square foot and the anticipated taxable value per square foot can be found on the following pages.

The following pages show the estimated captured appraised value of the zone during each year of its existence and the net benefits of the zone to each of the local taxing jurisdictions as well as the method of financing and debt service.

Utilizing the information outlined in this feasibility study, DPED has found that the TIRZ is economically feasible and will provide the City and other taxing jurisdictions with economic benefits that would not occur without its implementation.

TIRZ #1	Real Property Tax - 2023 Rates	Participation
	City of Kingsville	50%
	Kleberg County	0%
	Kingsville ISD	0%
	South Texas Water Authority	0%
		0.38000000

	Personal Property Tax	Participation
	City of Kingsville	0%
	Kleberg County	0%
	Kingsville ISD	0%
	South Texas Water Authority	0%
		0.00000000

	Sales Tax	Participation
	City of Kingsville	0%
	Kleberg County	0%
		0.00000000

# Financial Feasibility Analysis - Development Input

## INPUT

INFLATION RATE	3.00%
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DISCOUNT RATE	6.00%
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REAL PROPERTY TAX		PARTICIPATION	
City of Kingsville	0.76000000	50%	0.38000000
Kleberg County	0.71700000	0%	0.00000000
Kingsville ISD	1.41000000	0%	0.00000000
South Texas Water Authority	0.07037400	0%	0.00000000
	3.91264400		0.38000000

PERSONAL PROPERTY TAX		PARTICIPATION	
City of Kingsville	0.76000000	0%	0.00000000
Kleberg County	0.71700000	0%	0.00000000
Kingsville ISD	1.41000000	0%	0.00000000
South Texas Water Authority	0.07037400	0%	0.00000000
	3.91264400		0.00000000

City of Kingsville	0.01500000	0.00%	0.00000000
Kleberg County	0.00500000	0.00%	0.00000000
	0.02000000		0.00000000

Year	Area	SF/UNITS	REAL PROPERTY TAX VALUE \$ / SF	PERSONAL PROPERTY TAX VALUE \$ / SF	SALES TAX VALUE \$ / SF	TAX VALUE
2025	Retail	16,500	\$ 200.00	\$ 3,300,000	\$ -	\$ -
2026	Multifamily	60	\$ 75,000.00	\$ 4,500,000	\$ -	\$ -
2028	Retail	6,500	\$ 200.00	\$ 1,300,000	\$ -	\$ -
2029	Retail	3,500	\$ 200.00	\$ 700,000	\$ -	\$ -
2031	Retail	4,000	\$ 200.00	\$ 800,000	\$ -	\$ -
2032	Retail	8,000	\$ 200.00	\$ 1,600,000	\$ -	\$ -
2034	Retail	6,000	\$ 200.00	\$ 1,200,000	\$ -	\$ -
2035	Retail	10,000	\$ 200.00	\$ 2,000,000	\$ -	\$ -
TOTAL			15,400,000	-	-	10,900,000

## OUTPUT

TOTAL TAX REVENUE		TOTAL		TOTAL		TOTAL	
City of Kingsville	40.0%	\$ 11,995,279	=	\$ 5,098,700	=	\$ 6,896,579	=
Kleberg County	25.0%	\$ 7,477,227	=	\$ 5,178,334	=	\$ 2,298,893	=
Kingsville ISD	32.2%	\$ 9,462,114	=	\$ 9,462,114	=	\$ -	=
South Texas Water Authority	1.6%	\$ 472,126	=	\$ 472,126	=	\$ -	=
	100.0%	\$ 29,406,845	=	\$ 20,211,274	=	\$ 9,195,572	=
		100.0%		68.7%		37.3%	

TOTAL PARTICIPATION		TOTAL		TOTAL		TOTAL	
City of Kingsville	100.0%	\$ 2,549,350	=	\$ 2,549,350	=	\$ -	=
Kleberg County	0.0%	\$ -	=	\$ -	=	\$ -	=
Kingsville ISD	0.0%	\$ -	=	\$ -	=	\$ -	=
South Texas Water Authority	0.0%	\$ -	=	\$ -	=	\$ -	=
	100.0%	\$ 2,549,350	=	\$ 2,549,350	=	\$ -	=
		100.0%		100.0%		0.0%	

NET BENEFIT		TOTAL		TOTAL		TOTAL	
City of Kingsville	35.2%	\$ 9,446,029	=	\$ 2,549,350	=	\$ 6,896,579	=
Kleberg County	27.0%	\$ 7,477,227	=	\$ 5,178,334	=	\$ 2,298,893	=
Kingsville ISD	35.2%	\$ 9,462,114	=	\$ 9,462,114	=	\$ -	=
South Texas Water Authority	1.6%	\$ 472,126	=	\$ 472,126	=	\$ -	=
	100.0%	\$ 26,857,495	=	\$ 17,661,924	=	\$ 9,195,572	=
		100.0%		65.8%		34.2%	

### Tax Revenue Projections

## Preliminary Project and Financing Plan, TIRZ #1

# ESTIMATE OF GENERAL IMPACT OF PROPOSED PROPERTY VALUES AND TAX REVENUES, INCENTIVE BASED ON PROPOSED PARTICIPATION

# Preliminary Project and Financing Plan. TIRZ #1

# ESTIMATE OF GENERAL IMPACT OF PROPOSED PROPERTY VALUES AND TAX REVENUES, INCENTIVE BASED ON PROPOSED PARTICIPATION

## Preliminary Project and Financing Plan TIRZ #1



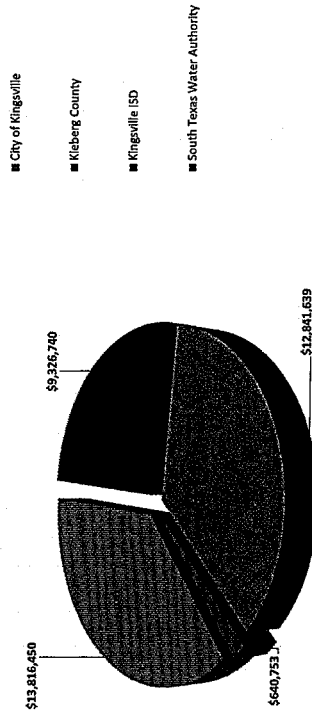
# Financial Feasibility Analysis - Summary

## Revenue Summary

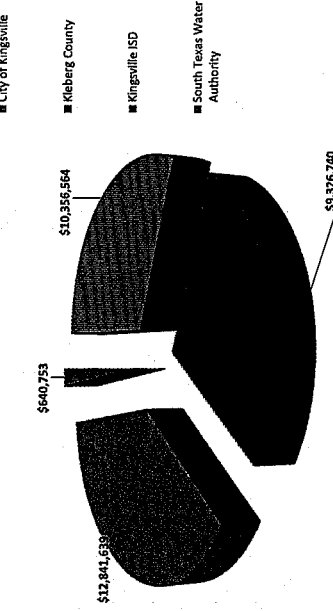
Taxing Jurisdictions	Total Taxes Generated	TIRZ Participation	Net Benefit
City of Kingsville	\$13,816,450	\$3,459,886	\$10,356,564
Kleberg County	\$9,326,740	\$0	\$9,326,740
Kingsville ISD	\$12,841,639	\$0	\$12,841,639
South Texas Water Authority	\$640,753	\$0	\$640,753
<b>Total</b>	<b>\$36,625,583</b>	<b>\$3,459,886</b>	<b>\$33,165,697</b>

Taxing Jurisdictions	Total Taxes Generated	Participation
City of Kingsville	\$13,816,450	\$3,459,886
Kleberg County	\$9,326,740	\$0
Kingsville ISD	\$12,841,639	\$0
South Texas Water Authority	\$640,753	\$0

Total Taxes Generated



Net Benefit





**Length of TIRZ #2 In Years:**

The TIRZ has a 30 year term and is scheduled to end on December 31, 2054 (with the final year's tax increment to be collected by September 1, 2055).

**Powers and Duties of Board of Directors:**

The Board shall have all powers granted to it by Chapter 311 of the Texas Tax Code, including powers of a municipality under Chapter 380, Local Government Code. The Board shall not be authorized to:

- issue bonds;
- impose taxes or fees;
- exercise the power of eminent domain; or
- give final approval to the Zone's project and financing plan.

APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
12918	723 WEST ALICE LLC	HENRIETTA HGTS, BLOCK 4, LOT 31, 32	732 WALICE	0.1607
22141	ADAMS VANESSA RENAE	COLLEGE VIEW, BLOCK 2, LOT 20, 21	610 W MESQUITE AVE	0.155532212
13303	AGZ LLC	HENRIETTA HGTS, BLOCK 2, LOT 4-6, (YOUNG'S PIZZA)	625 W SANTA GERTRUDIS	0.238374591
22816	AGZ LLC	CHAMB PL, BLOCK 10, LOT 24, 25, ACRES .0	620 W SANTA GERTRUDIS AVE	0.160696477
13620	AGZ LLC	CHAMB PL, BLOCK 10, LOT 21-23	600 W SANTA GERTRUDIS BLK	0.241043972
19082	ALI SANA LLC	BROOKS, BLOCK 8, LOT 11-16, (EZ SERVE)	809 W KING	0.482107783
12901	ALVARADO VICTOR	COLLEGE VIEW, BLOCK 2, LOT 17-19	602 W MESQUITE	0.2332923
15262	ALWAYS A WAY LLC	HENRIETTA HGTS, BLOCK 1, LOT 26, 27, E/2 28	724 W RICHARD	0.200870149
23232	BALBOA ABEL JR (LIFE EST)	CHAMB PL, BLOCK 11, LOT 8-10, E/2 11	721 W ELLA	0.281222165
25515	BAPTIST CHURCH	CHAMB PL, BLOCK 11, LOT 14-16, (EX E M P T)	720 N ARMSTRONG	0.241048215
18878	BENCZE WANDA GAIL	CHAMB PL, BLOCK 7, LOT E15' 27, 28, 29	514 W SANTA GERTRUDIS AVE	0.208905096
21714	BERNSEN PAT L	CHAMB PL, BLOCK 11, LOT 4, 5	709 W ELLA	0.160698818
22479	BERNSEN PAT L	CHAMB PL, BLOCK 11, LOT 6, 7	711 W ELLA	0.160698158
16219	BOARD OF REGENTS OF THE	COLLEGE VIEW, BLOCK 1, LOT 1-6, 27-32, (EX E M P T)	729 W CORRAL	0.958674811
23758	BOARD OF REGENTS OF THE	CHAMB PL, BLOCK 12, LOT 13-16, (EX E M P T)	806 N ARMSTRONG	0.3214
13403	CAIRNES REVOCABLE TRUST	FLATO, BLOCK 7, LOT E75' W175' S/2, AND E100' OF W200' OF N/2, (JALISCO APTS - AVE C)	728 W AVE C	0.6027
22010	CANTU SANTIAGO	COOPER, BLOCK Z-4, LOT 28-32, (CRYSTAL ROSE APT #2)	724 W KLEBERG	0.4017
18110	CARRALES JAMES EDWARD	CHAMB PL, BLOCK 7, LOT 25, 26, W10' 27	518 W SANTA GERTRUDIS AVE	0.192835994
22524	CERNOSEK CHRIS	HENRIETTA HGTS, BLOCK 2, LOT 7-9, (APTS)	615 W SANTA GERTRUDIS	0.239532352
15726	CERNOSEK CHRIS	HENRIETTA HGTS, BLOCK 2, LOT 10-12	611 W SANTA GERTRUDIS	0.24066826
16796	CHALLOO RAJAB	HENRIETTA HGTS, BLOCK 1, LOT W/2 30, 31, 32	732 W RICHARD	0.200871244
22905	CHAVEZ NYDIA A	COLLEGE VIEW, BLOCK 2, LOT 22-24	614 W MESQUITE AVE	0.233299069
18032	CHRISTOPHER DAVID	HENRIETTA HGTS, BLOCK 4, LOT 1-3, (APTS)	729 W RICHARD	0.241
20018	COLLEGE VIEW BAPTIST CHURCH	COLLEGE VIEW, BLOCK 4, LOT 1-6, 23-32, (EX E M P T)	1324 N ARMSTRONG	1.2397
24818	CORONADO RAMIRO O	HENRIETTA HGTS, BLOCK 2, LOT 13, 14, W7 S53' OF 15	607 W SANTA GERTRUDIS	0.205096969
13553	CORPUS EAGLE FOOD MART INC	COLLEGE AC, BLOCK 12, LOT SW/4, (FOOD MART)	730 W CORRAL AVE	0.658861349
15006	CRUZ DANIEL	COLLEGE AC, BLOCK 11, LOT NE/4	603 W AVE F	0.688699534
42236	D & B ENVIRONMENTAL SERVICES INC	BROOKS ADDN, BLOCK 7, LOT 20A, (CADILLAC COWGIRLS)	810 W KING	0.321392573
15063	DE LA GARZA REBECCA	CHAMB PL, BLOCK 7, LOT 17-19	530 W SANTA GERTRUDIS AVE	0.241044239
24157	DE LA GARZA REBECCA MICHEL	CHAMB PL, BLOCK 7, LOT 20, 21	524 W SANTA GERTRUDIS AVE	0.160695927
23895	DE LA PAZ RAMON	COLLEGE VIEW, BLOCK 1, LOT 21-24	712 W MESQUITE	0.311057493
21435	DE LEON BELEN L	COLLEGE AC, BLOCK 11, LOT E/2 W/2 SE/4	610 W CORRAL AVE	0.160698336
19776	DHALLA JARNAIL	HENRIETTA HGTS, BLOCK 1, LOT 17-19, 50% UNDIVIDED INTEREST	704 W RICHARD	0.241045777
20284	DROWN CHERYL ANN NIX	CHAMB PL, BLOCK 11, LOT 20-22	722 W SANTA GERTRUDIS	0.241043866
11810	EVERGREEN 786 LLC	FLATO, BLOCK 7, LOT 100X140' SW COR, (JAVALINA MART)	1202 N ARMSTRONG	0.3214

APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
22336	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 8, 9, 10, 11, (APTS)	711 W KING	0.321396603
23088	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 12-14	707 W KING	0.2410483
16278	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 15, 16	703 W KING	0.160700437
19891	FOSTER MASON	COLLEGE AC, BLOCK 11, LOT E100' SE/4, (YOUR CAR WASH)	600 W CORRAL AVE	0.321396293
22807	GARCIA ALVARO JR	COLLEGE VIEW, BLOCK 2, LOT 1-4	631 W CORRAL	0.288108794
24335	GARCIA MARIA ESTELA PENA	COLLEGE VIEW, BLOCK 2, LOT 5-9, (MARIACHI HOUSE OF BURGERS)	621 W CORRAL AVE	0.360135236
24939	GARZA EDUARDO	CHAMB PL, BLOCK 7, LOT 22-24, ACRES .0	522 W SANTA GERTRUDIS AVE	0.241044464
19451	GILBERTO & OLGA URESTI	BROOKS, BLOCK 7, LOT 29-32	830 W KING	0.321395127
13572	GOFF FRANK JR	ORIG TOWN, BLOCK 2, LOT 1-3	431 W SANTA GERTRUDIS	0.241045069
23565	GONZALEZ ROEL	CHAMB PL, BLOCK 10, LOT 26-30	608 W SANTA GERTRUDIS AVE	0.401740333
10526	GUJARDO RENE	COLLEGE VIEW, BLOCK 2, LOT 10, 11, 12	611 W CORRAL	0.216081464
11936	HAKI JONATHON	CHAMB PL, BLOCK 7, LOT 30-32	504 W SANTA GERTRUDIS AVE	0.241046238
22087	HUNTER WALTER TOM JR	HENRIETTA HGTS, BLOCK 1, LOT 23-25	716 W RICHARD	0.241042535
15177	INTERNATIONAL BANK OF COMMERCE	HENRIETTA HGTS, BLOCK 1, LOT 5-8	715 W SANTA GERTRUDIS	0.321396539
32781	INTERNATIONAL BANK OF COMMERCE	HENRIETTA HGTS, BLOCK 1, LOT 9-11, (IBC PARKING)	713 W SANTA GERTRUDIS	0.241048595
20633	IRBY KAY NIX	CHAMB PL, BLOCK 11, LOT 17-19		0.241043921
13230	JONES GENE M	BROOKS, BLOCK 7, LOT 13-16	111 S ARMSTRONG	0.3214
13282	KINGSVILLE MULTIFAMILY INVESTMENTS LLC	COLLEGE AC, BLOCK 12, LOT E/2, (SEVILLE APTS), ACRES 1.15	704 W CORRAL	1.364776565
13047	KRESTA INVESTMENTS LLC	COOPER, BLOCK AA-1, LOT 20-22	710 W KING	0.241043188
23341	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 29-32, (NANA'S LAUNDROMAT)	702, 704, 706 W SANTA GERTRUDIS	0.321393834
14195	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 26-28	714 W SANTA GERTRUDIS	0.241042915
21048	KRUEGER MICHAEL JAMES	CHAMB PL, BLOCK 11, LOT 23-25	716 W SANTA GERTRUDIS	0.241043405
12851	LEAL ARNOLD P	HENRIETTA HGTS, BLOCK 1, LOT 20-22	706 W RICHARD	0.24104397
24402	LIGHT RODNEY	COOPER 2, BLOCK 3, LOT 17, 18, (THE CROSS), (EXEMPT)	109 N ARMSTRONG	0.1607
18226	LOK INVESTMENTS LLC	ORIG TOWN, BLOCK 2, LOT 13-16, (UNIVERSITY OAKS)	403 W SANTA GERTRUDIS	0.321395345
17462	LONEY PAUL JR	ORIG TOWN, BLOCK 2, LOT 11, 12	409 W SANTA GERTRUDIS AVE	0.160697706
15273	MARIN'S COMMERCIAL RENTAL MANAGEMENT LLC	BROOKS, BLOCK 8, LOT 1-10, (LYDIA'S RESTAURANT, ETC)	800 W KING BLK	0.803504739
14838	MARQUEZ LUIS HUMBERTO	BROOKS, BLOCK 7, LOT 17-19, (EL CHATO)	121 S ARMSTRONG	0.241044902
17508	MARTINEZ HECTOR	CHAMB PL, BLOCK 10, LOT 31, 32	602 W SANTA GERTRUDIS	0.160698415
17605	MARTORELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 29-32, (APTS)	626 W MESQUITE	0.311064576
16851	MARTORELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 27, 28	600 W MESQUITE BLK	0.1555325
20218	MARTORELLO FABRIZIO M	HENRIETTA HGTS, BLOCK 2, LOT 1-3, (APTS)	627 W SANTA GERTRUDIS	0.237211744
13752	NIELSEN RANDAL E	COOPER, BLOCK AA-1, LOT 1-3	729 W KLEBERG	0.241
24760	OBREGON ROBERTO	CHAMB PL, BLOCK 11, LOT W/2 11, 12, 13	725 W ELLA AVE	0.200872846
12460	OBREGON ROBERTO	CHAMB PL, BLOCK 11, LOT 1-3	703 W ELLA AVE	0.241049439

APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
11285	OCHOA PEDRO III	COLLEGE VIEW, BLOCK 2, LOT 13-16	600 W CORRAL BLK	0.288102349
13667	PATEL MAHENDRA	HENRIETTA HGTS, BLOCK 1, LOT 1-4, (SHRIM 6/ESP IFIX/THE CENTER)	620 N ARMSTRONG	0.321397064
25418	PENA RUBEN	COLLEGE VIEW, BLOCK 1, LOT 25, 26	716 W MESQUITE	0.155530212
23515	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 6, 7, ACRES .0	419 W SANTA GERTRUDIS	0.160696052
22759	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 4, 5	423 W SANTA GERTRUDIS	0.160695262
13681	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT NW/4, (UNIVERSITY WELLS APTS)	625 W AVE F	0.68869933
22978	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT SW/4	630 W CORRAL AVE	0.642792286
22211	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT W50' SE/4	616 W CORRAL AVE	0.160698336
19953	REYNA TADEO	COOPER, BLOCK AA-1, LOT 17-19	117 N WELLS	0.241046935
16041	ROLDAN OCTAVIO HERNANDEZ	HENRIETTA HGTS, BLOCK 1, LOT W/2 28, 29, E/2 30	726 W RICHARD	0.160694553
22269	RUIZ RUBEN	COOPER, BLOCK AA-1, LOT 23-27	720 W KING BLK	0.401739453
25485	SABALA PROPERTIES LLC	BROOKS, BLOCK 7, LOT 24-28, (PIZZA PARLOR)	816 W KING AVE	0.401742683
18073	SAMADI LEILA	FLATO, BLOCK 7, LOT NW/COR 100X160, (RENAE'S LAUNDRY & FAMILY PLANNING CLINIC)	1216 N ARMSTRONG	0.3673
42589	SAMADI LEILA M	HENRIETTA HEIGHTS ADDN, BLOCK 1, LOT 12A, (UNIVERSITY CTR, ETC)	709 W SANTA GERTRUDIS, SUITE A, B & C	0.401748633
25903	SC CONSTRUCTION LLC	COOPER 2, BLOCK 3, LOT 19-21	800 W KLEBERG	0.241
16097	SERNA CARLOS ROLANDO	COLLEGE VIEW, BLOCK 2, LOT 25, 26	618 W MESQUITE	0.155533011
24288	SHOLTIS JENNIFER	ORIG TOWN, BLOCK 2, LOT 8-10	415 W SANTA GERTRUDIS	0.241046122
18513	SOUTH TEXAS DISTRICT COUNCIL-ASSEMBLIES OF GOD, INC	COLLEGE VIEW, BLOCK 1, LOT 7-16, (EX E M P T)	717 W CORRAL AVE	0.720289678
22384	TAZ TEXAS HOLDEN LLC	COLLEGE VIEW, BLOCK 1, LOT 17-20, (APTS)	700 W MESQUITE	0.311056518
13309	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 2, LOT 1-3, (EX E M P T)	721 W AVE A	0.45
16706	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 1, LOT LOT N/2 4, 5, 6, (EX E M P T)	725 W AVE A	0.287
25284	TEXAS A & M UNIVERSITY SYSTEM	CHAMB PL, BLOCK 12, LOT 17, 18, (EX E M P T)	728 WELLA	0.1607
16224	TXE2P LLC	COOPER, BLOCK AA-1, LOT 28-32, (EZ PAWN)	730 W KING	0.40173865
22344	UNIVERSITY BAPTIST CHURCH	COLLEGE VIEW, BLOCK 4, LOT 7-10, (EX E M P T), ACRES .0	725 W MESQUITE	0.3099
22990	VELIZ VELMA	ORIG TOWN, BLOCK 1, LOT 1-9	500 W SANTA GERTRUDIS BLK	0.482101806
4005495	VELIZ VELMA	ORIG TOWN, BLOCK 1, LOT 10-16	500 W SANTA GERTRUDIS BLK	0.803496105
10723	WATSON LUCRESS & DICK	COOPER, BLOCK AA-4, LOT 1-7, (FIESTA CAR WASH)	729 W KING AVE	0.562443879
25572	YAKLIN DENNIS L	HENRIETTA HGTS, BLOCK 2, LOT E18' N87' OF 15, 16, (APTS)	619 N 1ST ST	0.116301977
20336	YMG INVESTMENTS LLC	COLLEGE AC, BLOCK 12, LOT NW/4	1510 N ARMSTRONG	0.705915235
11998	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 10, LOT 17-20, (EL TAPATIO)	630 W SANTA GERTRUDIS	0.321385721
11514	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 5, LOT 1-32 & 1/2 OF WELLA ST	400 W NETTIE BLK	2.884865143
18241	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 6, LOT 1-32, (FLATO SCHOOL)	W SANTA GERTRUDIS	3.175747304

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## **AGENDA ITEM #12**

**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: 5/24/2024

SUBJECT: Request for Resolution for the execution of an MOU between the Kingsville Police Department and the National Insurance Crime Bureau (NICB)

---

**Summary:**

The Police Department respectfully seeks the City Commission's approval to enter into a Memorandum of Understanding (MOU) with the National Insurance Crime Bureau (NICB). This partnership is critical for enhancing our department's capabilities in various complex criminal investigations.

**Background:**

The proposed collaboration between the Kingsville Police Department (KPD) and the NICB is designed to significantly strengthen our investigative reach and efficiency. By partnering with NICB, KPD will gain access to a wealth of resources and specialized support that are essential for tackling a broad spectrum of criminal activities, including:

- Fraud detection and investigation
- Recovery of stolen and cloned vehicles
- Disruption of theft rings
- Recovery of heavy equipment
- Investigation of complex criminal enterprises

This MOU will enable KPD to leverage NICB's extensive databases, case preparation assistance, and participation in Regional Task Forces operating nationwide. These tools will facilitate seamless information sharing, fostering greater cooperation and synergy between law enforcement entities. By integrating NICB's resources into our operations, we enhance our ability to proactively address emerging threats and ensure the safety and security of our community.

The strategic advantages of this partnership include:



**City of Kingsville  
Police Department**

- Improved investigative capabilities through access to comprehensive NICB databases.
- Streamlined case preparation and claim file exchange.
- Enhanced cooperation with national and regional law enforcement agencies
- Increased efficiency in combating organized crime and fraud.

**Financial Impact:**

No cost is associated with the MOU with the National Insurance Crime Bureau.

**Recommendation:**

We request a resolution to enter into an MOU with the National Insurance Crime Bureau.





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

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KINGSVILLE POLICE DEPARTMENT AND THE NATIONAL INSURANCE CRIME BUREAU FOR LAW ENFORCEMENT ISO CLAIMSEARCH ACCESS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") promotes the health and safety of the community and supports City departments in efforts to partner with other agencies to improve communication strategies and services for citizens;

**WHEREAS**, the City's Police Department has worked to develop a Memorandum of Understanding with the National Insurance Crime Bureau ("NICB") for Law Enforcement ISO Claimsearch Access to enhance the Department's capabilities in various complex criminal investigations;

**WHEREAS**, the proposed collaboration is designed to significantly strengthen the Department's investigative reach and efficiency;

**WHEREAS**, there is no discernable financial impact to the City under the terms of the Memorandum of Understanding;

**WHEREAS**, the Chief of Police would be the authorized signatories for the Kingsville Police Department's participation in the agreement.

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

**I.**

**THAT** the Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter into a Memorandum of Understanding with the National Insurance Crime Bureau for Law Enforcement ISO Claimsearch Access, 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  
10th day of June, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## LAW ENFORCEMENT ISO CLAIMSEARCH ACCESS MEMORANDUM OF UNDERSTANDING

This Law Enforcement ISO ClaimSearch Access Memorandum of Understanding ("MOU") is made and entered into by and between the National Insurance Crime Bureau ("NICB"), an Illinois not-for-profit corporation located at 1515 W. 22nd Street, Suite 1300W, Oak Brook, Illinois 60523 and the law enforcement agency identified on the signature page hereto ("Agency") ("NICB" and, together with "Agency," hereafter referred to from time to time individually as "Party" or collectively as "the Parties") and is effective as of the date of the last signature to this Agreement ("Effective Date").

