

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, JULY 08, 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 – June 10, 2024.

Public Hearing - (Required by Law).¹

1. Public Hearing on the City's amendment to Ordinance No. ORD2009-38, pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised, for possible tax incentives to be offered to projects within the City of Kingsville, Texas. (City Attorney).

APPROVED BY:

Mark McLaughlin | by M.V.
Mark McLaughlin
City Manager

II. Reports from Commission & Staff.²

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

III. Public Comment on Agenda Items.³

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

IV.

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 City of Kingsville Code of Ordinances Chapter VII, Article 5-Traffic Schedules, Schedule I (D), revising the speed limit on certain areas of General Cavazos Boulevard. (FM1356); providing for appropriate penalties fines, and fees regarding the regulation thereof; repealing all ordinances in conflict wherewith and providing for an effective date and publication. (City Engineer).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to provide additional funding for Parks vehicle and equipment maintenance. (Parks Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to adjust budgets based on audited beginning fund balances for FY23-24. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to provide funding for the payback of the HRSA Cares Provider Relief Fund due to non-submittal of reports. (Finance Department).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

5. Consider introduction of an ordinance amending Ordinance No. ORD2009-38, ordaining the City of Kingsville's continued participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), amending the original ordinance language and providing additional potential incentives for the investment of private resources in productive business enterprises located in severely distressed areas of the City as required by the Office of the Governor Economic Development and Tourism (EDT). (City Attorney).
6. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to provide funding for the replacement of Police Department SWAT team ballistic body armor. (Police Chief).
7. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Sections 15-3-51 and 9-10-1 through 9-10-5, providing for revisions to the sidewalk regulations, repealing all ordinances in conflict herewith and providing for an effective date and publication. (Director of Planning and Development Services).

8. Consider authorizing use and reallocation of ARP Funds for water meter project. (Purchasing Manager).
9. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to reallocate General Fund ARP funding for the fire station design to Utility Fund ARP funding for the water meter project. (Purchasing Manager).
10. Consider a resolution authorizing the City Manager to enter into a Commercial Listing Agreement Termination between the City of Kingsville and Nichole Saenz of eXp Realty, LLC for the sale of the north side of the 400 Block of East Caesar Ave., Kingsville, Texas, also known as 9th Block 24, Lots ALL and S/2 of closed Ragland St., also known as the old hospital site. (Purchasing Manager).

VII. Adjournment.

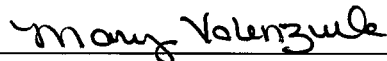
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

July 3, 2024, at 10:30 A.M. and remained so posted continuously for at least 72 hours preceding 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)**

JUNE 10, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 10, 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
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
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
Deborah Balli, Finance Director
Susan Ivy, Park Director
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Charlie Sosa, Purchasing Manager
Manny Salazar, Economic Development Director
Juan J. Adame, Fire Chief
Richard Denton, Acting Lt. Officer
Kwabena Agyekum, Senior Planner/HPO

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – May 13, 2024

Special Meeting – May 16, 2024

Motion made by Commissioner Lopez to approve the minutes of May 13, 2024, and May 16, 2024, as presented seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Fugate voting “FOR”. Alarcon “ABSTAINED”.

Regular Meeting – May 28, 2024

Motion made by Commissioner Lopez to approve the minutes of May 28, 2024 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting “FOR”. Fugate “ABSTAINED”.

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

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).

Mayor Fugate read and opened this public hearing at 5:04 p.m. Mayor Fugate 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. Manny Salazar, Economic Development Director stated that this is in reference to the Flato Projects, The King's Plaza. A TIRZ is the most logical way to move this project forward and reinvigorate this area in town. This area has lagged behind in some developments and with this it will be a way to incentivize developers to improve infrastructure.

Ms. Natalie Moore from David Pettit Economic Development, gave a presentation on the proposed Tax Increment Reinvestment Zone #2. She stated that a tax increment financing is a tool that incentivizes economic development within a Tax Increment Reinvestment Zone (TIRZ) which is governed by Tax Code, Chapter 311. Hundreds of TIRZ 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 the excitement of energy to a designated area. Ms. Moore stated that a TIRZ is a private development activity expected to occur within a designated area. It provides a funding source without impacting the current amount of general fund revenues for each participating taxing entity. The ability to leverage revenues from taxable property within the TIRZ to generate a larger increment. A TIRZ attracts potential developers and investment into an area that may not otherwise occur. A TIRZ can pay for infrastructure, public improvements, economic development programs, or other projects benefiting the zone. The TIRZ creation process is as follows: Chapter 311 outlines the various procedures for creating and amending a TIRZ. There are two main documents in this, a creation of an ordinance and TIRZ project and a financing plan. Another is the creation of an ordinance that establishes five key elements: 1) boundary, 2) term, 3) TIRZ Board, 4) city participation, and 5) preliminary project and financing plan. The final project and financing plan is after TIRZ creation the final project and financing plan is recommended by the TIRZ Board and approved by the City Commission by a separate ordinance. The overview of the proposed TIRZ #2, goal is to encourage private development that will yield additional tax revenue to all taxing jurisdictions. The area consists of approximately 39 acres and the base value would be as of January 1, 2024. This is a 30-year term with December 31, 2054, being the final year's tax to be collected by September 30, 2055. There is a potential for Kleberg County to participate, subject to a yet-to-be-negotiated interlocal agreement. The land within the zone is well-positioned for future development and redevelopment. David Pettit Economic Development 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. Ms. Moore stated that the next step is this meeting now, June 10, 2024, where the city will create an ordinance. Then on June 24, 2024, the second reading and consideration will take place. The creation of the ordinance establishes five key elements: boundary, term, TIRZ Board, city participation, and preliminary project and financing plan. In the Summer/Fall of 2024, upon TIRZ's creation, the final project and financing plans are approved by the TIRZ Board and then the City Commission by separate ordinance.

Commissioner Hinojosa asked if a different fund would be needed for the TIRZ. Ms. Moore responded yes. Commissioner Hinojosa further asked if the Commission establishes who can be on the TIRZ Board. Ms. Moore responded yes, and they recommended that it be the City Commission and any additional participating taxing entity would get one to two, but

if it was just the city participating then it would only be the Mayor and Commissioners, but it is at the discretion of the city commission.

There being no further discussion, Mayor Fugate closed this public hearing at 5:22 p.m.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, 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 reported that city staff is tracking the tropics as there may be a storm coming to the area. He further reported that the distributor has arrived and crews will begin working on the second half of 11th Street. Mr. McLaughlin reported that city offices will be closed on Wednesday, June 19, 2024 for the Juneteenth Holiday. Mr. McLaughlin further introduced the new K9 Luca, a Dutch Shepard that has joined the Kingsville Police Department. Luca is 2 ½ years old and is assigned to Acting Lt. Richard Denton.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for June 24, 2024. The deadline for staff to submit agenda items for the upcoming meeting is June 14th. Ms. Alvarez further reported that the commission had approved a resolution for BASF to do a half-enterprise project through the Texas Enterprise Zone Fund which will not cost the city any money, this helps them to get some funding for a period of time for job creation or job retention. She further commented that the city has received notice that the application has been approved by the State.

Commissioner Hinojosa commented that he met with both Mr. McLaughlin and Ms. Alvarez regarding the \$537,000 check that was released. He stated that he was disappointed that it was paid before the city received all the money. He also stated that had it been done correctly it would be paid on a pay as you go system, as they receive the money, we should have been paid, but we never did tell the administration to go ahead and get that money back. He further stated that in all fairness it should have been paid as they file the report then they receive the money and then they report the amount they receive, then at that time the city can pay it. He further stated that he still feels that they have not finished the project and he has heard from reliable sources that they needed the city's money so that they can continue finishing the project. He stated that he was provided a document that states that this is what was filed which was a document as of 331. He further stated that he still feels uncomfortable and has expressed his displeasure with Mr. McLaughlin and Ms. Alvarez, but staff accepted it but he would not have accepted it.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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

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

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

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.⁴

10. Consider appointing Krystal Emery to the Planning & Zoning Commission for a two-year term. (City Manager).

Motion made by Commissioner Hinojosa to approve the appointment of Krystal Emery to the Planning & Zoning Commission for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

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).

Mayor Fugate thanked Mr. Manny Salazar, Economic Development Director, for his work on this project. This is long overdue and much needed.

Introduction item.

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).

Mr. John Blair, Chief of Police stated the police department seeks approval to enter into a Memorandum of Understanding (MOU) with the National Insurance Crime Bureau (NICB). This partnership is critical for enhancing the department's capabilities in various complex criminal investigations. The proposed collaboration between the Kingsville Police Department (KPD) and NICB is designed to significantly strengthen the investigative reach and efficiency. This MOU will enable the KPD to leverage NICB's extensive databases, case preparation assistance, and participate 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 the ability to proactively address emerging threats and ensure the safety and security of our community. There is no financial impact to the city.