### RECITALS

WHEREAS, NICB is an Illinois not-for-profit corporation dedicated to fighting insurance-related crime and fraud, and gathering and disseminating information related to insurance crime and fraud for the benefit of NICB member companies, law enforcement, regulatory authorities and the general public; and

WHEREAS, Verisk Analytics Inc. ("Verisk") owns ISO ClaimSearch, and NICB contracts with Verisk in order to credential and provide law enforcement agencies and their personnel access to ISO ClaimSearch on the condition that NICB pass through certain terms to the law enforcement agency;

WHEREAS, Agency is a law enforcement agency whose mission is to protect and serve the people of the applicable jurisdiction; and

WHEREAS, NICB and Agency desire to work together to exchange information and data that will allow both Parties to more easily detect and prevent insurance-related crime and fraud;

NOW THEREFORE, in consideration of the promises and obligations contained in this MOU, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Access. Subject to the terms of this MOU, during the Term, NICB hereby grants to Agency a non-exclusive, non-transferable, non-assignable, limited, revocable right to allow employees with access credentials within their organization the right to access and use the ISO ClaimSearch for: (1) investigating or prosecuting crime, including but not limited to insurance-related crime and fraud; and (2) investigating or prosecuting individuals relevant to homeland security activity. (collectively the "Purpose").
2. Access Credentials. In order to access the ISO ClaimSearch, Agency must appoint an administrator ("Administrator") to receive access credentials to the ISO ClaimSearch. The Administrator, in turn, may designate individuals employed by Agency ("Designees") to receive access credentials to ISO ClaimSearch.
3. Confidentiality.
  - A. All non-public information and data contained within ISO ClaimSearch pursuant to this Agreement shall be considered as confidential information

("Confidential Information"). Confidential Information shall be held in the strictest confidence and shall not be released, disseminated, used, accessed, copied, shared, transferred, or disclosed by Agency, except as strictly necessary for the Purpose.

- B. Confidential Information shall not include any information, however designated or marked, that: (i) is publicly available, or subsequently becomes publicly available, after the time it was communicated to the recipient through no breach of this MOU by the recipient; (ii) was in the recipient's possession free of any obligation of confidence prior to being communicated to the recipient by the disclosing party, or is in the recipient's possession free of any obligation of confidence subsequent to the time it was communicated to the recipient by the disclosing party; (iii) is independently developed by employees or agents, without use of the data contained in the ISO ClaimSearch, of the recipient and can be so proven by recipient; or (iv) is obtained by the receiving party from a third party lawfully in possession of such information and without a breach of such third party's obligations of confidentiality.
- C. It shall not be a violation of Section 3 of this MOU for Agency to disclose Confidential Information as required by standard legal procedure in order to prosecute crime. Further, disclosure is permitted in response to a lawful subpoena or other legal process served upon Agency or where applicable law requires the disclosure of Confidential Information, provided that: (i) if not prohibited under applicable law, Agency, prior to disclosing such information, gives reasonable written notice to NICB sufficient to permit NICB to seek a protective order if it so chooses; and (ii) in all cases, Agency discloses only that information that is legally required to be disclosed. For clarity, any of the Confidential Information Agency discloses pursuant to this Section 3. c. shall remain subject to the confidentiality requirements under this MOU for all other purposes.

4. Agency Obligations. In exchange for access to ISO ClaimSearch, the Agency agrees to comply with the following obligations:

- A. Administrator. Agency shall appoint an Administrator who shall be identified to NICB and shall be responsible for adding or removing Designees, as appropriate, as well as maintaining a list of active Designees. No Designee may be granted access to ISO ClaimSearch without Administrator approval. The Administrator shall be the Agency contact responsible for fulfilling Agency obligations required under this MOU.
- B. Designees. Designees shall be restricted to active Agency employees who: (1) are in good standing and not under suspension for any criminal or civil violation, or under active criminal investigation or indictment ("Good Standing"); and (2) have a need to know the Confidential Information for the Purpose.

- C. Vetting. Agency shall have in place a vetting process to ensure minimum standards for each Designee to qualify for access to ISO ClaimSearch are met, including the following determinations for each Designee:
- i. the Designee's need for access;
  - ii. which level of access is required for the Designee and for what purpose;
  - iii. ensuring Designee's access conforms to this Agreement;
  - iv. ensuring Designee's access is based on the Designee's need to know in order to carry out the Purpose; and
  - v. documenting the above determinations.
- D. Responsibility. The Administrator shall be responsible for, and shall supervise and control, all Designee access to ISO ClaimSearch. The Administrator shall implement an internal process whereby Designee usage is documented and monitored to ensure that that Designee usage conforms with the Purpose and this MOU. Agency shall immediately notify NICB of any access or usage of ISO ClaimSearch that does not comply with this Agreement and shall prohibit Designee from any further access or usage of ISO ClaimSearch until future access is expressly approved, in writing, by NICB.
- E. Training. Agency shall ensure that Designees complete all training and certifications required in order to gain access; and all periodic training either assigned by NICB, the ISO ClaimSearch platform, or otherwise in order to maintain access.
- F. Termination of Access. Agency shall immediately terminate Designee's access to ISO ClaimSearch:
- i. when Designee's is no longer employed by Agency;
  - ii. when Designee no longer has a legitimate Purpose to have access to ISO ClaimSearch; or
  - iii. if a Designee is no longer in Good Standing.
- G. Privacy and Security Policies. Agency will, at all times, ensure that access and use of ISO ClaimSearch complies with the NICB Privacy and Security Policy, and the ISO Privacy and Security Policies, including any updates and amendments that may be issued from time to time.
- H. Controls for the Protection of Confidential Information. Agency shall maintain during the term of this MOU, and at all times thereafter in which Agency maintains Confidential Information in its possession or control, an information security program that provides for the administrative, technical, and physical safeguards designed to adequately protect the security and confidentiality of Confidential Information in Agency's possession or control in accordance with

applicable federal, state and local laws, rules, and regulations. At a minimum, Agency's safeguards for the protection of Confidential Information shall include:

- i. limiting access of Confidential Information to authorized employees;
  - ii. maintaining an adequate network firewall;
  - iii. securing business facilities, data centers, paper files, servers, backup systems, and computing equipment, including but not limited to devices with information storage capability;
  - iv. implementing secure storage and disposal of Confidential Information;
  - v. implementing authentication, and access controls within operating systems and equipment; and
  - vi. implementing appropriate personnel security and integrity procedures and practices, including conducting background checks consistent with applicable law and providing appropriate privacy and information security training to Agency employees.
5. Audits. NICB may issue a security assessment questionnaire and conduct independent onsite security assessments of Agency related to Agency's compliance this Agreement. For any onsite inspection, NICB will provide at least 30 days prior written notice. Such assessments shall not occur more than once per calendar year, at a time that minimizes operational interruptions to Agency. Agency's failure to adequately respond in a timely manner to a security assessment questionnaire, timely submit to an onsite inspection, or timely or adequately, in NICB's sole determination, remedy any compliance or security concern raised by NICB, may result in immediate suspension of Agency's ISO ClaimSearch access pursuant to Section 10 of the MOU.
6. Security Breach.
- A. Notification. Agency shall promptly, but in no case later than 48 hours, notify NICB of any significant risk, whether confirmed or based upon a good faith determination, to Confidential Information, to include unauthorized or improper access to, or use or disclosure of, Confidential Information while in the possession or control of Agency, its Administrator, or its Designees ("Security Breach").
  - B. Mitigation and Cooperation. Agency shall promptly implement steps to remediate and mitigate the effects of any Security Breach. Agency shall cooperate with reasonable requests for information from NICB or its representatives regarding the Security Breach. To the extent possible, Agency shall promptly provide a written description of the number of individuals' data involved, the location (i.e., State) of the individuals, the amount of data involved, the type of data involved and any other relevant information

reasonably requested by NICB or as otherwise required to be provided by applicable law.

7. Representations and Warranties. Agency represents and warrants the following:

- A. Agency is a professional, reputable, and trustworthy organization that serves the public.
- B. Agency is not under suspension for any criminal or civil violation; or under active criminal investigation or indictment.
- C. Agency will not provide access to any Designee who is not in Good Standing.
- D. Agency, its Administrator, and its Designees have a justifiable reason for requiring access to ISO ClaimSearch that is consistent with the Purpose.
- E. Agency either (a) has an established working relationship with NICB, or (b) will take steps in order to establish a new relationship with NICB.
- F. Agency agrees to comply with all applicable federal, state, and local data privacy and security laws, rules and regulations, and applicable industry standards related to or concerning the protection of data.

8. Indemnity. To the extent permissible by law, Agency shall indemnify, defend and hold NICB harmless from all third-party lawsuits, claims, liabilities, damages, settlements, judgments, or expenses, including NICB's costs and reasonable attorney fees, which arise as a result of Agency's material breach of this Agreement, negligent acts or omissions, or willful misconduct.

9. Disclaimer of Warranties. Limited Use; No Reliance. Information contained within ISO ClaimSearch is provided "AS IS, WHERE IS" and intended to be used as investigative leads only, in support of investigations of criminal activity in accordance with the Purpose. Agency should not make prosecution decisions based solely upon information contained in ISO ClaimSearch. NICB HEREBY DISCLAIMS ALL WARRANTIES EXPRESS, IMPLIED, OR STATUTORY, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WITH RESPECT TO THE INFORMATION CONTAINED WITHIN ISO CLAIMSEARCH.

10. Term and Termination.

- A. Term. This MOU shall commence as of the Effective Date and will remain in effect until either Party terminates this MOU by providing 30 days' written notice to the other party of the termination whereupon the MOU will terminate at the end of the 30-day notice period.
- B. Immediate Termination. NICB may immediately terminate this MOU if the Agency materially breaches its obligations under this MOU.

11. Survival. Upon termination of this MOU, the provisions of this MOU concerning the ongoing interests of the parties shall continue and survive in full force and effect.

12. Assignment. Neither Party may assign or transfer any rights or obligations under this MOU without the prior written consent of the other Party. Any attempt to transfer all or part of either Party's rights or obligations without such consent is null and void and of no effect.
13. Notices. All notices between the parties will be in writing and will be delivered as follows, with notice deemed given as indicated (a) by personal delivery, when delivered personally; or (b) by overnight courier, upon the courier's confirmation of delivery. In either case, a copy shall be sent via email. Notices to the Agency will be sent to the email and address provided by Agency at the time of application for credentialing. Notices to NICB will be sent to the addresses, including e-mail addresses, set forth as follows, or such other address as is provided by notice as set forth herein:

National Insurance Crime Bureau  
1515 W. 22<sup>nd</sup> Street  
Suite 1300W  
Oak Brook, IL 60523  
Attn: General Counsel  
Email: NICBGeneralCounsel@nicb.org

14. Severability. Any term or provision of this MOU held to be illegal or unenforceable will, if possible, be interpreted so as to be construed as valid, but in any event the validity or enforceability of the remainder hereof will not be affected.
15. No Waiver. The waiver of, or failure to enforce, any breach or default hereunder will not constitute the waiver of any other or subsequent breach or default.
16. No Joint Venture. The relationship of the parties hereunder will be that of two independent contracting parties, and nothing herein will be deemed to create a joint venture, partnership, agency or employer/employee relationship. In no event will either party be permitted to make any MOU, or represent that it is authorized to make any MOU, on behalf of the other party, without the prior written consent of such other party.
17. Entire Agreement. This MOU sets forth the entire agreement between the parties related to the subject matter herein, and supersedes any and all prior agreements, proposals, understandings, discussions, MOUs, and representations between them, whether written or oral. This MOU may be changed only by mutual MOU of the parties in writing. This MOU may be executed in counter-parts with electronic signatures to be deemed valid and binding.

*[Signatures immediately to follow on page 7 of 7]*



IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized representatives.

National Insurance Crime Bureau

Agency: \_\_\_\_\_

ORI or ORIs to which this MOU applies:

Signed: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

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

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

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

## **AGENDA ITEM #13**

**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: 5/28/2024

SUBJECT: Request for Resolution for the execution of an MOU between the Kingsville Police Department and the Texas Comptroller of Public Accounts.

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**Summary:**

The Kingsville Police Department respectfully seeks the City Commission's approval to enter into a Memorandum of Understanding (MOU) with the Texas Comptroller of Public Accounts (CPA). This partnership is crucial for augmenting our department's capabilities in addressing various complex criminal investigations.

**Background:**

The proposed collaboration between the Kingsville Police Department (KPD) and the CPA is designed to significantly enhance our investigative reach and efficiency. By partnering with CPA, KPD will gain access to a wealth of resources and specialized support that are essential for tackling a broad spectrum of criminal activities, including:

- Fraud detection and investigation
- Monitoring nefarious activities at car dealerships
- Oversight of businesses requiring permits to sell alcoholic beverages, cigarettes, cigars, tobacco products, e-cigarettes, and vape pens.

By leveraging the CPA's extensive databases and authoritative capabilities, KPD will be better equipped to address emerging threats, thereby ensuring the safety and security of our community.

**Financial Impact:**

No cost is associated with the MOU with the Texas Comptroller of Public Accounts.

**Recommendation:**

We request a resolution to enter into an MOU with the Texas Comptroller of Public Accounts.



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

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KINGSVILLE POLICE DEPARTMENT AND THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") promotes the health and safety of the community and supports City departments in efforts to partner with other agencies to improve communication strategies and services for citizens;

**WHEREAS**, the City's Police Department has worked to develop a Memorandum of Understanding with the Texas Comptroller of Public Accounts ("CPA") to augment the Department's capabilities in addressing various complex criminal investigations;

**WHEREAS**, the proposed collaboration is designed to significantly enhance the Department's investigative reach and efficiency;

**WHEREAS**, there is no discernable financial impact to the City under the terms of the Memorandum of Understanding;

**WHEREAS**, the Chief of Police would be the authorized signatories for the Kingsville Police Department's participation in the agreement.

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

**I.**

**THAT** the Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter into a Memorandum of Understanding with the Texas Comptroller of Public Accounts, 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  
10th day of June, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**Texas Comptroller of Public Accounts  
Reciprocal Agreement for Exchange of Confidential Information  
Under the Texas Tax Code**

This Reciprocal Agreement ("Agreement") is entered into by and between the Texas Comptroller of Public Accounts ("CPA") and Kingsville Police Department ("Entity").

**I. Declaration of Entity Type**

In accordance with Section 111.006(e) of the Texas Tax Code, Entity certifies that it is a Texas law enforcement officer.

**II. CPA's Authorization to Examine Confidential Information; Reciprocal Agreement**

- A. In accordance with the terms of this Agreement, CPA authorizes Entity to examine certain information as set forth in Attachment A, which is made confidential by Title 2 of the Texas Tax Code ("Confidential Information"). Entity shall submit its request(s) to examine Confidential Information to the CPA Criminal Investigations Division.
- B. If Entity requests to examine Confidential Information described in Section 1 of Attachment A, Entity will allow CPA to examine tax information under the control of Entity in a manner substantially equivalent to Entity's access to Confidential Information, as required by Section 151.027(c)(1) of the Texas Tax Code. In the event that CPA obtains confidential tax information from Entity under this Agreement, CPA shall comply with Sections III and IV of this Agreement as the receiving party of confidential information.

**III. Security of Confidential Information Received**

- A. Entity shall take all necessary and appropriate action within its abilities to safeguard the Confidential Information provided under this Agreement and to protect the Confidential Information from unauthorized disclosure.
- B. Entity shall comply with all applicable state and federal laws and regulations regarding confidentiality, privacy, and security pertaining to the Confidential Information provided under this Agreement.
- C. Entity shall dispose of the Confidential Information received under this Agreement in a secure manner after Entity's intended use of the Confidential Information has been fulfilled and in accordance with Entity's record retention policies.
- D. Entity shall provide notice to CPA as soon as possible following the discovery or reasonable belief that there has been unauthorized use, exposure, access, disclosure, compromise, modification, or loss of sensitive personal information or confidential information under this Agreement ("Security Incident"). CPA and Entity will exchange confidential, detailed security and Security Incident information only between the Information Security Officers for CPA and Entity subject to the mutually agreed restrictions regarding further internal or external dissemination of such confidential information within each agency. CPA and Entity may also disclose confidential, detailed security and Security Incident information to law enforcement authorities as required. To the extent such security and Security Incident information is confidential pursuant to Sections 2054.077, 2059.055, and 552.139, Texas Government Code or other applicable state or federal law, each party shall comply with all applicable statutory requirements and restrictions regarding dissemination of such information.

#### **IV. Re-dissemination of Confidential Information Not Authorized; Exception**

- A. Except as provided for in Part B of this Section IV, Entity shall not disseminate any Confidential Information obtained through this Agreement.
- B. Pursuant to Section 111.006(c) of the Texas Tax Code, CPA authorizes Entity to use information or records obtained under this Agreement in a judicial or administrative proceeding in which the State of Texas, another state, or the federal government is a party.
- C. If dissemination is requested by a third-party entity, Entity shall promptly notify CPA of such request. Entity will direct the third-party entity requesting access to Confidential Information to contact CPA so that CPA can assess the eligibility of such third-party entity to receive Confidential Information. If CPA determines that the requesting third-party entity is eligible, such third-party entity will execute its own information exchange agreement with CPA.

#### **V. Term; Termination; Amendment; Effect of Termination**

- A. This Agreement is effective upon the date of the last Party to sign (the "Effective Date") and will continue for a period of four (4) years from the Effective Date, unless otherwise sooner terminated as provided herein.
- B. The obligations under Sections III and IV of this Agreement shall survive the expiration or early termination of this Agreement.
- C. This Agreement is subject to termination for convenience upon thirty (30) days written notice by either party to the other. CPA shall have no liability whatsoever to any other party, person, agency, or entity upon termination of this Agreement for any reason, whether for cause or for convenience.
- D. This Agreement may be amended only in writing by an instrument signed by CPA and Entity.

#### **VI. General**

- A. Assignment. No assignment of this Agreement or of any right accruing hereunder shall be made, in whole or part, by either Party without the prior written consent of the other, unless authorized by law.
- B. Dispute Resolution. The Parties agree to use good-faith efforts to resolve all questions, difficulties, or disputes of any nature that may arise under or by this Agreement; provided however, nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.
- C. No Waiver. This Agreement shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to either party or otherwise available to the party. The failure to enforce or any delay in the enforcement of any privileges, rights, defenses, remedies, or immunities available to a party under this Agreement or under applicable law shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel. Neither party waives any privileges, rights, defenses, or immunities available to it by entering into this Agreement or by its conduct prior to or subsequent to entering into this Agreement.
- D. Severability. If one or more provisions are deemed invalid, illegal, or unenforceable for any reason, such invalidity, illegality or unenforceability shall not affect any other provision and this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained herein.
- E. Headings. The headings used in this Agreement are for ease of reference only and will not be used to interpret any aspect of this Agreement.

- F. Survival. The expiration or termination of this Agreement shall not affect the rights and obligations of the Parties accrued prior to the effective date of expiration or termination and such rights and obligations shall survive and remain enforceable.
- G. Governing Law. This Agreement is governed by and construed under and in accordance with the laws of the State of Texas.

#### VII. Notices

Any legal notice relating to this Agreement shall be in writing and shall be addressed to the receiving party at the address specified below.

1. The address of CPA for all purposes under this Agreement and for all notices hereunder shall be:

James Harris  
Chief, Criminal Investigations Division  
Texas Comptroller of Public Accounts  
208 E. 10<sup>th</sup> Street, Room 206  
Austin, Texas 78701

2. The address of Entity for all purposes under this Agreement and for all notices hereunder shall be:

John Blair  
Chief of Police  
Kingsville Police Department  
1700 E. King  
Kingsville, Texas 78363

#### VIII. Merger

This Agreement, together with Attachment A which is incorporated herein by this reference, contains the entire agreement between the Parties relating to the rights granted and the obligations assumed in it. Any oral representations or modifications concerning this Agreement shall be of no force or effect unless contained in a subsequent writing, signed by both Parties. This Agreement supersedes any other reciprocal agreement previously made by CPA and Entity, and any other reciprocal agreement previously made by CPA and Entity is terminated.

#### IX. Signatories

The undersigned signatories represent and warrant that they have full authority to enter into this Agreement on behalf of the respective Parties. This Agreement may be executed in one or more counterparts, each of which is an original, and all of which constitute only one agreement between the Parties.

**Texas Comptroller of Public Accounts**

**Kingsville Police Department**

BY: \_\_\_\_\_  
James Harris  
Chief, Criminal Investigations Division

BY: \_\_\_\_\_  
NAME: John Blair  
TITLE: Chief of Police

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



**Attachment A: Types of Confidential Information**

1. In accordance with Section 111.006(e) of the Texas Tax Code, CPA authorizes Entity to examine Confidential Information listed in this Section 1 of Attachment A, and, as required by Section 151.027(c)(1) of the Texas Tax Code, Entity will allow CPA to examine tax information under the control of Entity in a manner substantially equivalent to Entity's access to Confidential Information.
  - A. Information from CPA Relating to Sales Tax.
    - i. As set forth in Section 151.027(a) of the Texas Tax Code, information in or derived from a record, report, or other instrument required to be furnished under Chapter 151 of the Texas Tax Code.
    - ii. As set forth in Section 151.027(b) of the Texas Tax Code, information secured, derived, or obtained during the course of an examination of a taxpayer's books, records, papers, officers, or employees, including the business affairs, operations, profits, losses, and expenditures of the taxpayer.
2. In accordance with Section 111.006(e) of the Texas Tax Code, CPA authorizes Entity to examine Confidential Information listed in this Section 2 of Attachment A.
  - A. Information from CPA Examinations (Not Motor Fuels). As set forth in Section 111.006(a)(2) of the Texas Tax Code, all information secured, derived, or obtained by CPA during the course of an examination of the taxpayer's books, records, papers, officers, or employees, including an examination of the business affairs, operations, source of income, profits, losses, or expenditures of the taxpayer.
  - B. Information from CPA Examinations Relating to Motor Fuels Tax. As set forth in Section 111.006(g) of the Texas Tax Code, all information secured, derived, or obtained by CPA during the course of an examination of the taxpayer's books, records, papers, officers, or employees, including an examination of the business affairs, operations, sources of income, profits, losses, or expenditures of the taxpayer that relates to the taxpayer's responsibilities under Chapter 162 of the Texas Tax Code.
  - C. HB 11 Data for Alcoholic Beverages, Cigarettes, and Cigar/Tobacco Products.
    - i. As set forth in Section 151.462 of the Texas Tax Code, monthly reports by a brewer, manufacturer, wholesaler, distributor, or package store local distributor of its alcoholic beverage sales to retailers in Texas.
    - ii. As set forth in Sections 154.212 and 155.105, monthly reports by a wholesaler or distributor of cigarettes, cigars, and tobacco products of its sales to retailers in Texas.
  - D. Financial Information Contained in Cigarette and Cigar/Tobacco Product Permit Applications.
    - i. As set forth in Sections 154.101(e) and 155.041(e) of the Texas Tax Code, the following information furnished by each corporation, association, joint venture, syndicate, partnership, or proprietorship: financial information regarding the applicant and the identity of each officer director, stockholder owning 10 percent or more of the outstanding stock, partner member, owner, or managing employee.
    - ii. As set forth in Sections 154.101(f) and 155.041(f) of the Texas Tax Code, the following information submitted by a distributor, wholesaler, and retailer that applies for a permit to sell cigarettes or tobacco products from a vehicle: the make, model, vehicle identification number, registration number, and any other information required by CPA.

3. In accordance with Section 171.210(b)(2) of the Texas Tax Code, CPA authorizes Entity to examine Confidential Information listed in this Section 3 of Attachment A.
  - A. Certain Franchise Tax information. As set forth in Section 171.206 of the Texas Tax Code, and except as provided by Section 171.207 of the Texas Tax Code, (1) information that is obtained from a record or other instrument that is required by Chapter 171 of the Texas Tax Code to be filed with CPA; and (2) information, including information about the business affairs, operations, profits, losses, cost of goods sold, compensation, or expenditures of a taxable entity, obtained by an examination of the books and records, officers, partners, trustees, agents, or employees of a taxable entity on which tax is imposed by Chapter 171 of the Texas Tax Code.

# **AGENDA ITEM #14**

**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: 6/4/2024

SUBJECT: Request for Resolution to enter into a Service Agreement between the Kingsville Police Department and PropertyRoom.com, Inc.

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**Summary:**

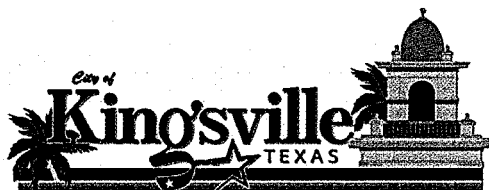
The Police Department requests the City Commission's approval to enter an Asset Disposition Services Agreement with PropertyRoom.com, Inc. to ensure compliance with industry standards for disposing of or selling found or recovered property.

**Background:**

The proposed collaboration between the Kingsville Police Department (KPD) and PropertyRoom.com, Inc. aims to enhance the efficiency and standards of the department in handling seized, found, and unclaimed property. PropertyRoom.com, Inc. is a leading online auction platform that partners with over 4,100 law enforcement agencies and municipalities nationwide, including many in Texas, such as Corpus Christi, San Antonio, Rockport, and Brownsville. They specialize in auctioning various items, including property, firearms, vehicles, and equipment.

**Key Benefits for KPD:**

1. **Chain of Custody Tracking:** PropertyRoom.com ensures all items are meticulously tracked from the moment they are picked up until they are auctioned, maintaining a clear and secure chain of custody.
2. **Item Pickup and Management:** They handle the logistics of item pickup, manage an online profile for each item, and perform thorough research and authentication.
3. **Comprehensive Auction Management:** PropertyRoom.com oversees the entire auction process, from handling bidder questions to finalizing sales, allowing KPD to allocate more resources to critical tasks.



**City of Kingsville  
Police Department**

4. **Revenue Generation:** The auctioning of unclaimed items generates revenue that can be reinvested into the community and other public projects.
5. **Security:** Proprietary tracking methods are employed to secure client item information.

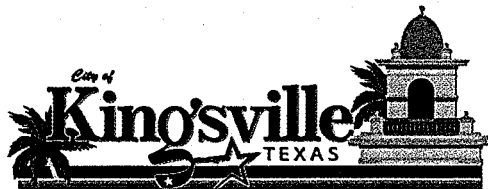
This service agreement aligns KPD with industry best practices, ensuring transparency and efficiency in the disposal of found or recovered property.