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

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).

Chief Blair stated that this is an MOU with the Texas Comptroller of Public Accounts (CPA). This partnership is crucial for augmenting the department's capabilities in addressing various complex criminal investigations. 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 the community. There is no financial impact to the city.

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

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).

Chief Blair stated that an agreement with Asset Disposition Services Agreement with PropertyRoom.com, Inc. to ensure compliance with industry standards for disposing of or selling found or recovered property. The proposed collaboration aims to enhance the efficiency and standards of the department in handling seized, found, and unclaimed property. Some key benefits for KPD are chain of custody tracking, item pickup and management, comprehensive auction management, revenue generation, and security. This service agreement aligns KPD with industry best practices, ensuring transparency and efficiency in the disposal of found or recovered property. There is no financial impact to the city.

Motion made by Commissioner Lopez to approve the resolution authorizing the Police Chief to enter into an Asset Disposition Services Agreement between the City of Kingsville Police Department and PropertyRoom.com, Inc., seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

15. Consider approval to use ARP Funds for the removal of four trees in the downtown area. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager that city staff is seeking approval of ARP funding for the removal of 4 oak trees located at Kleberg Ave. and Seventh St. The mature oak trees are posing a threat to drainage clogging with the leaves and acorns. The roots are lifting the new concrete sidewalks and acorns are a trip hazard to vendors and customers. Staff is requesting the amount of \$16,000 from ARP funding for the removal of said oak trees.

Motion made by Commissioner Hinojosa to approve the use of ARP Funds for the removal of four trees in the downtown area, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Lopez, Alvarez, Alarcon, Fugate voting "FOR".

16. Consider a resolution authorizing the City Manager to execute a Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad Company. (City Manager).

Mr. McLaughlin stated that as the city is experiencing growth on the south side of town, primarily of residential nature on the south side of town, and is interested in having a railroad crossing installed at West Escondido Road near South 6th Street. The Union Pacific Railroad Company (UPRR) controls the railroad tracks and right of way around its track through the county and state. 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. The city has proposed a plan for closing the crossing at West Kenedy and West Alice in order to open one at West Escondido. 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 at the city's expense. This project will improve citizen safety in the affected areas.

Commissioner Alvarez asked if city staff had received any complaints pertaining to the closure of the railroad crossing. Mr. McLaughlin responded no.

Mayor Fugate commented that Zarsky's Lumber is okay with the closure of the crossing.

Commissioner Lopez commented that her concern is for emergency crews. Mr. McLaughlin stated that emergency crews don't often use this crossing.

Motion made by Commissioner Alarcon to approve the resolution authorizing the City Manager to execute a Reimbursement Agreement for Preliminary Engineering Services with Union Pacific Railroad Company, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

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).

Introduction item.

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).

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

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).

Ms. Janine Reyes, Tourism Director stated that this item was presented at the previous commission meeting by Mrs. Alicia Tijerina, Downtown Manager, Tourism among other departments have recently taken on this new point of sale system and they have faced about 25 times higher fees than they have budgeted in years past to take in this credit card processing and additionally track inventory. Due to the increase staff is now having to ask for this budget amendment. She further stated that they do have a substantial amount in fund balance to cover the \$3,000 that is being requested and is working with Finance to see if they can get a handle on the fees they are facing right now, so that they don't experience this next year.

Commissioner Hinojosa asked when it was decided to go with this contract and was it in 2019. Ms. Reyes responded that she did not negotiate this contract. Commissioner Hinojosa further asked who negotiated the contract.

Mrs. Deborah Balli, Finance Director, commented that all the outlying departments such as Parks, Tourism and Health Department, staff had to find a way in order to take credit cards

and control the inventory. The service fees that the Tourism Department was paying was just, prior to that was just the processing of credit cards. She further stated that staff never had a way to maintain and manage their inventory and Tourism has \$23,000 of inventory and so the city has to have a way to manage that, along with other departments.

Motion made by Commissioner Alarcon to approve the final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for Shift 4 credit card processing fees for Tourism, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".

20. Discuss and consider Commission seating arrangements. (Commissioner Hinojosa).

Motion made by Commissioner Hinojosa to have the seating arrangements for the City Commission by place number, Place #1, Place #2, Mayor seat, Place #3, and Place #4, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".

21. Consider a resolution appointing a commission member to the City of Kingsville Finance/Audit Committee. (City Attorney).

Motion made by Commissioner Alvarez to nominate Commissioner Hector Hinojosa to the Finance/Audit Committee, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

22. Consider a resolution appointing a commission member to the City of Kingsville Investment Committee. (City Attorney).

Motion made by Commissioner Hinojosa to reappoint Commissioner Norma Nelda Alvarez to the Investment Committee, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".

23. Consider a resolution appointing two representatives and two alternate representatives to the Coast Bend Council of Governments. (City Manager).

Mayor Fugate asked Mr. McLaughlin if he would like to serve on the Coastal Bend Council of Governments. Mr. McLaughlin responded yes, as a voting member.

Motion made by Commissioner Hinojosa to appoint Commissioner Norma Nelda Alvarez and Commissioner Leo Alarcon as voting members with alternate members being Mark McLaughlin and Hector Hinojosa, seconded by Commissioner Alvarez.

Commissioner Alarcon commented that after reading the notes, he noticed that previous Commissioner Torres replaced Mr. McLaughlin as a voting member of the Coastal Bend Council of Governments (COG). He further asked why this was done.

Mr. McLaughlin stated that it was he and Commissioner Alvarez who swapped positions. He further stated that traditionally the City Manager has been a voting member. Previous Commissioner Torres and Commissioner Alvarez wanted to be on some executive level board that the COG has but you must be an elected official in order to serve on that board. He further stated that from the City Manager's point of view and with the things that the City Manager is involved with, not only the COG but also with the South Texas Military Task Force he sees more of that stuff than anybody else that would be on the COG, which is why he feels that he needs to be placed back on the COG as a voting member.

Commissioner Hinojosa commented to Commissioner Alarcon, that he could decline the nomination if he wishes to do so.

Commissioner Alarcon commented that he will take the nomination but wasn't sure for the reasoning for the last time when the swap took place.

Mr. McLaughlin responded that it was to fill a position on the board that required it to be an elected official.

Commissioner Alvarez commented that as for the alternate, as she used to be the alternate, she attended all the meetings and placing Mr. McLaughlin as the alternate, he could also attend all the meetings.

Mr. McLaughlin commented that he could, but alternates are not given the opportunity to speak at the meetings. The alternate is only there to fill in the spot if a voting member is not able to attend that particular meeting.

Mayor Fugate commented that the City Manager is asking to be appointed as a voting member of the COG and he can understand why the City Manager needs to be appointed as a voting member.

City Secretary, Mary Valenzuela asked for clarification on the motion and asked if the motion was to appoint Commissioner Norma Nelda Alvarez and Commissioner Leo Alarcon as voting members to the COG with Commissioner Hinojosa and City Manager, Mr. McLaughlin as alternate members.

Commissioner Alarcon asked if he could make an amendment to the motion to allow Mr. McLaughlin to be appointed the voting member and he gets appointed as an alternate member.

Commissioner Hinojosa commented that he does not have an issue with the amendment that Commissioner Alarcon would like to make.

Ms. Alvarez commented that it would be best that Commissioner Hinojosa withdraw his motion.

Commissioner Hinojosa commented that he would like to withdraw his initial motion. Commissioner Hinojosa then made a new motion.

Motion made by Commissioner Hinojosa to appoint Commissioner Norma Nelda Alvarez and Mr. Mark McLaughlin, City Manager as voting members to the Coastal Bend Council of Governments and appoint Commissioner Hector Hinojosa and Commissioner Leo Alarcon as alternate members, seconded by Commissioner Alvarez.

Commissioner Alvarez commented that this is a great learning experience and further stated that Commissioner Alarcon can attend all the meetings if he chooses to attend.

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

24. Consider a resolution appointing a Mayor Pro Tempore. (Mayor Fugate).

Mayor Fugate stated that both he and Commissioner Hinojosa have looked at the City Charter amendment and he would like to use the phrase, "it's as clear as Mathis Lake", on

how the Commission should proceed on this. He further stated that there are a couple of things that are very clear, everyone on the commission is equal. The Mayor's vote is the same as the other commissioners with the exception of the Mayor conducting the meetings and it is clear that the Mayor appoints a person to substitute in when the Mayor is absent, which is the Mayor Pro Tem. He further commented that the Mayor is the person to appoint that position and its subject to argument but he will concede that it is subject to approval by the commission. Mayor Fugate stated that he has designated Commissioner Lopez as his substitute to take when he is not available to conduct the business of the city in all regards. This has been done in writing according to the City Charter. He further stated that the reason he has done this is because Commissioner Lopez was the top vote-getter and is the senior commissioner on this commission. Mayor Fugate stated that for these two reasons, he supports Commissioner Lopez. He also commented that if any other commissioner was the top vote-getter, that would have been his decision. He would have appointed that particular individual. He further stated that this is the one thing that he gets to do and he asks for the Commission to support him on his decision.