**Financial Impact:**

No cost is associated with the Service Agreement with PropertyRoom.com, Inc.

**Recommendation:**

We request a resolution to enter into a Service Agreement with PropertyRoom.com, Inc.



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

**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO ENTER INTO AN ASSET DISPOSITION SERVICES AGREEMENT BETWEEN THE CITY OF KINGSVILLE POLICE DEPARTMENT AND PROPERTYROOM.COM, INC.; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville Police Department has seized, found, and unclaimed property that it holds and needs to dispose of in a lawful manner;

**WHEREAS**, PropertyRoom.com, Inc. is a leading online auction platform that provides asset disposition services to over 4,100 law enforcement agencies and municipalities nationwide, including Corpus Christi, Rockport, San Antonio, and Brownsville, Texas;

**WHEREAS**, staff believes it would be beneficial to engage the services of PropertyRoom.com, Inc. in order to dispose of certain assets in the possession of the Kingsville Police Department;

**WHEREAS**, staff and representatives of PropertyRoom.com, Inc. have worked to prepare the attached agreement for asset disposition services that is terminable by either party upon thirty (30) days written notice.

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

**I.**

**THAT** the Kingsville Police Chief is authorized and directed as an act of the City of Kingsville, Texas to enter into an Asset Disposition Services Agreement between PropertyRoom.com, Inc. and the City of Kingsville 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  
\_\_\_\_ 10th day of \_\_\_\_\_ June \_\_\_\_\_, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

This Asset Disposition Services Agreement ("Agreement") is made by and between PropertyRoom.com, Inc., a Delaware corporation ("Contractor") and City of Kingsville, Texas ("Owner"). The Agreement is effective upon Owner's signature date ("Effective Date").

**Whereas** Contractor's business involves surplus asset management, selling, auction, disposition and related services ("Services"); and

**Whereas** Contractor desires to provide Services to Owner and Owner desires Contractor to provide Services subject to this Agreement.

**Now therefore**, in consideration of premises above and mutual covenants and agreements set forth herein, Contractor and Owner agree as follows.

Any other municipal, county, or state government agency located within the same state as Owner may also procure Services under this Agreement under the same terms and conditions stated in this Agreement by executing an adoption agreement with Contractor based upon this Agreement.

1. **Items Requiring Services.** Owner will identify items ("Assets") it desires to provide to Contractor for Services. Contractor retains the right to accept or reject certain Assets in its sole discretion.

2. **Title to Assets.** Owner shall retain, at all times, legal title to Assets unless and until Assets are purchased or otherwise disposed of according to the Agreement, at which time Owner will be deemed to have transferred title directly to an Asset purchaser or other acquirer ("Buyer") identified by Contractor. Owner appoints Contractor as its representative and instrumentality to hold and offer Assets for sale, on Owner's behalf, in accordance with the Agreement. Owner appoints Contractor as its attorney-in-fact to sign any and all documents necessary to assign to Buyers all of Owner's rights, title and interest in and to Assets sold or disposed. Cash receipts, accounts receivable, contract rights, notes, general intangibles, and other rights to payment of any kind arising out of Asset sales ("Proceeds") belong to Owner. Contractor may withhold from Proceeds amounts owed to Contractor and any third parties in connection with Services, which amounts shall be disbursed by Contractor on Owner's behalf. Contractor will remit remaining balances to Owner ("Owner Net Proceeds").

### 3. Term and Termination

This Agreement shall commence on the Effective Date and shall continue for an initial term of one (1) year from the Effective Date and thereafter will automatically renew for consecutive one (1) year terms unless written

notice of non-renewal is provided by either party to the other at least sixty (60) days prior to the expiration of the then current term.

- a. Either Owner or Contractor (the "Party" or "Parties") may terminate the Agreement upon thirty (30) days prior notice to the other Party.
- b. The rights of the Parties to terminate the Agreement are not exclusive of any other rights and remedies available at law or in equity, and such rights will be cumulative. Exercising any such right or remedy will not preclude exercising these or any other rights and remedies.
- c. Upon any termination or expiration, Contractor may continue to provide Services for any unsold Assets then in the possession of Contractor. Alternatively, Owner may, at Owner's expense, arrange for the return of Owner Assets.

### 4. Payment for Services

- a. **Fees.** Fees for Contractor Services appear in signed addendums to this Agreement.
- b. **Remittance of Proceeds.** Once a month, Contractor will remit Owner Net Proceeds from sales completed the prior month. Sales are deemed completed when all items from an asset list line-item are sold, paid for and shipped. Contractor may defer payment of any amount less than \$250 until such time as the amount owed Owner equals or exceeds \$250.
- c. **Invoices.** If monthly Proceeds do not cover amounts owed, Contractor and Owner will mutually agree for Contractor to either:
  - (1) Invoice Owner for Services, net of Proceeds collected, or
  - (2) Accrue and carry-over unpaid balances, invoicing Owner when negative balances persist for six (6) consecutive months.
- d. **Reporting.** Each month, Contractor will publish a standard online report containing information related to Owner Assets, Services provided, Fees and Owner Net Proceeds.

5. **Contractor Obligations.** Contractor may utilize subcontractors in its performance of Services, provided Contractor shall be responsible for any breach of this Agreement by such subcontractors. With respect to delivering Services:

- a. Contractor shall maintain insurance covering Assets against fire, theft, and extended coverage risks ordinarily included in similar policies.
- b. For auction Services, Contractor will use organic marketing techniques ("OMT") to increase bidding on Owner Assets. OMT may include, but not be limited to, email, publicity related to this Agreement, and facilitation of



clickable links on Owner website(s) to websites used by Contractor for Asset sales.

**6. Asset Lists**

- a. **Manifest & Asset Lists.** Owner will complete paperwork reasonably necessary to convey custodial possession of Assets to Contractor, such as written manifests or Asset lists (the "Asset Lists") describing items in sufficient detail for proper identification. Contractor owns exclusive rights to sell Assets described in Asset Lists provided by Owner for a period of 120 days from the date Owner releases an Asset to Contractor for sale and Owner will not grant any such rights to any third party (or itself sell the applicable Assets).
- b. **Excluded Assets.** Owner agrees it will not knowingly provide illegal or hazardous Assets or Assets that infringe intellectual property rights of any third party ("Excluded Assets"). In the event Contractor identifies any item as an Excluded Asset, Contractor shall have the right to suspend, cancel, or unwind any sale or disposal of such Excluded Asset.

**7. Salability of Assets.**

- a. Owner states Assets subject to Services are legally available for sale to the general public; and
- b. If required, Owner has taken necessary actions for transfer of Asset title(s) to Buyers.

- 8. Books and Records.** Contractor will keep complete and accurate books of account, records, and other documents with respect to the Agreement ("Books and Records") for at least 3 years following Agreement expiration or termination. Upon reasonable notice, Books and Records will be available for inspection by Owner, at Owner's expense, at the location where Books and Records are regularly maintained, during Contractor's normal business hours.

- 9. Assignment.** This Agreement shall be binding upon and inure to the benefit of the Parties named herein and their respective successors and assigns. Neither Party may assign any of its obligations under this Agreement without the prior written consent of the other Party, such consent not to be unreasonably withheld or delayed, provided that Contractor may assign this Agreement without such consent to a successor in interest by way of a merger, consolidation, or sale of all or substantially all of Contractor's assets.

- 10. Notices.** Any notice or other communication given under the Agreement will be in writing and delivered by hand, sent by facsimile (provided

acknowledgment of receipt thereof is delivered to the sender), sent by certified, registered mail or sent by any nationally recognized overnight courier service to the addresses provided in the Owner information section. Notices sent by registered mail or national overnight carrier shall be effective upon delivery. The Parties may, from time to time and at any time, change their respective addresses and each will have the right to specify as its address any other address by written notice to the other Party. A change of address will take effect upon receipt of notice unless a later date is otherwise specified.

- 11. Interpretation.** Whenever possible, each provision of the Agreement will be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of the Agreement is held to be prohibited by or invalid under applicable law, such provision will be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of the Agreement. The Agreement headings are inserted for convenience of reference only and shall not constitute a part hereof.

- 12. Governing Law.** The internal law, and not the law of conflicts, of the state in which Owner is located will govern all questions concerning construction, validity and interpretation of the Agreement and the performance of the obligations imposed by the Agreement. The proper venue for any proceeding at law or in equity will be the state and county in which the Owner is located, and the Parties waive any right to object to the venue.

- 13. Further Assurances.** Contractor and Owner will each sign such other documents and take such actions as the other may reasonably request in order to effect the relationships, Services and activities contemplated by the Agreement and to account for and document those activities.

- 14. Relationship of the Parties.** No representations or assertions will be made or actions taken by either Party that could imply or establish any joint venture, partnership, employment or trust relationship between the Parties with respect to the subject matter of the Agreement. Except as expressly provided in the Agreement, neither Party will have any authority or power whatsoever to enter into any agreement, contract or commitment on behalf of the other, or to create any liability or obligation whatsoever on behalf of the other, to any person or entity.

## Asset Disposition Services Agreement

15. **Force Majeure.** Neither Party will be liable for any failure of or delay in performance of the Agreement for the period that such failure or delay is due to acts of God, public enemy, war, strikes or labor disputes, or any other cause beyond the Parties' reasonable control (each a "Force Majeure"), it being understood that lack of financial resources

will not to be deemed a cause beyond a Party's control. Each Party will notify the other Party promptly of any Force Majeure occurrence and carry out the Agreement as promptly as practicable after such Force Majeure is terminated. The existence of any Force Majeure will not extend the term of the Agreement.

This Agreement, together with one or more signed addendums attached hereto, comprises the entire agreement between Contractor and Owner relating to Services and supersedes any prior understandings, agreements, or representations by or between the parties, whether written or oral.

<b><u>OWNER</u></b>	
Signature	_____
Name	<u>John Blair</u>
Title	<u>Chief of Police, City of Kingsville</u> <u>Texas</u>
Date	_____

<b><u>CONTRACTOR</u></b>	
Signature	_____
Name	_____
Title	_____
Date	_____

### OWNER INFORMATION & AGREEMENT OPTIONS SELECTED

<b>Owner Name:</b>	<b>Account #:</b>
<b>Street Address:</b>	<b>Cooperative Purchasing Agreement?</b> Sourcewell <input type="checkbox"/> Other (Please specify) _____ <input type="checkbox"/>  <b>Member #:</b> _____
<b>City, State/Province, Postal Code, Country:</b>	<b>Resolution of Unpaid Monthly Service Fees:</b> Balance carry-over <input type="checkbox"/> Monthly Invoice <input type="checkbox"/>
<b>Telephone:</b>	<b>Fax:</b>
<b>Primary Contact:</b>	<b>Secondary Contact:</b>
Name _____	Name _____
Work _____	Work _____
Mobile _____	Mobile _____
Email _____	Email _____

1. This addendum ("Addendum") is attached to and made part of the Asset Disposition Services Agreement dated \_\_\_\_\_ ("Agreement") between Contractor and Owner. In the event of a conflict between the provisions of the Agreement, this Addendum and any prior agreement or Agreement addendum, this Addendum will govern.

2. **Definitions.**

- a. **Winning Bid.** "Winning Bid" means the highest amount committed and paid by a Buyer of a sold Asset. Winning Bid does not include shipping & handling, buyer premiums, or other fees, if any, nor does Winning Bid include an amount a Buyer commits but fails to pay.
- b. **Sales Price.** "Sales Price" equals the Winning Bid plus shipping & handling, shipping insurance and sales tax paid by a Buyer.
- c. **Payment Processing Costs.** Payment processing costs equal 3% of Sales Price ("PP Costs").
- d. **Success Fee.** For sold Assets, Owner will pay Contractor a Services fee equal to a percent of profits or Winning Bids as specified below ("Success Fee").
- e. **Buyer Premiums.** Notwithstanding anything to the contrary herein, Contractor may collect a Winning Bid percent fee from a Buyer, typically referred to as a "Buyer's Premium".

3. **Services Offered.** Contractor provides a suite of Services referenced herein. Upon mutual agreement of Owner and Contractor, Contractor may provide all or any combination of Services. Contractor will use commercially reasonable efforts to deliver Services.

- a. **Portables Auction Service ("Portables").** Applying to Assets small enough for pick-up by Contractor via box truck or common carrier shipment, excluding firearms, Contractor will transport, test and/or authenticate (if applicable and practicable), erase or destroy memory media (in the case of electronics), image, store, list and sell Assets via public internet auction on one or more Contractor selected websites. Owner will pay Contractor a Success Fee as described below.

- (1) **Asset Success Fee.** For Portable Assets, Success Fee equals 50% for the first \$1,000 of a Winning Bid amount and 25% of Winning Bid amount, if any, over \$1,000.
- (2) **Net Proceeds.** For each Portables Asset, Owner Net Proceeds equals Winning Bid less Success Fee less PP Costs.
- (3) **Fuel Surcharge.** If quarterly retail diesel prices, as published by the U.S. Energy Information Administration, rise above the level shown in the table below, a fuel surcharge ("Fuel Surcharge") will be deducted from Owner Net Proceeds for each Portable Manifest picked up at Owner's location.

Retail Diesel (per gal)	Fuel Surcharge
< \$ 2.50	\$ 0.00
\$ 2.50 to \$ 2.99	\$ 12.40
\$ 3.00 to \$ 3.49	\$ 24.80
\$ 3.50 to \$ 3.99	\$ 37.20*

\* Table continues at same rate of \$12.40 increments per \$0.50 per gal change in Retail Diesel.