Commissioner Hinojosa commented that he and Mayor Fugate have had this discussion and the Mayor interprets it one way and he interprets it a different way. Hinojosa stated that he does not interpret it the way Mayor Fugate does and feels that the Mayor needs to get approval from the Commission. Commissioner Hinojosa further stated that the commission received an email from the City Attorney, Ms. Alvarez, stating that it was up to the commission to give consent. It was up to the commission to vote on this matter. Commissioner Hinojosa stated that he respects Mayor Fugate's views.

Commissioner Alarcon stated that he received the agenda packet Thursday evening and has read the resolution and the email sent by Ms. Alvarez. He stated that there was an election in 2020 to change the terms of office for the city commission from a two-year term to four-year term. In 2023 there was another election held to create Places. He stated that when this happened the voters approved the creation of places. Commissioner Alarcon stated that when you are running at-large everyone is in one column and the top four vote-getters are the winners for that election, but this time, everyone was separate and did not have the same people running against each other. He stated that looking at all twelve candidates that filed for this past election, he noticed that out of those twelve candidates, eleven candidates had been on other ballots before. The only candidate that had not been on a ballot before was Rose Marie Damron. When it is said, on the resolution, that it will be repealed, you can't take the fact that a person received the highest votes as he used to get, at one election or another, he used to get the top votes all the time with zero perks. Commissioner Alarcon continued to state that this is all new and with respect to Mayor Fugate, he received the Mayor's note after the fact, after he had received his agenda packet. Commissioner Alarcon commented that he knows everyone on the dais, he and Commissioner Lopez share the same relatives, he carried Commissioner Alvarez's mom casket, went to high school with Mayor Fugate and worked with Commissioner Hinojosa while employed with Kleberg County. He stated that he knows all the Commission very well. He stated that he feels that the commission should start from scratch. He has done his research and this is Commissioner Lopez's fourth term and was Mayor Pro Tem twice. He further asked Commissioner Hinojosa if this was his third term and was Mayor Pro Tem one-time. He then asked Commissioner Alvarez if this was her second term and never has served as Mayor Pro Tem. Commissioner Alarcon stated that he feels that the commission needs to do something different. The commission is supposed to set the precedence and that is if things are changing as we have propositions all the time.

Commissioner Alarcon then tried to make a motion, but was told by Mayor Fugate that he could not make a motion and asked for Ms. Alvarez to assist him. He stated that what the commission votes on is whether or not the commission accept his recommendation, and

that is all. Mayor Fugate stated that there is nowhere in the Charter that this commission can appoint the Mayor Pro Tem.

Commissioner Alvarez commented that the letter Mayor Fugate wrote was not part of the agenda packet.

Ms. Alvarez commented that in the City Charter, Article 5, Section 11, which is only two sentences, for the first sentence has two shall's in it. The first shall, the Mayor and Commission shall exercise equal power and authority in the transaction of business. This is mandatory and a given, but there is only one exception to that, which is where the second shall comes in. The second shall states, the Mayor shall act as the presiding officer of the commission and in his absence a Mayor Pro Tem may be chosen. This is not mandatory but it is there as permissive. Ms. Alvare further commented that there are two shalls in the first sentence, everyone on the commission are equal and that the Mayor is the presiding officer and in his absence a Mayor Pro Tem can be chosen. She further stated that then you look at the second sentence and there are also two shalls, which states that the Mayor or his representative as may be annually designated by the Mayor in writing. She stated that looking at the first phrase before you finish the sentence it says the Mayor designates his representative annually in writing if he choses, he may, its not mandatory. But once he does that, the Mayor or his representative has two mandatory obligations, they shall sign all official documents for the city upon the consent and proper instruction from the commission and they shall perform all duties proposed upon the Mayoral position by the Charter and Ordinances or upon order by the Commission. Ms. Alvarez stated that these are the mandatories and the permissive. There is no where else in the Charter or city ordinance that has any contradictory language or any additional language with regard to that. She stated that there is in one other city ordinance a section that discusses what you say here. This is in Section 3-1-13 under Rules of Decorum which state that the Mayor and Commissioners exercise equal power under Subpart M and the Mayor and Commissioners shall exercise equal power and authority in all transactions of the business of the city except that the Mayor in his absence then the Mayor Pro Tem shall act as the presiding officer of commission. Ms. Alvarez stated that the only other time in any official city document that you have the Mayor Pro Tem discussed. It also states that the Mayor shall perform all duties imposed on him by the Charter and the ordinances of the city or upon the order of the commission. She further stated that the ordinance section restates, without providing any additional clarifying language, what is in the charter, because the charter would control over an ordinance.

Mayor Fugate asked how the commission should tend to this procedurally.

Ms. Alvarez responded that as she had not seen it but has been told that, at the end of the second sentence the Mayor has designated someone and has exercised his discretion to designate someone, in writing, to be the Mayor Pro Tem in his absence. Once that designation is made, the Commission votes on that and approves that, which is questionable as to whether or not it is actually necessary but going with as it has been a past practice with the commission to pass a resolution to that affect, then it would be approving or disapproving the Mayor's designation. Ms. Alvarez further stated that there is a city ordinance that was amended a few years ago, 3-1-10, Subpart 5, which states that after an item has been considered by the city commission and fails to be approved, the item shall not be considered on the agenda again for 60 days, unless waiting the 60 days would impact the city financially, in which case the item can be considered in the next available meeting.

Mayor Fugate asked Ms. Alvarez that what is being said to the Commission is that all they vote on is if whether they accept his recommendation or not. He further commented that the commission does not have the authority to select their own Mayor Pro Tem.

Ms. Alvarez responded that under the charter if the Mayor is absent then the Mayor can designate his fill-in.

Commissioner Alvarez asked that the resolution that is before them tonight, which is a blank resolution, what for what reason?

Ms. Alvarez responded that there was no designation made at the time the agenda packet went out.

Commissioner Alvarez further commented that there was nothing in writing when the agenda packet went out. Ms. Alvarez responded that this was correct.

Mayor Fugate commented that there is something in writing now.

Commissioner Alvarez commented that it was not part of the agenda packet.

Commissioner Hinojosa commented that it doesn't say which agenda item.

Mayor Fugate stated that if this was the case, then there is no Mayor Pro Tem.

Commissioner Hinojosa asked that if there is no Mayor Pro Tem, he was the last Mayor Pro Tem that was designated does this mean that he continues the designation for the next 60 days?

Ms. Alvarez responded that not according to the Charter, because the Charter gives the Mayor the prerogative, discretionary right, to select somebody in his absence.

Mayor Fugate commented that he does not intend to nominate another person from this commission. The commission will either approve Commissioner Lopez or the commission will go without a Mayor Pro Tem, as the Charter says they can do so.

Commissioner Alvarez stated that the confusing part is where it states that upon the order of the said commission.

Ms. Alvarez stated that when you go back and breakdown the sentence structurally, and the sentence that Commissioner Alvarez is referring to states "and signs all official documents for the city upon the consent and proper instruction from the commission", meaning that the Mayor does not have the authority to sign contracts, resolutions, or ordinances without the Commission approving those items.

Commissioner Hinojosa asked if the Mayor's designation letter is an official document? Ms. Alvarez responded that it is a document that the Charter authorizes him to approve under the exception.

At this time Commissioner Hinojosa asked for a call for the vote.

Mayor Fugate commented that there is no second to this, as it is his decision.

Mrs. Valenzuela asked Ms. Alvarez for clarification, that a call for a vote can only be made if there is a motion with a second. Ms. Alvarez responded that the Mayor has designated Commissioner Lopez in writing so the resolution would include, although it was known at the time it was published, it would include Commissioner Lopez's name on the resolution, but there would need to be a motion with a second. Mrs. Valenzuela commented that at this time, there is no motion with a second that would call for a vote.

Motion made by Mayor Fugate to approve his nomination of Commissioner Lopez for Mayor Pro Tem, seconded by Commissioner Lopez. The motion failed by a 3-2 vote with Alarcon, Alvarez, Hinojosa voting "AGAINST". Lopez and Fugate voting "FOR".

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).

Mayor Fugate read the executive session agenda item and convened the meeting into closed session at 6:15 p.m.

Mayor Fugate reconvened the meeting into open session at 6:33 p.m.

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

Motion made by Commissioner Lopez and Commissioner Hinojosa to approve the resolution authorizing staff to move forward with the sale of the City's real property known as Kenedy Park located off 14th Street and East Kenedy Street (5th Addition, Block 4, Lots 17-32 & E 40' of abandoned S. 13th St.) in Kingsville, Texas, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:34 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING #1

Pub. Hrg.

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Courtney Alvarez, City Attorney
DATE: June 28, 2024
SUBJECT: Ordinance Amending the Enterprise Zone Ordinance from 2009 for Continued Participation in the Program

Summary: The ordinance adopted by the City in 2009 that allows the City's participation in the Texas Enterprise Zone Program is in need of amendment to remain in compliance with the Texas Enterprise Zone Act.

Background:

On December 14, 2009, the City Commission adopted Ordinance No. 2009-36 ordaining the City's participation in the Texas Enterprise Zone Program (Program) pursuant to the Texas Enterprise Zone Act (Act), Chapter 2303, Texas Government Code and outlining local incentives available to nominated projects or activities of certain qualified businesses under the Act.

Recently, revisions were made to the Program and the previously adopted ordinance needs to be amended to add: 1) additional language to remain within compliance of TAC Rule Section 176.2(2)(A), and 2) additional potential incentives that are or will be made available to nominated projects in the City of Kingsville.

A public hearing is required prior to ordinance adoption, so one has been notice in the local newspaper on 6/27/24. Posting at the place of the meeting (city hall) and notice to the State are also required and were done on 6/20/24.



**City of Kingsville
Legal Department**

Financial Impact: None.

Recommendation: Approve the ordinance amending the City's Enterprise Zone Ordinance from 2009 for continued participation in the Texas Enterprise Zone Program.



PUBLIC HEARING NOTICE

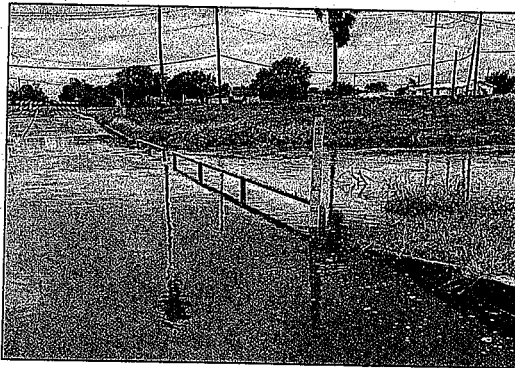
Notice is hereby given that the City Commission of Kingsville will conduct a public hearing and consider an ordinance on July 8, 2024 at 5:00PM in the Helen Kleberg Groves Community Room at City Hall, located at 400 W. King Avenue, Kingsville, TX 78363, for the purpose of receiving public comments on the City's amendment to Ordinance ORD2009-38 pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised. Possible tax incentives to be offered to projects within the City of Kingsville maybe discussed at the meeting. This hearing will be pursuant to the ordinance considered and voted on by the City Commission on July 22, 2024. All interested parties are encouraged to attend and present their views.

For additional information, please contact, Mark McLaughlin, 361.595.8002.

Couple CONTINUED FROM PAGE 1

However, no one from Kathleen Thompson's side of the family had been located. After the funeral home contacted Judge Gutierrez, she did some investigating and was able to find out from neighbors that Kathleen Thompson was from Benavides. "I know a lot of people in Benavides and reached out to them. I just felt that I had to try and find them so they could have some closure," Gutierrez said.

Judge Gutierrez located a relative of Kathleen Thompson and Gutierrez drove to her that night to deliver the notification. The family was later told that an autopsy would cost them close to \$5,000 and after trying several different avenues, Gutierrez said the family decided to go ahead with the cremation. The Kingsville Police have closed their investigation.



Water covers the road from the creek at 17th and Alice in Kingsville last Thursday. Heavy rains, totaling as much as 10 inches in some places, fell on the area last week. (Photo by Ted Figueroa)



Members of the Kingsville Record staff were recognized for editorial excellence during the most recent conference of the Texas Press Association. (Photo by JT Strasner)

Record wins state awards

Record Staff Report

COLLEGE STATION - The Kingsville Record staff's work for the 2023 calendar year was recognized for excellence during a recent statewide contest.

Competing against newspapers across the state of Texas, the Record captured two second place awards as well as a third place honor in the 2023 Texas Press Association's Better Newspaper Contest.

"We are pleased to receive this recognition from our peers," JT Strasner, editor and publisher, said. "As always, we share these honors with the readers and advertisers, as well as the wonderful folks in our community, whose

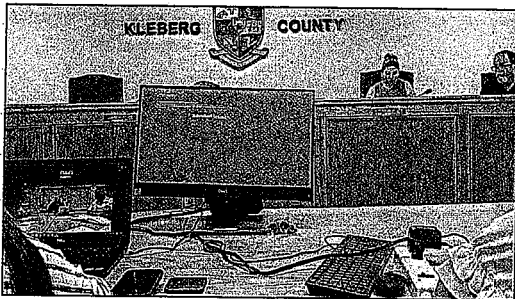
stories we've been telling for more than 100 years."

Tina Salinas, graphic designer and advertising executive, captured second place in the Page Design category.

Salinas' entries included a pair of front pages from September and October that she designed.

Ted Figueroa, reporter, captured third place for his feature story on local sculptor Roberto Garcia.

Strasner brought home a second place award in the category of News Writing for his December coverage of the sentencing for the killer of Kingsville Police Officer Sherman Benys.



County Judge Rudy Madrid and Commissioner Chuck Schultz appear on a laptop screen (left hand corner) as Monday's Commission meeting was held by Zoom. (Photo by JT Strasner)

County CONTINUED FROM PAGE 1

consulting with Madrid and other staff, were satisfied that the invoicing was accurate.

Commissioners also entered an agreement with ICE Engineering, for the company to transport a recently acquired mobile medical clinic unit.

The large vehicle was purchased by Madrid with a win via a military surplus auction. Ma-

drid said the vehicle is valued in the high six figures, but was purchased for only \$20,000 with grant funds. New tires and a tune up will be completed before it is transported here.

Commissioners also ratified then cancelled a burn ban for the county, following heavy rains from Tropical Storm Alberto.

PUBLIC HEARING NOTICE

Notice is hereby given that the City Commission of Kingsville will conduct a public hearing and consider an ordinance on July 8, 2024 at 5:00PM in the Helen Kleberg Groves Community Room at City Hall, located at 400 W. King Avenue, Kingsville, TX 78363, for the purpose of receiving public comments on the City's amendment to Ordinance ORD2009-38 pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised. Possible tax incentives to be offered to projects within the City of Kingsville may be discussed at the meeting. This hearing will be pursuant to the ordinance considered and voted on by the City Commission on July 22, 2024. All interested parties are encouraged to attend and present their views.

For additional information, please contact, Mark McLaughlin, 361.595.8002.

Storm CONTINUED FROM PAGE 1

Rain showers were on and off and the usual minor flooding of King and 14th Streets occurred but did not impede traffic.

The City of Kingsville reported the following rain totals through out the city: Health department 10", Public Works 5.5", North Wastewater Treatment Plant 5.5", South Wastewater Treatment Plant 6.5" and the

Landfill 6.5".

At least two tornadoes were reported by weather officials north and west of Kingsville.

While the area escaped mostly unscathed, citizens are urged to stay aware and prepared as the Texas Gulf Coast enters what forecasters expect to be a busy hurricane season.

Theft CONTINUED FROM PAGE 1

suspicious activity report on North 6th Street, resulting in the detention of Menendez and Puente.

The suspects were found with another stolen vehicle from Nessen Chevrolet, police say.

Both Menendez and Puente have been charged with

felony unauthorized use of a motor vehicle and engaging in organized criminal activity, a third degree felony.

KPD Chief John Blair said he urges all citizens to lock and secure their vehicles and properties. The investigation is ongoing, and more suspects are believed to be

involved.

Anyone with information is requested to contact the KPD Criminal Investigations at 361-592-4311. To provide information anonymously please contact Kingsville Crime Stoppers at 361-592-INFO.

KINGSVILLE SYMPHONY ORCHESTRA
 a 501(c)(3) Non-Profit Organization

PRESENTS
 Season Eighteen
 2023-2024

ORCHESTRAL ODYSSEY

Patriotic Celebration

A musical celebration of service, independence and the USA!
-Don't forget to wear your red, white & blue-

Sunday, June 30, 2024
 3:00 pm
 Texas A&M University-Kingsville
 Performance Hall
 755 N. Armstrong

Sponsored by
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 Reservations and more information

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING ORDINANCE NO. ORD2009-38, ORDAINING THE CITY OF KINGSVILLE'S CONTINUED PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), AMENDING THE ORIGINAL ORDINANCE LANGUAGE AND PROVIDING ADDITIONAL POTENTIAL INCENTIVES FOR THE INVESTMENT OF PRIVATE RESOURCES IN PRODUCTIVE BUSINESS ENTERPRISES LOCATED IN SEVERLY DISTRESSED AREAS OF THE CITY AS REQUIRED BY THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (EDT).