- (4) **Shipping Fee.** If assets are transported via common carrier and not picked up by Contractor, the shipping fee will be deducted from Owner Net Proceeds.

- b. **Firearms Auction Service.** This service is restricted to Owner firearm assets ("Firearm Assets") legally available for public sale in the United States. Contractor is compliant with ATF, Title 18, U.S. Code Ch. 44 and NFA (26 U.S.C., Ch. 53), as well as applicable state and local laws. Contractor may work with one or more subcontractors ("Subcontractor") for storage and processing of Firearm Assets.

Contractor will deliver Firearm Assets disposition services beginning with the collection and transport of Firearm Assets to a Federal Firearms Licensee ("FFL") holder ("Recipient FFL" or "Partner FFL"). Subsequently, Contractor and Recipient FFL will store, catalog, image, list for public internet auction, process purchaser payment and ship Firearms Assets to another FFL holder ("Transferee FFL") that will administer final physical transfer to purchaser ("Buyer") in compliance with applicable federal, state, and local laws. Owner will pay Contractor a Success Fee as described below.

- (1) **Success Fee.** For Firearm Assets, Success Fee equals 50% for the first \$1,000 of a Winning Bid amount and 25% of Winning Bid amount, if any, over \$1,000.
- (2) **Net Proceeds.** For each Firearm Asset, Owner Net Proceeds equals Winning Bid less Success Fee less PP Costs.

- c. **In Place Auction Service ("In Place").** Applying to Assets that Owner and Contractor mutually agree to auction in place, Contractor will sell In Place Assets via public internet auction on one or more Contractor selected websites using descriptions and digital images supplied by Owner. Owner will maintain physical control of In Place Assets and transfer possession to Buyers after sale. Owner will pay Contractor a Success Fee as described below.
- (1) **Success Fee.** For each In Place Asset, Success Fee equals 2.5% of Winning Bid.
  - (2) **Net Proceeds.** For each In Place Asset sold at auction, Winning Bid less Success Fee less PP Costs equals Owner Net Proceeds.
- d. **Haul Away Auction Service ("Haul Away").** Applying to fleet vehicles and equipment, Contractor will tow Assets to, or take delivery at, Yards. Contractor will store, image, describe, list and sell Haul Away Assets via public internet auction on one or more Contractor selected websites. Contractor may work with one or more subcontractors ("Subcontractor") for storage and processing of Assets at Yards. Owner will pay Contractor a Success Fee as well as other fees as specified below.
- (1) **Success Fee.** For each Haul Away Asset, Success Fee equals 12.5% of Winning Bid.
  - (2) **Tow & Miscellaneous Fees.** Tow and Miscellaneous Service Fees are indicated in fee schedule below that specifies tow processes and related fees for Owner-specific needs ("Tow & Miscellaneous Fee Schedule"). The Tow & Miscellaneous Fee Schedule will distinguish between Assets that can be hauled away on a standard vehicle transporter (such as automobiles and light trucks) from over-sized Assets (e.g., cranes, buses, backhoes).

Haul Away Auction Service – Tow and Miscellaneous Fee Schedule			
Fee Type	Fee Description	Rate Description	Rate Per Asset
<i>Light Tow</i>	Light duty vehicles up to 11,000 GVWR	Per vehicle towed	First 30 miles free. \$10 for every 10 miles over the 1st 30 free miles
<i>Medium Tow</i>	Medium duty vehicles 11,001 - 33,000 GVWR and oversized vehicles such as an F-350 w/ dual wheels, etc.)	Per vehicle towed	Billed at cost by subcontractor - see standard schedule
<i>Heavy Tow</i>	Heavy duty vehicles 33,001+ GVWR	Per vehicle towed	Billed at cost by subcontractor - see standard schedule
<i>Re-list / Re-run</i>	Fee for re-listing asset more than three (3) times due to any type of owner imposed bidding restriction	Per re-list of asset on 4 <sup>th</sup> or subsequent attempt	\$35 / re-list
<i>Storage - light &amp; medium duty</i>	Storage for assets stored for any reason other than awaiting auction	Per day over 30 days after pickup date	\$3 / day
<i>Storage - heavy duty</i>	Storage for assets stored for any reason other than awaiting auction	Per day over 30 days after pickup date	\$5 / day
<i>De-identification</i>	De-identifying assets	Charged in 15 minute increments for the labor to de-identify	\$20 / quarter hour
<i>Decal Removal</i>	Removal of a decal	Charged in 15 minute increments for the labor to perform decal removal	\$20 / quarter hour; \$45 minimum charge per vehicle (\$45 maximum charge per vehicle for Light Duty Vehicles)

- (3) **Net Proceeds.** For each Haul Away Asset, Winning Bid less the sum of Success Fee, Tow & Miscellaneous Fees, and PP Costs equals Owner Net Proceeds.
- e. **Impound Storage & Auction Service ("Impound").** Applying to citizen vehicles seized and or impounded by Owner, Contractor will receive tows of Impound Assets at tow yard facilities ("Yards"), storing Assets while Owner decides whether to release to a citizen or auction. For release-to-citizen vehicles ("Released Vehicles"), Contractor will process and collect fees from citizens. For auctioned vehicles, Contractor will store, image, describe and sell Impound Assets via public internet auction on one or more Contractor selected websites. Contractor may work with one or more sub-contractors ("Subcontractor") for storage and processing of Assets at Yards. Owner will pay Contractor a Success Fee as well as other fees as specified below.

- (1) **Success Fee.** For each Impound Asset sold at auction, Success Fee equals 12.5% of the Winning Bid.
- (2) **Tow & Miscellaneous Fees.** Tow and Miscellaneous Service Fees are indicated in fee schedule below that specifies tow processes and related fees for Owner-specific needs ("Tow & Miscellaneous Fee Schedule"). The Tow & Miscellaneous Fee Schedule will distinguish between Assets that can be hauled-away on a standard vehicle transporter (such as automobiles and light trucks) from over-sized Assets (e.g., cranes, buses, backhoes).
- (3) **Storage Fees.** Impound storage fees are indicated in the fee schedule below. Owner retains rights to charge citizens higher storage fees for Released Vehicles and Contractor will collect those storage fees along with other citizen fees set by Owner, such as tow charges, administrative charges, court processing fees, etc. ("Citizen Payments"). In the event that Assets are stored for an extended period of time without being released by Owner for auction, Owner agrees to reimburse Contractor for such storage fees in a manner to be mutually agreed upon.

Impound Storage & Auction Service – Tow and Miscellaneous Fee Schedule			
Fee Type	Fee Description	Rate Description	Rate Per Asset
<i>Light Tow</i>	Light duty vehicles up to 11,000 GVWR	Per vehicle towed	Billed at cost by subcontractor - see standard schedule
<i>Medium Tow</i>	Medium duty vehicles 11,001 - 33,000 GVWR and oversized vehicles such as an F-350 w/ dual wheels, etc.)	Per vehicle towed	Billed at cost by subcontractor - see standard schedule
<i>Heavy Tow</i>	Heavy duty vehicles 33,001+ GVWR	Per vehicle towed	Billed at cost by subcontractor - see standard schedule
<i>Re-list / Re-run</i>	Fee for re-listing asset more than three (3) times due to any type of owner imposed bidding restriction	Per re-list of asset on 4 <sup>th</sup> or subsequent attempt	\$35 / re-list
<i>Owner Storage Fees</i>	Daily storage for assets stored and awaiting auction	Per day	\$8 / day
<i>Citizen Storage Fees</i>	Daily storage for release vehicles	Per day	\$15 / day
<i>De-identification</i>	De-identifying assets	Charged in 15 minute increments for the labor to de-identify	\$20 / quarter hour
<i>Decal Removal</i>	Removal of a decal	Charged in 15 minute increments for the labor to perform decal removal	\$20 / quarter hour; \$45 minimum charge per vehicle (\$45 maximum charge per vehicle for Light Duty Vehicles)

- (4) **Net Proceeds.** For each Impound Asset, the sum of Winning Bid and Citizen Payments less the sum of Success Fee, Tow & Miscellaneous Fees, Owner/Citizen Storage Fees and PP Costs equals Owner Net Proceeds.
4. **Modifications.** Contractor may, from time to time, modify Standard Fees & Services. To effect a fee change, Contractor will provide Owner advance written notice which will include an update to this Addendum.

<b><u>OWNER</u></b>	
Signature	_____
Name	<u>John Blair</u>
Title	<u>Police Chief, Kingsville, Texas</u>
Date	_____

<b><u>CONTRACTOR</u></b>	
Signature	_____
Name	_____
Title	_____
Date	_____

**PROPERTYROOM.COM**  
**NEW ACCOUNT SET-UP**



After receiving the signed agreement, we will provide you with a user name and password for access to our Agency Web online reporting system. This will allow you to track status of all assets you give to us to sell from the time of listing to the sale and collection of the funds and remittance of the funds to your account (and will allow you historical data 24/7/365.). Please answer the following questions so that we can get your new account established in our system.

1. *Check payable to* information and the address where checks are to be mailed.


2. Main pick-up location for assets. (If more than one location, please specify)


3. Main contact's name, title, phone number, fax number, and email address. The main contact will (a) receive a Welcome Call from our Client Services Department; (b) receive mailed bar codes; (c) be contacted every thirty (30) days for scheduling pickups; and (d) have primary access to the Agency Web system for tracking and auditing.


**PROPERTYROOM.COM**  
**NEW ACCOUNT SET-UP**



4. Name, title, phone number, and email address of any additional department personnel requiring access to our Agency Web reporting system.


5. Name, email address, and phone number of the person responsible for the department's website so our IT team can coordinate with adding a notice to the public link on your website.


6. Two possible dates and times for you and/or your main contact(s) to receive a Welcome Call from our Client Services Manager. We will then confirm the date and time as soon as we get internal confirmation from our Client Services Manager. Upon call meeting time, we will send you a free dial-in conference call phone number and access code.


7. Name, telephone, and email address of the person responsible for media relations in your department to work with our Marketing Department regarding any media inquiries.


# **AGENDA ITEM #15**



**City of Kingsville**  
**Purchasing Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: June 6, 2024  
SUBJECT: Tree Removal on Kleberg Ave. and Seventh St.

---

**Summary:**

This item authorizes the approval of ARP funds for the removal of four oak trees in the downtown area between Kleberg Avenue and Seventh Street.

**Background:**

City staff is requesting the approval of ARP funding for the removal of 4 oak trees at Kleberg Ave. and Seventh St. The mature oak trees are posing a threat to drainage clogging with the leaves and acorns. Also, the roots are lifting the new concrete sidewalks and acorns are a trip hazard to vendors and customers. The city requested informal bids on the removal of the four trees downtown from three local contractors, only one local contractor submitted a bid for the removal, C.C.W. Fabrication of Kingsville submitted an estimate for the removal of four oak trees downtown for a total amount of \$16,000.00.

**Financial Impact:**

Staff is requesting the approval of ARP funding in the amount of \$16,000.00 for the removal of the four oak trees from GL account #121-5-1603-31400 Professional Services.

**Recommendation:**

It is recommended the City Commission approve the ARP funding for the removal of 4 oak trees downtown in the amount of \$16,000.00 as per staff recommendation.



# C .C W. FABRICATION

## Estimate

Project  
TREE REMOVAL

PO BOX 5483 – Kingsville, TX , 78364

361-318-8902 – Email – [captbarrera@gmail.com](mailto:captbarrera@gmail.com)

Date 06/03/24 Estimate 0125

Name / Address

CITY OF KINGSVILLE PUBLIC WORKS  
1300 E CORRAL AVE.  
KINGSVILLE, TX 78363

Item	Description	Qty	Rate	Total
11 2	REMOVAL OF FOUR OAK TREES. LOCATED ON KLEBERG AND SEVENTH. JOB TO BE DONE AFTER BUSINESS HOURS AND WEEKEND. TWO TO THREE WEEKS TO COMPLETE.	4	4,000.00	16,000.00
			Total \$ 16,000.00	

# **AGENDA ITEM #16**

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

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES WITH THE UNION PACIFIC RAILROAD COMPANY.**

**WHEREAS**, the City of Kingsville ("City") is experiencing growth, primarily of a residential nature, on the south side of town and is interested in having a railroad crossing installed at West Escondido Road near South 6<sup>th</sup> Street/BU77; and

**WHEREAS**, the Union Pacific Railroad Company ("UPRR") controls the railroad tracks and right of way around its track through the County and state;

**WHEREAS**, the UPRR has indicated that at least two existing railroad crossings would need to be closed prior to allowing a new railroad crossing to be built;

**WHEREAS**, the City has proposed a plan for closing the crossings at West Kenedy and West Alice in order to open one at West Escondido;

**WHEREAS**, in order to consider the plan, the two parties must approve a Reimbursement Agreement for Preliminary Engineering Services which will allow UPRR engineers to perform a preliminary engineering study of the proposed project to determine the work and expense involved, which would be performed by at the City's expense;

**WHEREAS**, the project will improve citizen safety in the affected areas;

**WHEREAS**, once the preliminary engineering services work is completed, if the project is then approved by UPRR, it will forward to the City a Construction and Maintenance Agreement that will provide the terms and conditions for the construction and ongoing maintenance of the project;

**WHEREAS**, the governing body of the City of Kingsville desires to move forward with the preliminary engineering services work and approve and authorize the execution of the Reimbursement Agreement for such purpose with UPRR for the proposed project.