WHEREAS, the City Commission of the City of Kingsville Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, on December 14, 2009 the City Commission adopted Ordinance No. ORD2009-38 ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (the "Act") and outlining local incentives available to nominated projects or activities of certain qualified businesses under the Act; and

WHEREAS, the City Commission now wishes to amend Ordinance No. ORD2009-38 to add 1) additional language to remain within compliance of TAC Rule §176.2 (2)(A); and, 2) additional potential incentives that are or will be made available to nominated projects in the City of Kingsville;

WHEREAS, "Whereas, the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business";

WHEREAS, in accordance with Section 2303.4051(e) of the Act, on July 8, 2024 the City Commission conducted a public hearing prior to consideration of this Ordinance to receive public comment as to the amendment of Ordinance ORD2009-38, and any other matters related to this Ordinance, notice of which was published in the *Kingsville Record*, a newspaper of general circulation, on June 27, 2024;

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

Ordinance No. ORD2009-38 is hereby amended to read as follows:

Section 1: The City hereby elects to participate in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"). The City Commission wishes to add the following language in order to remain in compliance with TAC Rule §176.2 (2)(A)
"Whereas, the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business."

Section 2: The updated local incentives identified and summarized briefly in the attached Exhibit "A", at the election of the governing body, are or will be made available to nominated Projects or activity of the qualified business.

Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4: The City of Kingsville's City Commission directs and designates its City Manager or his designee as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 5: The City finds that a project meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a.) A project is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located in an enterprise zone in the governing body's jurisdiction and at least twenty-five percent (25%) of the business' new employees will be residents of an Enterprise Zone, economically disadvantaged individuals, or veterans; or if the qualified business is located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and

(c.) The designation of a project as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate 5 years after the date of designation.

Section 7: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

INTRODUCED on this _____ day of _____, 20____.

PASSED AND APPROVED on this the _____ day of _____, 20____.

Effective Date: _____.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Exhibit A

Name of Incentive	Description of Incentive
Local Sales Tax Refund	The City may allow sales and use tax refunds.
Tax Abatement	The City may allow property tax reduction
Tax Increment Financing	Tax Increment Financing
Chapter 380/381	Municipalities and counties are authorized to offer incentives designed to promote economic development
Other Tax Deferrals, Tax Refunds or Tax Incentives	Other Tax Deferrals, Tax Refunds or Tax Incentives
Zoning Changes/Variances	Zoning changes are available to residents
Impact/Inspection Fee Exemptions	Impact/inspection fee exemptions are available to residents
Streamlined Permitting	City may allow permit applications and supporting materials to be tendered to one department for distribution to the appropriate City departments.
Improved Police and/or Fire Protection	Safety and protection of City residents is made a priority by improving our police and fire protection services

Community Crime Prevention Programs	Safety and protection of City residents is made a priority through local crime prevention programs
Special Public Transportation Routes or Reduced Fares	Transportation options or reduced fares have been made available to the public
Capital Improvements in Water and Sewer Facilities	The City may provide resources for a capital improvement plan related to water and sewer service
Road Repair	The City is responsible for maintaining and repairing public streets and alleys inside City limits
Creation or Improvements of Parks	Maintain parks and promote healthy lifestyle for City residents
Low-Interest Loans for Business	Low interest loads are available to businesses
Provision of Publicly Owned Land for Development Purposes	Publicly owned land may be provided for development purposes
One Stop Permitting, Problem Resolution Center	City may offer one-stop permitting
Promotion and Marketing Services	Convention and Visitors Bureau and Chamber of Commerce
Job Training and Employment Services	Offered in conjunction with local community college and technical schools
Retraining Program	Offered in conjunction with local community college and technical schools
Literacy and Employment Skills Services	Offered in conjunction with local community college and technical schools
Vocation Education	Offered in conjunction with local community college and technical schools
Customized Job Training	Offered in conjunction with local community college and technical schools

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Engineering Dept.**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Rutilio P. Mora Jr, P.E., City Engineer
DATE: June 10, 2024
SUBJECT: Consider Ordinance to Reduce Speed along General Cavazos Boulevard (FM 1356) between 6th Street (Bus 77) and US 77.

Summary:

On May 30, 2024, the city received a letter from the Texas Department of Transportation (TxDOT) requesting to lower the speed limit between 6th Street (BUS 77) and US 77 from 45 mph to 35 mph. The area impacted is located inside the TxDOT ROW and the City Limits, serving 1.3 miles.

Background:

TxDOT recently completed a speed study along General Cavazos Boulevard (FM 1356) between 6th Street (BUS 77) and US 77. While the 85th percentile of motorists travel at the posted speed limit of 45 mph, the area has experienced several crashes, including fatality, and high density of driveways in both commercial and residential areas. Based on the accident data between 2019 and 2023, there have been several accidents including fatality, injuries, and hit/runs, as shown in the exhibit. The area experiences high traffic volume due to the presence of a hospital, funeral home, high school, shopping centers, restaurants, proposed new fire station, apartments, church, home improvement and grocery stores.

Financial Impact:

No Impact.

Recommendation:

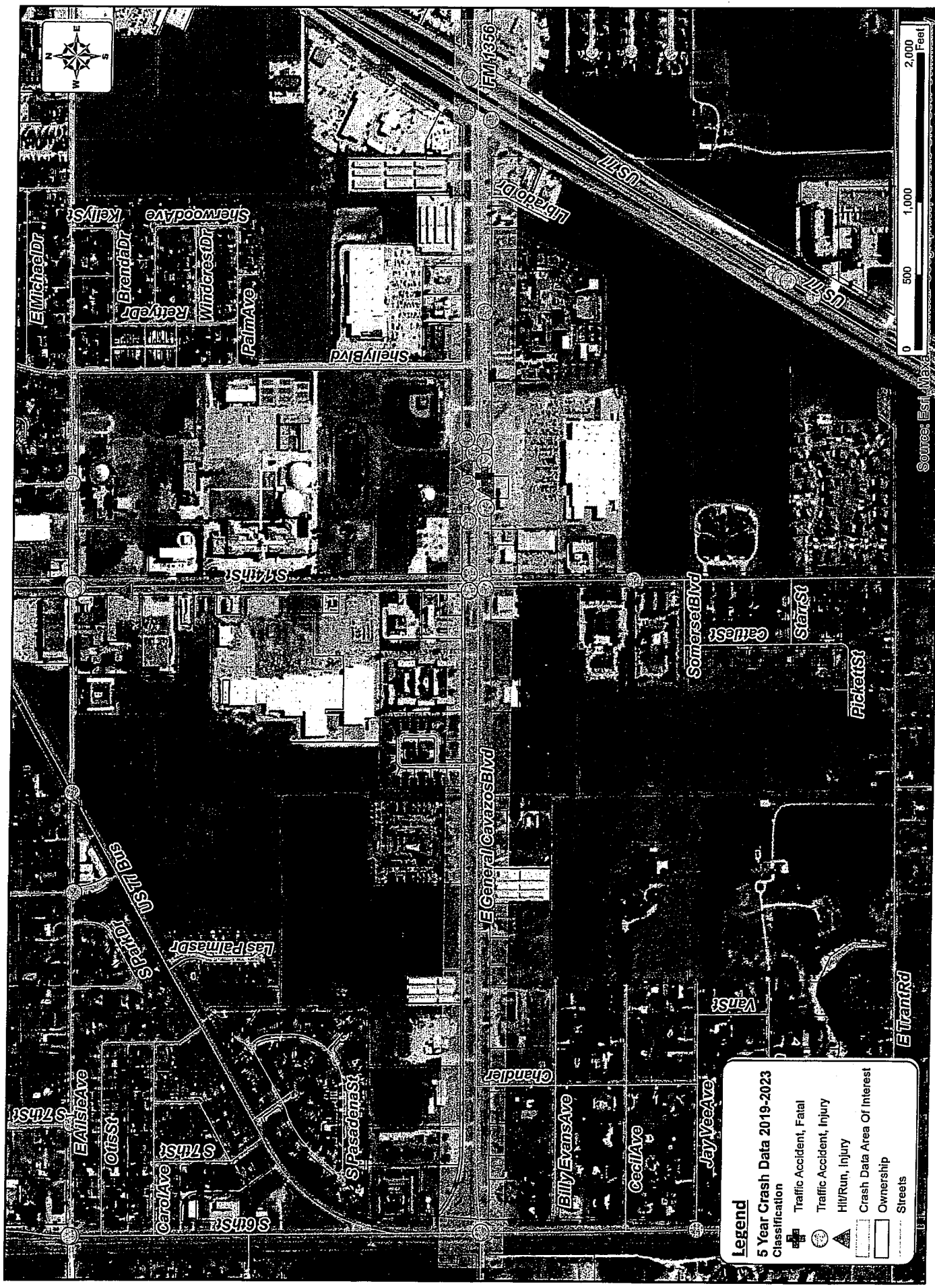
Staff recommendations approving this ordinance change to reduce the speed limit from 45 mph to 35 mph along General Cavazos Boulevard (FM 1356) between 6th Street (BUS 77) and US 77.

Attachments:

TxDOT Letter – Speed Reduction
Crash Data Exhibit



COK - 5 Year Crash Data (2019-2023) on E Gen. Cavazos Blvd



Legend

5 Year Crash Data 2019-2023

Classification

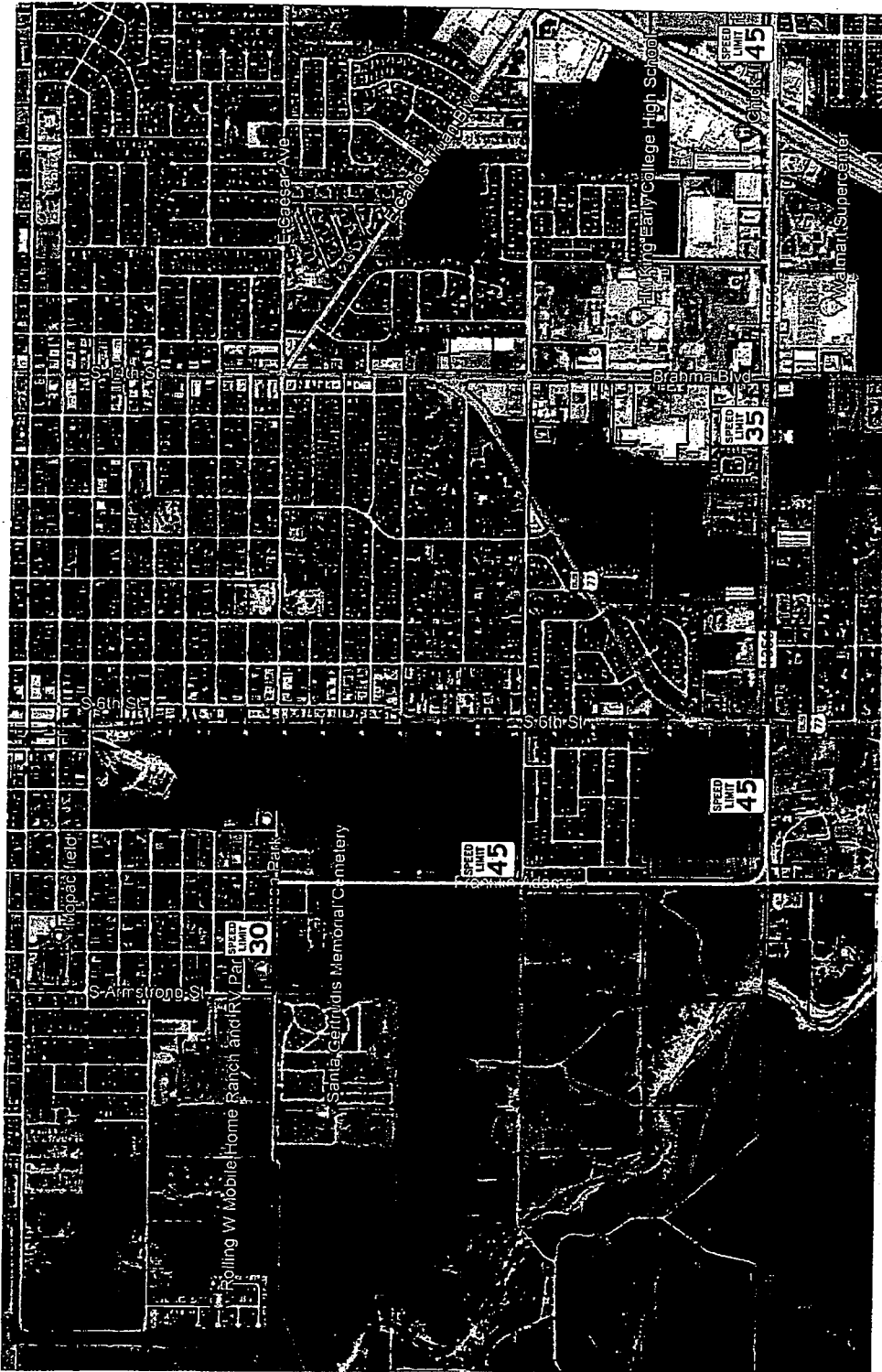
- Traffic Accident, Fatal
- Traffic Accident, Injury
- HV/RUN, Injury
- Crash Data Area Of Interest
- Ownership
- Streets



CITY OF KINGSVILLE SPEED LIMIT SIGN EXHIBIT

Drawn by: J. RAMIREZ
Date: 06-18-2024
Checked by: R. MORRA
Job:
Scale: AS NOTED

CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
400 West King
Kingsville, Texas 78363
Office 361.592.8007
Fax 361.595.8035



  SPEED LIMIT SIGN EXHIBIT
N.T.S.



125 E 11th St | Austin, Texas 78701
512.463.8588
txdot.gov

June 11, 2024

The Honorable Sam Fugate
Mayor of Kingsville, TX
400 W. King Avenue
Kingsville, TX 78363

Dear Mayor Fugate,

My name is America B. Garza, Transportation Engineer Supervisor, at the Texas Department of Transportation (TxDOT) – Corpus Christi District.

We recently conducted a speed study along FM1356, General Cavazos, beginning at BU77 East to E of US77 for a total of 1.331 miles. As a result, the 85th percentile shows that most of the traveling public is driving the posted speed limit of 45mph in both directions.

However, TxDOT is recommending reducing the speed limit based on the following factors: crashes and high driveway density in commercial and residential areas. We are kindly requesting that the City of Kingsville pass a city ordinance to reduce the speed within this roadway segment described below:

- That a 35mph zone be established by the city from BU77 East to approximately 170 ft E US77 for a total of 1.331 miles (figure 1).

If the City of Kingsville concurs with our proposal, please secure city action and return two copies of the city ordinance to our office. Once we have the city ordinance, we will schedule sign installations with the lowered speed limit.

I have attached a map for your reference of the area described. If you have any questions or need additional information, please feel free to contact me at (361) 808-2490.

Respectfully,

DocuSigned by:

America B. Garza

93EB32D69A7D4CB...

America B. Garza, P.E.
Transportation Engineer Supervisor
Corpus Christi District-Traffic Engineering Dept.
361-808-2490
America.Garza@txdot.gov

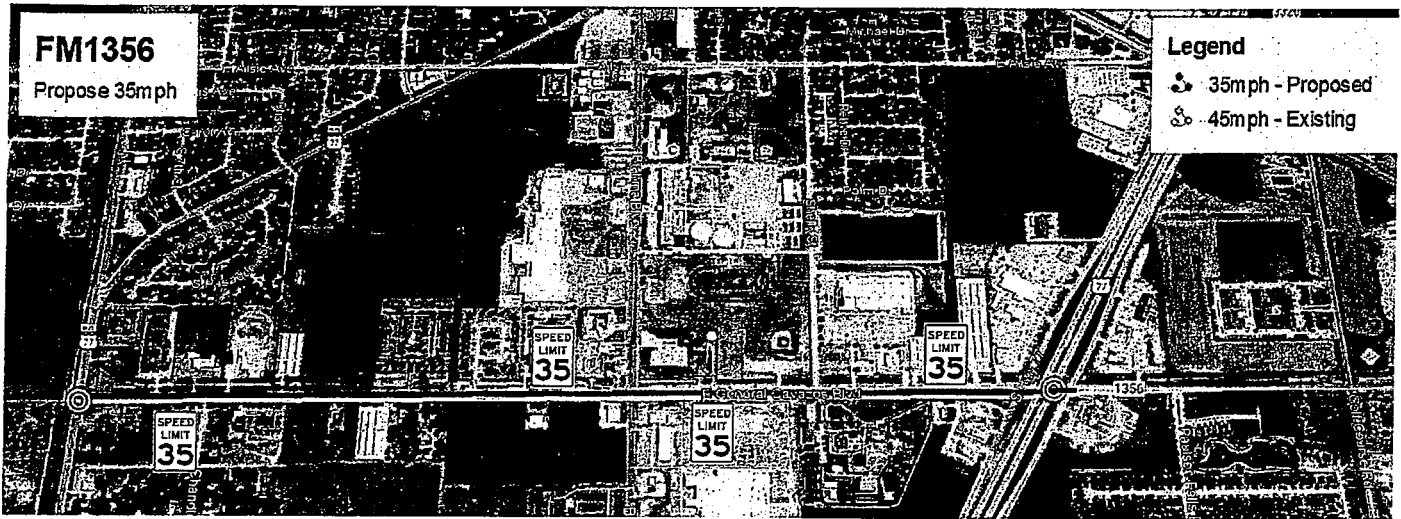


Figure 1: FM1356 (General Cavazos) Proposed Speed Limit

ORDINANCE NO. 2024-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 5-TRAFFIC SCHEDULES, SCHEDULE I (D), REVISING THE SPEED LIMIT ON CERTAIN AREAS OF GENERAL CAVAZOS BOULEVARD (FM 1356); PROVIDING FOR APPROPRIATE PENALTIES, FINES, AND FEES REGARDING THE REGULATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the Texas Department of Transportation (TxDOT) is responsible for the construction, maintenance, and traffic control on the roadway in question, General Cavazos Blvd., also known as FM1356, ("the road" or "the roadway"); and