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

I.

**THAT** the City Commission authorizes the City Manager to enter into and execute a Reimbursement Agreement for Preliminary Engineering Services with the Union Pacific Railroad Company, as per the agreement attached hereto.

II.

**THAT** the City Manager, or his designee, is hereby authorized and directed to act on the City's behalf in all matters pertaining to this contract.

III.

**THAT** this Resolution shall become effective upon adoption.

**PASSED AND APPROVED** by a majority vote of all members of the City Commission of the City of Kingsville on the 10th day of June, 2024.

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Sam R. Fugate  
Mayor

**ATTEST:**

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Mary Valenzuela  
City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez  
City Attorney

**REIMBURSEMENT AGREEMENT  
PRELIMINARY ENGINEERING SERVICES**

**Effective Date:**

**Estimate: \$25,000.00**

THIS REIMBURSEMENT AGREEMENT (**Agreement**) is made and entered into as of the **Effective Date**, by and between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation (**Railroad**), and CITY OF KINGSVILLE, TEXAS (**Agency**).

**RECITALS**

A. Agency desires to initiate the project more particularly described on Exhibit A attached hereto (**Project**).

B. The Project will affect Railroad's track and right of way at or near the Project area more particularly described on Exhibit A.

C. Railroad agrees to collaborate with Agency on the conceptualization and development of the Project in accordance with the terms and conditions of this Agreement.

**AGREEMENT**

NOW THEREFORE, the parties hereto agree as follows:

1. Railroad, and/or its representatives, at Agency's sole cost and expense, agrees to perform (or shall cause a third-party consultant to perform on Railroad's behalf) the preliminary engineering services work described on Exhibit B attached hereto (**PE Work**). Agency acknowledges and agrees that: (a) Railroad's review of any Project designs, plans and/or specifications, as part of the PE Work, is limited exclusively to potential impacts on existing and future Railroad facilities and operations; (b) Railroad makes no representations or warranties as to the validity, accuracy, legal compliance, or completeness of the PE Work; and (c) Agency's reliance on the PE Work is at Agency's own risk.

2. Notwithstanding the Estimate (**Estimate**), Agency agrees to reimburse Railroad and/or Railroad's third-party consultant, as applicable, for one hundred percent (100%) of all actual costs and expenses incurred for the PE Work. During the performance of the PE Work, Railroad will provide (and/or will cause its third-party consultant to provide) progressive billing to Agency based on actual costs in connection with the PE Work. Within sixty (60) days after completion of the PE Work, Railroad will submit (and/or will cause its third-party consultant to submit) a final billing to Agency for any balance owed for the PE Work. Agency shall pay Railroad (and/or its third-party consultant, as applicable) within thirty (30) days after Agency's receipt of any progressive and final bills submitted for the PE Work. Bills will be submitted to the Agency using the contact information provided on Exhibit C. Agency's obligation hereunder to reimburse Railroad (and/or its third-party consultant, as applicable) for the PE Work shall apply regardless whether Agency declines to proceed with the Project or Railroad elects not to approve the Project.

3. Agency acknowledges and agrees that Railroad may withhold its approval for the Project for any reason in its sole discretion, including without limitation, impacts to Railroad's safety, facilities, or operations. If Railroad approves the Project, Railroad will continue to work with Agency to develop final plans and specifications, and prepare material and force cost estimates for any Project related work performed by Railroad.

4. If the Project is approved by Railroad, Railroad shall prepare and forward to Agency a Construction and Maintenance Agreement (**C&M Agreement**) which shall provide the terms and conditions for the construction and ongoing maintenance of the Project. Unless otherwise expressly set forth in the C&M Agreement, the construction and maintenance of the Project shall be at no cost to Railroad. No construction work on the Project affecting Railroad's property or operations shall commence until the C&M Agreement is finalized and executed by Agency and Railroad.

5. Neither party shall assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned, or delayed.

6. No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

7. This Agreement sets forth the entire agreement between the parties regarding the Project and PE Work. To the extent that any terms or provisions of this Agreement regarding the PE Work are inconsistent with the terms or provisions set forth in any existing agreement related to the Project, such terms and provisions shall be deemed superseded by this Agreement to the extent of such inconsistency.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the Effective Date.

**CITY OF KINGSVILLE, TEXAS**

**UNION PACIFIC RAILROAD COMPANY,**  
a Delaware Corporation

\_\_\_\_\_  
Signature

Mark McLaughlin  
Printed Name

City Manager  
Title

\_\_\_\_\_  
Signature

Erik Lewis  
Printed Name

Manager I, Engineering – Public Projects  
Title

## **Exhibit A**

### **Project Description and Location**

#### **Project Description**

City of Kingsville, TX proposes closures of 2 existing at-grade public crossings, and installation of new at grade crossing (DOT 981553D) at the respective locations referred to below.

#### **Location**

Brownsville Subdivision

<b>DOT</b>	<b>Crossing Type</b>	<b>Milepost</b>	<b>Street Name</b>
427642W	Public	118.92	West Alice Street
427647F	Public	118.58	West Kenedy Avenue
981553D	Public	115.777	West Escondido Road



## **Exhibit B**

### **Scope of Project Services**

Scope of work includes, but is not limited to the following

- Field diagnostic(s) and inspections
- Plan, specification, and construction review
- Project design
- Preparation of Project estimate for force account or other work performed by the Railroad
- Meetings and travel

**Exhibit C**  
**Billing Contact Information**

<b>Name</b>	Mark McLaughlin
<b>Title</b>	City Manager
<b>Address</b>	400 West King Ave, Kingsville, TX, 78363
<b>Work Phone</b>	(361) 595-8002
<b>Cell Phone</b>	
<b>Email</b>	mmclaughlin@cityofkingsville.com
<b>Agency Project No.</b>	

# **AGENDA ITEM #17**

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR THE REIMBURSEMENT AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES WITH UNION PACIFIC RAILROAD COMPANY FOR THE ESCONDIDO RAIL CROSSING PROJECT.**

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

I.

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

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#47

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001- General Fund</b>					
<u>Expenditures – 5</u>					
1030	City Special	Professional Services	31400	\$25,000	
1030	City Special	Budget Amend Reserve	86000		\$25,000

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for the Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad Company for the Escondido Rail Crossing project. The funding will come from the General Fund Budget Amendment Reserve line item. There is currently \$237,000 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 10th day of June 2024.

**PASSED AND APPROVED** on this the 24th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #18**

**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: March 1, 2024

SUBJECT: Resolution regarding AEP Texas Inc. Rate Increase Filing

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**Summary:** The purpose of this Resolution is to suspend the rate increase application filing proposed by AEP Texas and authorize the City to intervene in the Company's rate case proceeding before the Public Utility Commission.

**Background:**

On February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company") filed an application with cities retaining original jurisdiction seeking to increase system-wide distribution rates by \$100.4 million per year (an increase of 13.1%), and increase to system-wide transmission rates by \$63.1 million (a decrease of 9.29%). According to AEP Texas, the impact of this approval on an average residential customers would be an increase of about \$4.59 per month.

In a prior City action, AEP Texas' rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with Cities Served by AEP Texas ("Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by Cities, AEP Texas' request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.



**City of Kingsville  
Legal Department**

**Purpose of this Resolution:**

**Explanation of "Be It Resolved" Paragraphs:**

SECTION 1. This paragraph finds that the Company's application is unreasonable and should be denied.

SECTION 2. This section requires AEP Texas to maintain its existing rates for transmission and distribution service to customers within the City.

SECTION 3. This section states that Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

SECTION 5. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

**Financial Impact:** None. Due to the type of filing, cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to the City for participating in the rate case.

**Recommendation:** Approve the resolution to suspend the Statement of Intent to Change Rates proposed by AEP Texas and authorize the City to intervene in the Company's rate case proceeding before the Public Utility Commission in Docket No. 56165.





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

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES 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.**

**WHEREAS**, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Kingsville ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024; and

**WHEREAS**, the City is an electric utility customer of AEP Texas and a regulatory authority over the rates and charges of AEP Texas within the City; and

**WHEREAS**, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

**WHEREAS**, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

**WHEREAS**, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; and

**WHEREAS**, PURA § 33.023 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility; and

**WHEREAS**, the City's attorneys and consultants recommend that the City deny the application.

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

**SECTION 1.** That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about February 29, 2024, are hereby found to be unreasonable, and are denied.

**SECTION 2.** That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

**SECTION 3.** That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

**SECTION 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that the public notice was given of the time, place, and purpose of said meeting, as required.

**SECTION 5.** A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

**PASSED AND APPROVED** this the 10th day of June, 2024.

\_\_\_\_\_  
Sam R. Fugate, Mayor, City of Kingsville

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #19**

## **CITY OF KINGSVILLE**



P.O. BOX 1458 – KINGSVILLE, TEXAS 78364

**Date:** June 5, 2024

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

**CC:** Courtney Alvarez, City Attorney; Mary Valenzuela, City Secretary; Deborah Balli,  
Finance Director

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

**Summary:** In August of 2023, Tourism and other City Departments received a new Point of Sale and Inventory System from Shift 4. Tourism did not negotiate the contract, nor have any dialogue with the vendor in reference to billing on the devices issued. As those costs started accruing and reaching levels equal to revenue produced from merchandise processed on those devices, Tourism and Finance held meetings to address this issue. The highest cost associated with Shift 4 is an Inactivity Fee for months in which our department does not charge the mandatory minimum level of credit cards to avoid said fees. Tourism has now had one device cancelled to reduce this expense, but, since this was not brought into the budgeting process for FY 23-24, this line item is now facing a shortfall. In years past, our Credit Card Fees annual activity was as follows:

FY 2019-20 \$109.13

FY 2020-21 \$120.06

FY 2021-22 \$53.45

This year our total activity to date is \$1,776.93 with an estimated additional cost for the remainder of the year of \$1,111.05 plus an additional cancellation fee of \$109.98.

Tourism would like to request a budget amendment to cover these costs and will continue to seek solutions to bring the cost of this system down to avoid future excessive expenditures on this line item.

**Financial Impact:** Total request is \$3,000. This includes the currently accrued cost of \$1,776.93, the anticipated future cost of \$1,111.05 and the cancellation fee of \$109.98.

**Recommendation:** Staff recommends that Commission approve a budget amendment in the amount of \$3,000 to be funded from Tourism's Fund Balance to cover the cost of the Shift 4 Point of Sale System. Staff does not recommend use of ARP funds as expenditures have been previously reviewed and accepted by commission.

## Janine Reyes

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**From:** Deborah Balli  
**Sent:** Wednesday, May 15, 2024 5:21 PM  
**To:** Mark McLaughlin; Janine Reyes; Alicia Tijerina  
**Cc:** Leticia Salinas; Kyle Benson  
**Subject:** Credit Care Fees - Tourism

In looking at the detail of this account. Most of the charges for \$159.90 were corrected which is why you were seeing multiple charges of this amount, but on some of the charges there is a minus sign along with a description of Equipment Fees Correction or Shift4 Fees Correction.

The charges by Month are as follows:

October 2023 - \$130.77 (Fees \$26.79, \$24.03) (Equip Fees \$79.95)

November 2023 - \$419.26. (There were additional charges of \$221.46 because fees from prior FY had to be booked. Actual November was \$197.80.

December 2023 - \$119.95

January 2024 - \$524.84 (The reason for the larger amount was due to annual regulatory Fees of \$389.97) There is also a correction of \$79.95 that was needed and we posted the JE this afternoon.

February 2024 - \$304.85 (The reason for the larger amount was due to an inactivity fee of \$150.00)

March 2024 - \$141.71

April 2024 - \$135.55

Total through April = \$1,776.93

Avg monthly fee \$222.21(\$1,555.47 – does not include prior year amt / 7 months) x 5 remaining months = \$1,111.05 + \$1,776.93 already spent = \$2,887.98 for EA total. If you have a line item where you can cover the budget shortfall, please submit a budget transfer. If you need a BA, let me know how much you need and provide a memo.

The backup documentation is not abnormal and is similar to Collections and Municipal Court. You may have additional reports for inventory.

Any questions on the above information, please let me know.

Thanks - Deborah

**Janine Reyes**

---

**From:** Linda Garcia  
**Sent:** Friday, May 17, 2024 2:53 PM  
**To:** Janine Reyes  
**Cc:** Deborah Balli; Leticia Salinas  
**Subject:** Train Depot Cancellation Fee  
**Attachments:** attachment001.pdf

Good afternoon,

When reviewing April's bank statement, we saw there was a debit from shift4 for \$109.98 that we were not sure what it was for. After researching and contacting Shift4, we were told it was the cancellation fee for the train depot. This will be a one time charge that will post to GL 002-5-1071-34200.