WHEREAS, the City Commission of the City of Kingsville approved Resolution #2024-08 on January 22, 2024 supporting a speed study on General Cavazos Blvd. from the US 77 By-Pass to US 77 Business; and

WHEREAS, the roadway in question is owned by TxDOT who advises, via a letter dated June 11, 2024, that they conducted a traffic/speed study earlier this year on that road and want to reduce the speed limit on 1.331 miles of the road from the U.S. Highway 77 (By-Pass) to the intersection with U.S. 77 Business (also known as 6th Street) from 45 mph to 35 mph; and

WHEREAS, TxDOT advised the City that they are recommending the speed limit reduction based on the following factors: crashes and high driveway density in commercial and residential areas and kindly request the City of Kingsville to pass a city ordinance to reduce the speed within the roadway segment as described above and in the ordinance attached hereto; and

WHEREAS, other revisions to the ordinance regarding the speed limit on this roadway are needed to ensure the signage and ordinance are consistent.

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

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

I.

THAT Schedule I (D) of Article 5: Traffic Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-5 SCHEDULE I: SPEED LIMITS.

...
(D) F.M. Highway No. 1356.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
F.M. Highway No. 1356	Beginning at the intersection of U.S. Highway 77 (Business) and General Cavazos Blvd. (U.S. Highway No. 1356) to a point 2.628 miles west of U.S. Highway 77 (By Pass) Beginning at a point approximately 170 ft east of U.S. Highway 77 (By-Pass) to the eastern city limits	45 mph	83015	4-18-83
F.M. Highway No. 1356	Beginning at the intersection of Business U.S. Highway 77 going east to approximately 170 ft east of U.S. Highway 77 (By-Pass) for a total of 1.331 miles Beginning at the intersection of U.S. Highway 77 (By Pass) to the intersection with U.S. Highway 77 (Business) in Kingsville	35 mph	=	=
F.M. Highway No. 1356	From a point 2.628 miles west of Business U.S. Highway 77 (By Pass) to the intersection with West Caesar Ave. Armstrong St. in Kingsville	45-30 mph	83015	4-18-83
F.M. Highway No. 1356	From the intersection with West Caesar Ave. to the intersection with Armstrong St. in Kingsville	30 mph		

('62 Code, § 10-4-7)

Penalty, see §1-1-99.

II.

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

III.

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

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24^h day of June, 2024.

PASSED AND APPROVED on this the 8th day of July, 2024.

Effective: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

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



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

To: Mark McLaughlin, City Manager
From: Susan Ivy, Director of Parks & Recreation
Date: May 30, 2024

Subject: Agenda Request to approve Budget Amendment for additional funds for vehicle/equipment maintenance

Request: We are asking City Commission to approve a budget amendment in the amount of \$6,000 to provide additional funding for vehicle and equipment maintenance for our Parks Maintenance Division.

History: The vehicle inventory for Parks Maintenance including the Van that our Rec staff uses are all very old and continually in the shop over and over again. We have inherited 3 trucks this year with all 3 going to the shop within 2 months of getting them with costly repairs. Our van has been in the shop numerous times. We have already shorted our other line items twice to move \$5,000 into vehicle maintenance already. About \$3,000 came from equipment maintenance. This is high mowing season, lots of tournaments coming this summer will likely need equipment repair in the next 4 months with very little left in that line item.

Financial Impact: This will add \$4,000 to line item 001-5-4503-41100(vehicle maintenance) and \$2,000 to 001-5-4503-41400 (equipment maintenance).

Action: We ask that Commission approve the attached Budget Amendment.

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR PARKS VEHICLE AND EQUIPMENT MAINTENANCE.

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#49

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures – 5</u>					
4503	Park Maint	Vehicle Maintenance	41100	\$4,000	
4503	Park Maint	Equipment Maintenance	41400	\$2,000	
1030	City Special	Budget Amendment Reserve	86000		\$6,000

[To amend the City of Kingsville FY 23-24 budget to provide additional funding for Parks Vehicle and Equipment Maintenance. Funding for this request will come from the General Fund Budget Amendment Reserve line item. Currently there is \$110,103 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 24th day of June 2024.

PASSED AND APPROVED on this the 8th day of July 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: June 18, 2024
SUBJECT: Budget Amendment #48 – Adjust Current Budget for Audited Beginning Fund Balances

Summary:

Each year's budget is based on the estimated ending fund balances for the prior year. Once the audit is completed, our beginning fund balances need to be validated against what is currently budgeted for current year revenues and expenditures. Budget Amendment #48 is the result of this validation.

Financial Impact:

With the exception of Fund 051, all funds included in the budget amendment are reductions to budget and do not have any financial impacts. Fund 051's transfer to Fund 054 could not be reduced resulting in the need to fund this transfer from the Utility Fund Budget Amendment Reserve line item.

Recommendation:

Staff recommends the approval of this budget amendment.

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO ADJUST BUDGETS BASED ON AUDITED BEGINNING FUND BALANCES FOR FY 23-24.

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#48**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 033 – CO Series 2016					
<u>Expenditures – 5</u>					
6900	Transfer Out	Transfer to Fund 206	80206		\$5,554.05
Fund 206 – Chamberlain Park					
<u>Revenues - 4</u>					
0000	Transfer In	Transfer from Fund 033	75033		\$5,554.05
<u>Expenditures - 5</u>					
4503	Parks	Grounds & Perm Fixt	59100		\$19,204.05
Fund 016 – Stonegarden Grant					
<u>Revenues - 4</u>					
2100	Police	Federal Grant	72005	\$76,862.78	D
<u>Expenditures - 5</u>					
2100	Police	Overtime	11227	\$11,154.75	E
2100	Police	Motor Gas & Oil	21500	\$256.03	F
Fund 051 – Utility Fund					
<u>Expenditures - 5</u>					
6900	Transfer Out	Transfer to Fund 054	80054	\$37,548.95	G
7001	WW	Budget Amend Reserve	86000		\$37,548.95

A

B

C

D

E

F

G

H

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 054 – UF Capital Projects					
<u>Revenues - 4</u>					
0000	Transfer In	Transfer from Fund 051	75010	\$37,548.95	I
Fund 068 – CO Series 2013-Drainage					
<u>Expenditures - 5</u>					
3050	Street	Drainage	53100		\$9,303.51 J
Fund 093 – Park Maintenance Fund					
4503	Park Maint	Grounds & Perm Fixt	59100		\$1,090.50 K
Fund 094 – TPW Grant					
<u>Revenues - 4</u>					
0000	Non Dept	Federal Grants	72005	\$2,977.96	L
<u>Expenditures - 5</u>					
4503	Parks Maint	Grounds & Perm Fixt	59100		\$29,638.21 M
Fund 125 – UF ARP					
<u>Expenditures - 5</u>					
6001	Water	Dept YE Reduction	85000		\$511,000.00
6900	Transfer Out	Transfer to Fund 121	80121		\$588,800.00 N
Fund 121 – GF ARP					
<u>Revenues - 4</u>					
0000	75125	Trsf From Fund 125	75125		\$588,800.00 O
<u>Expenditures - 5</u>					
1030	City Special	Professional Services	31400		\$3,407.03
1603	Planning	Professional Services	31400		\$15,092.97
4503	Parks	Dick Kleberg Park	59113		\$.50 P
Fund 128 – TWDB Drainage Location 8					
8600	Drainage	Drainage-Loan	71600		\$29,998.19 Q
Fund 141 – CO Series 2023 UF					
6001	Water	Utility Plant	5400		\$1,140,358.77 R

[To amend the City of Kingsville FY 23-24 budget to adjust budgets based on audited beginning fund balances for FY 23-24. There is no financial impact on Funds 033, 206, 068, 093, 094,

125, 121, 128,141 and 206 as these budgets are being reduced. For Fund 016, this a clean up to adjust the budget for grant funding that has already been received. For Fund 051, the transfer from Fund 051 to Fund 054 needs to still happen and will be funded through 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 24th day of June 2024.

PASSED AND APPROVED on this the 8th day of July 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Fund Balance FY ending 09/30/2023 - Audited

Fund	Fund Name	FY 23-24 Audited Beginning Fund Balance	Budgeted Current Revenues	Budget Amendment BA#48	Budgeted Current Expenditures	Budget Amendment BA #48	FY 22-23 Unaudited Ending Fund Balance
001	General	8,732,530.18	23,229,642.83		25,652,575.78		6,309,597.23
002	Tourism	572,734.74	659,262.00		630,639.00		601,357.74
005	PD St Seizure	1,033,930.16	53,131.00		399,486.02		687,575.14
009	Law Enforce-PD	0.00	6,705.88		6,705.88		0.00
011	GO Debt Service	590,089.91	2,264,984.00		2,152,727.00		702,346.91
012	UF Debt Service	1,856,833.14	2,251,355.00		2,055,563.00		2,052,625.14
016	PD Stonegarden	0.00	99,514.00	D 76,862.78	164,966.00	E+F 11,410.78	0.00
017	PD Local Borderstar	0.00	78,000.00		78,000.00		0.00
019	PD JAG Grant	0.00	0.00		0.00		0.00
025	Bldg Security	34,837.16	13,350.00		9,000.00		39,187.16
026	Golf Cap Maint	50,900.98	13,568.00		64,468.95		0.03
028	PD Fed Seizure	136,470.63	128.00		30,000.00		106,598.63
031	MC Technology	37,314.05	11,489.00		7,800.00		41,003.05
033	CO 2016	17,357.42	0.00		22,911.47	A (5,554.05)	0.00
051	Utility	5,465,906.60	10,772,406.00		11,935,069.12	G-H 0.00	4,303,243.48
054	UF Cap Proj	188,187.05	66,249.00	J 37,548.95	291,985.00		0.00
055	Stormwater	875,134.26	423,724.00		1,051,790.00		247,068.26
059	Homeland Security	0.00	0.00		0.00		0.00
062	CO 2005	50,468.89	0.00		50,000.00		468.89
066	CO 2011	5,684.45	316.00		6,000.00		0.45
068	CO 2013-Drainage	686,587.61	33,708.88		729,600.00	J (9,303.51)	0.00
083	CJD of Gov Grant	0.00	0.00		0.00		0.00
084	DEAAG	507,500.00	0.00		500,000.00		7,500.00
087	SW Cap Project	266,318.20	590,485.00		597,686.17		259,117.03
090	Landfill Closure	2,417,467.08	366,906.17		479,085.00		2,305,288.25
091	GF Cap Project	0.00	0.00		0.00		0.00
092	Street	906,021.15	1,069,126.00		1,319,329.34		655,817.81
093	Park Maintenance	26,406.50	29,503.00		57,000.00	K (1,090.50)	0.00
094	TX Parks Wildlife	0.00	55,209.00	L 2,977.96	87,825.17	M (29,638.21)	0.00
097	Veh Replac-Fire	215,627.89	45,000.00		68,000.00		192,627.89

Fund Balance FY ending 09/30/2023 - Audited

Fund	Fund Name	FY 23-24 Audited Beginning Fund Balance	Budgeted Current Revenues	Budget Amendment BA#48	Budgeted Current Expenditures	Budget Amendment BA #48	FY 22-23 Unaudited Ending Fund Balance
098	Economic Devel	183,167.27	423,100.00		361,969.00		244,298.27
100	SRTS Grant	161,682.10	0.00		0.00		161,682.10
101	TXCDBG 7219192	0.00	0.00		0.00		0.00
105	Veh Replace-PD	0.00	10,000.00		0.00		10,000.00
106	Veh Replace-PW	58,223.37	100,000.00		144,820.00		13,403.37
107	Assist to FF Grant	0.00	0.00		0.00		0.00
108	PL Bulletproof Vst	0.00	0.00		0.00		0.00
110	KVPD Enhanc BWC	0.00	0.00		0.00		0.00
113	CW WW Coll Syst	87,348.63	4,857,891.00		4,858,294.00		86,945.63
114	SWB Rural/Tribal	0.00	0.00		0.00		0.00
115	Tax Notes 2021	156,201.61	0.00		147,411.14		8,790.47
116	TWDB Drainage #7	711,979.67	1,245,930.00		1,245,930.00		711,979.67
117	TWDB Drainage #1	712,332.68	1,245,576.00		1,245,576.00		712,332.68
118	TWDB Drainage #3	763,080.36	1,337,946.00		1,337,946.00		763,080.36
119	TWDB Drainage #4	966,646.83	1,712,043.00		1,712,043.00		966,646.83
120	Prop Tax Reserve	432,231.49	0.00		0.00		432,231.49
121	GF ARP-deferred rev	1,613,347.85	588,800.00	(588,800.00)	1,630,859.35	P (18,499.50)	988.00
122	GLO Mitigation	366,787.00	33,859,114.00		33,859,114.00		366,787.00
123	ED Program-def rev	270,000.47	0.00		270,000.47		0.00
124	Ed Rachal Found-PD	352.62	0.00		0.00	N (1,099,800.00)	352.62
125	UF ARP SL-Def Rev	500,000.00	0.00		1,599,800.00		0.00
126	GF Tax Note 2022	80,343.59	0.00		1,425.00		78,918.59
127	UF Tax Notes 2022	149.76	0.00		0.00		149.76
128	TWDB Drainage #8	347,001.81	301,500.00		678,500.00	Q (29,998.19)	0.00
129	TXSWS Mobile Gen	17,728.00	0.00		0.00		17,728.00
130	TXSWS Backup Gen	68,894.00	106,106.00		0.00		175,000.00
131	TASA Grant	0.00	0.00		0.00		0.00
132	PID-Somerset FD	0.00	0.00		0.00		0.00
138	Insurance	2,782,171.30	4,273,317.00		4,579,477.00		2,476,011.30
139	Veh Replace-PW-GF	35,261.32	10,000.00		0.00		45,261.32

Fund Balance FY ending 09/30/2023 - Audited

Fund	Fund Name	FY 23-24 Audited Beginning Fund Balance	Budgeted Current Revenues	Budget Amendment BA#48	Budgeted Current Expenditures	Budget Amendment BA #48	FY 22-23 Unaudited Ending Fund Balance
140	Ed Rachal Found-Pks	0.00	0.00		0.00		0.00
141	CO Series 2023-UJ	1,420,291.73	0.00		2,560,650.50	(1,140,358.77)	0.00
151	CO Series 2023A-GF	4,753,695.51	4,865,110.18		4,865,110.18		4,753,695.51
153	CO Series 2024-Fire	0.00	7,000.00		7,000.00		0.00
202	Façade Grant	0.00	0.00		0.00		0.00
203	JK EDA Grant	557,000.00	0.00		557,000.00		0.00
205	Tourism ARP-Def Rev	90,720.72	0.00		91,709.72		(989.00)
206	Chamberlain Park	0.00	458,660.39	(5,554.05)	472,310.39	(19,204.05)	0.00
208	Lone Star Grant	0.00	336,106.10		336,106.10		0.00

Totals 41,810,947.74 97,871,962.43 (476,964.36) 111,011,264.75 (2,342,036.00) 30,536,717.06

30,536,717.06

AGENDA ITEM #4



**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Deborah Balli, Finance Director
DATE: June 18, 2024
SUBJECT: Budget Amendment #49 – HRSA CARES Provider Relief Fund Payback

Summary:

In FY 19-20, the Fire Department applied and received a \$12,922.95 grant from the HRSA CARES Provider Relief fund. This timeframe was around the time that there was a change in the Fire Chief position. We received notification in early March 2023 about the reporting issue with this grant and the former Accounting Manager completed and submitted an appeal through their process for non-compliance reporting website link. During that time the current Fire Chief reached out to the former Fire Marshall, who had the responsibility to file the reports on this grant, to see if he knew where any files were concerning this grant and none could be located.

Financial Impact:

Since all reporting time periods have expired, we are required to send these funds back to the granting agency.

Recommendation:

Staff recommends the approval of this budget amendment.

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO PROVIDE FUNDING FOR PAYBACK OF THE HRSA CARES PROVIDER RELIEF FUND DUE TO NON-SUBMITTAL OF REPORTS.

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#50

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures – 5</u>					
2200	Fire	Professional Services	31400	\$12,922.95	
1030	City Special	Budget Amend Reserve	86000		\$12,922.95

[To amend the City of Kingsville FY 23-24 budget to provide funding for the payback of the HRSA Cares Provider Relief Fund due to non-reporting. Funding for this request will come from the General Fund Budget Amendment Reserve line item. Currently there is \$104,103 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 24th day of June 2024.

PASSED AND APPROVED on this the 8th day of July 2024.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

REGULAR AGENDA

AGENDA ITEM #5

**City of Kingsville
Legal Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Courtney Alvarez, City Attorney
DATE: June 28, 2024
SUBJECT: Ordinance Amending the Enterprise Zone Ordinance from 2009 for Continued Participation in the Program

Summary: The ordinance adopted by the City in 2009 that allows the City's participation in the Texas Enterprise Zone