Thank you,  
-Linda

Date 4/30/24 Page 40  
Primary Account Acct Ending 3676

CHECKING W/INTEREST PUBLIC FD Acct Ending 3676 (Continued)

Checks and Withdrawals

Date	Description	Amount
4/17	DEPOSIT OEWEELLSFARGO 9900017402 24/04/17 ID#-110312002 TRACE#-0910000 78744	166.62-
4/17	DEBIT TXWORKFORCECOMM (512)463-2325 24/04/17 ID#-2146000320 TRACE#-0210000 89756	33,654.47-
4/17	Transfer to DDA Acct No. Acct Ending 3684-D	750,175.41-
4/18	ACH Chargeback	79.35-
4/18	Shift4 Shift4	109.98-
4/18	PPD Transfer to DDA Acct No. Acct Ending 6038-D	954.55-
4/18	Transfer to DDA Acct No. Acct Ending 3684-D	58,529.88-
4/19	Chargeback	120.00-
4/19	Chargeback	100.00-
4/19	Transfer to DDA Acct No. Acct Ending 3684-D	29,526.25-
4/22	Transfer to DDA Acct No. Acct Ending 6038-D	219.00-
4/22	Transfer to DDA Acct No. Acct Ending 3684-D	57,149.11-
4/23	Transfer to DDA Acct No. Acct Ending 3684-D	38,753.99-
4/24	Transfer to DDA Acct No. Acct Ending 3684-D	141,133.07-
4/25	ACH Chargeback	184.34-
4/25	TEXNET STATE COMPTLR 08166850/40424 24/04/25 ID#-1846000199 TRACE#-0210000 60443	58,206.50-
4/25	Transfer to DDA Acct No. Acct Ending 3692-D	427,732.74-
4/25	Transfer to DDA Acct No. Acct Ending 3684-D	949,618.45-
4/26	PAYMENTS NATIONWIDE PPD	3,033.33-
4/26	ACH Paymen CITY OF KINGSVIL 9746001513 24/04/26	6,983.86-

TRAIN DEPOT  
CANCELLATION  
Fee.

# City of Kingsville Tourism Proposed ARPA Fund Projects

		Date Paid
Calculated ARPA Beginning Balance	-\$173,544.00	
Wayfinding Signs	\$10,000.00	Jan-23 Paid
Wayfinding Signs	\$39,504.00	Sep-23 Partially Paid
WOST Air Show	\$25,000.00	Mar-21 Paid
WOST Air Show reversal	-\$25,000.00	Mar-21 Paid
Train Depot Painting	\$12,500.00	Jul-22 Paid
Tourism Couch Set	\$8,100.00	Jun-22 Paid
Tourism Couch Set Freight	\$675.00	Oct-22 Paid
Promotional Photo Frames	\$9,383.28	Mar-23 Paid
DI Conceptual Design	\$46,390.00	Aug-23 Paid
LED Sign Deposit	\$9,485.00	Jul-23 Paid
LED Sign Final Payment	\$9,485.00	Fall 2023 Paid
LED Sign Install	\$2,500.00	Fall 2023 Paid

**Total Remaining** -\$25,521.72

## Anticipated Projects

Visitors Center Murals	\$10,000.00	EST	Summer/Fall 2024
Mini Dog Park	\$10,000.00	EST	Summer/Fall 2024
Tourism Van Wrap	\$3,500.00	EST	Summer/Fall 2024
Tourism Parking Lot Overlay	\$2,021.72	69,643.80 total	
Total remaining if approved	\$0.00		
Cartoon Map	\$10,000.00	EST	
Butterfly garden sun shades	\$5,000.00	EST	



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO APPROPRIATE FUNDING FOR SHIFT 4 CREDIT CARD PROCESSING FEES FOR TOURISM.**

**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#40

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 002 – Tourism Fund</b>					
<b>Expenditures – 5</b>					
1071	Tourism	Credit Card Fees	34200	\$3,000	

[To amend the City of Kingsville FY 23-24 budget to appropriate funding for Shift4 credit card processing fees for the Tourism Department. Funding will come from the Tourism unappropriated fund balance of Fund 002.]

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 28th day of May 2024.

**PASSED AND APPROVED** on this the 10th day of June 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #20**

# **AGENDA ITEM #21**

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

**A RESOLUTION APPOINTING A COMMISSION MEMBER TO THE CITY OF KINGSVILLE FINANCE/AUDIT COMMITTEE; REPEALING ALL CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville currently has one Commission Member appointed to the City of Kingsville Finance/Audit Committee;

**WHEREAS**, the City Election held on May 4, 2024 resulted in a change in Commission membership, the new Commission is able to select a Commission Member the Finance/Audit Committee;

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

I.

**THAT** \_\_\_\_\_ be appointed to the City of Kingsville Finance/Audit Committee as the Commission Member representative.

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 10<sup>th</sup> day of June, 2024.

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #22**

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

**A RESOLUTION APPOINTING A COMMISSION MEMBER TO THE CITY OF KINGSVILLE INVESTMENT COMMITTEE; REPEALING ALL CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville currently has one Commission Member appointed to the City of Kingsville Investment Committee;

**WHEREAS**, the City Election occurred on May 4, 2024 so the new Commission is able to select a Commission Member for the Investment Committee;

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

I.

**THAT** \_\_\_\_\_ be appointed to the City of Kingsville Investment Committee as the Commission Member representative.

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 10th day of June, 2024.

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #23**





## City Manager's Office

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TO: Mayor and City Commissioners

CC:

FROM: City Manager

DATE: May 20, 2024

SUBJECT: Memo for Agenda Item to Appoint a Commission Member and the City Manager as Voting Members of the Coastal Bend Council of Governments, and to Designate Two Alternate Members

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### Summary:

The City of Kingsville has two voting positions on the board of the Coastal Bend Council of Governments (CBCOG) and two alternate positions. For four years, the City Manager was one of the two voting members representing the City of Kingsville. Just recently, there was a request to make the City Manager an alternate member so that former Commissioner Ann Marie Torres and current Commissioner Norma Alvarez could represent the City as voting members in order to fill other committee roles at the COG that required an elected official (ie, a City Commissioner). Commissioner Hector Hinojosa was also designated as an alternate member for the City at that time.

With the recent City election, the City Commission needs to designate two voting members and two alternate members to the CBCOG.

### Costs:

- a. None to the City for this action item.

### Recommendation:

1. I, as the City Manager, am requesting re-appointment to the open voting member position on the Coastal Bend Council of Government representing the City of Kingsville.
2. City Commission is requested to discuss and designate one of their own as the other voting member and two of their own as alternate members.
3. Once decided, the City Manager will forward the authorizing resolution naming the City's two voting and two alternate members to the Interim Executive Director of the CBCOG.



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

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

**WHEREAS**, the City of Kingsville currently has two representatives and two alternate representatives appointed to the Coastal Bend Council of Governments (COG);

**WHEREAS**, only representatives can vote and serve on a COG executive board/committee, alternate representatives cannot;

**WHEREAS**, the City held an election on May 4, 2024 to elect a new City Commission and now needs to approve this resolution naming two representatives and two alternate representatives to represent the city in the COG;

**WHEREAS**, up until January 22, 2024, the City Manager was a representative member of the COG when he agreed to swap his position with Commissioner Alvarez's position as an alternate, which made her eligible to serve on the COG executive board and certain committees, and he desires to be a representative member again.

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

I.

**THAT** \_\_\_\_\_ and \_\_\_\_\_  
be appointed as representatives of the City of Kingsville at the COG and that  
\_\_\_\_\_ and \_\_\_\_\_  
be alternates to represent the City at the COG when needed.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10th day of June, 2024.

\_\_\_\_\_  
Sam Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #24**

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

**A RESOLUTION APPOINTING A MAYOR PRO TEMPORE; REPEALING ALL CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville Charter in Article V, Section 11 states that "The Mayor and Commissioners shall exercise equal power and authority in the transaction of business for the City, except that the Mayor shall act as presiding officer of the Commission, and in his absence a Mayor pro tempore *may* be chosen.";

**WHEREAS**, the City of Kingsville Charter in Article V, Section 11 further states that "The Mayor, *or his representative as may be annually designated by the Mayor in writing*, shall sign all official documents for the City upon the consent and proper instruction from the Commission, and shall perform all duties imposed upon him by this Charter, and by the ordinances of the City, or upon the order of said Commission.";

**WHEREAS**, the City of Kingsville held a general election on May 4, 2024 at which a Mayor and four Commissioner, who ran by place, were elected as the City Commission for the City of Kingsville for the next four years;

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

I.

**THAT** in accordance with Article V, Section 11, of the City Charter, \_\_\_\_\_ is designated as Mayor Pro Tempore to be the presiding officer of the Commission in the Mayor's absence.

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 10<sup>th</sup> day of June, 2024.

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Sam Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

## Section 11. - Duties of mayor and commissioners.

The Mayor and Commissioners shall exercise equal power and authority in the transaction of business for the City, except that the Mayor shall act as presiding officer of the Commission, and in his absence a Mayor pro tempore may be chosen. The Mayor, or his representative as may be annually designated by the Mayor in writing, shall sign all official documents for the City upon the consent and proper instruction from the Commission, and shall perform all duties imposed upon him by this Charter, and by the ordinances of the City, or upon the order of said Commission.

## **AGENDA ITEM #25**



# **AGENDA ITEM #26**

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

**A RESOLUTION AUTHORIZING STAFF TO MOVE FORWARD WITH SALE OF THE CITY'S REAL PROPERTY KNOWN AS KENEDY PARK LOCATED OFF 14<sup>TH</sup> STREET AND EAST KENEDY STREET (5<sup>TH</sup> ADDITION, BLOCK 4, LOTS 17-32 & E 40' OF ABANDONED S. 13<sup>TH</sup> ST.) IN KINGSVILLE, TEXAS.**

**WHEREAS**, the City of Kingsville owns approximately 1.4141 acres of land off the corner of 14<sup>th</sup> Street and East Kenedy Street known as Kenedy Park (5<sup>th</sup> Addition, Block 4, Lots 17-32 & E40' of abandoned South 13<sup>th</sup> Street), in Kingsville, Texas;

**WHEREAS**, the property was purchased by the City from the Kleberg Town & Improvement Company in 1944 as recorded in the Kleberg County records office in Volume 64, Page 263, #28529;

**WHEREAS**, the Parks Master Plan adopted in 2017 identified Kenedy Park as a location that was not needed as a park property given the proximity of other neighborhood parks that have amenities in them to service the area; and

**WHEREAS**, due to its size the land is underdeveloped as a park and the City has no future plans for the land;

**WHEREAS**, the City's Parks Master Plan determined there was already a sufficient amount of park land to serve the needs of the residents;

**WHEREAS**, the Texas Parks and Wildlife Code (Chapter 26) and the Texas Local Government Code (Chapter 253) require certain actions be taken prior to the use or taking of park land for non-park purposes;

**WHEREAS**, the City advertised in the Kingsville Record on February 3, 10 & 17, 2019 and in the Corpus Christi Caller-Times on February 3, 10 & 17, 2019 that a public hearing would be held at a City Commission meeting on February 25, 2019 for the purpose of considering decommissioning three pieces of park land, with the above-referenced property being one of those three properties;

**WHEREAS**, the City called for and then held a special election on May 4, 2019 to seek voter approval for the decommissioning of three pieces of park land and the measures were approved by local voters;

**WHEREAS**, the City Commission of the City of Kingsville via Resolution #21-46 on July 26, 2021 found it was in the best interest of the citizens of Kingsville that the approximately 1.4141 acres of land off the corner of 14<sup>th</sup> Street and East Kenedy Street known as Kenedy Park (5<sup>th</sup> Addition, Block 4, Lots 17-32 & E40' of abandoned South 13<sup>th</sup> Street), in Kingsville, Texas be decommissioned as park land to allow for it to be placed for sale as authorized by the Texas Local Government Code with any sale proceeds being placed back into the park system;

**WHEREAS**, the City has contacted the King Ranch regarding this proposal and they have no objection and the City desires that the proceeds from the sale of Kenedy Park be used for the development of the Chamberlain Park project to the north of City Hall;

**WHEREAS**, the City Commission of the City of Kingsville found on July 26, 2021 via Resolution #2021-47 that it was in the best interest of the citizens of Kingsville that the approximately 1.4141 acres of land off the corner of 14<sup>th</sup> Street and East Kenedy Street at 5<sup>th</sup> Addition, Block 4, Lots 17-32 & E 40' of abandoned S. 13<sup>th</sup> St., in Kingsville, Texas be placed for sale as authorized by the Texas Local Government Code;

**WHEREAS**, the City believes that placing the land for sale would place the property back on the tax roll which would allow for future development of the property;

**WHEREAS**, pursuant to the Texas Local Government Code, real property owned by the City can be sold via public auction, sealed bids, or for home-rule cities through a broker, unless an exception is met;

**WHEREAS**, the City finds the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001, staff previously recommended the property be sold via a broker as allowed by Texas Local Government Code Section 253.014 with the best offer coming back before the Commission for approval of the sale;

**WHEREAS**, the City previously approved Resolution #2021-50 on August 08, 2021 to enter into a Commercial Real Estate Listing Agreement with the exclusive right to sell with a local broker Connie Womack in order to list the property through a multiple-listing service pursuant to state law;

**WHEREAS**, the property was listed by the real estate broker on a multiple-listing service for at least 30 days;

**WHEREAS**, an offer has been received by the broker using the multiple-listing service from a ready, willing, and able buyer who submitted the highest cash offer;

**WHEREAS**, the City Manager now needs authority from the City Commission to execute a contract for the purchase of this real property and to take actions necessary to sell the identified property;

**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 finds that all conditions precedent to the placing this land for sale have been met and authorizes and directs the City Manager as an act of the City of Kingsville, Texas to take actions necessary to complete the real property sale in compliance with the Texas Local Government Code for the City's approximately 1.4141 acres of real property off the corner of 14<sup>th</sup> Street and East Kenedy Street at 5<sup>th</sup> Addition, Block 4, Lots 17-32 & E 40' of abandoned S. 13<sup>th</sup> St., in Kingsville, Texas.

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 the 10th day of June, 2024.

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Sam Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney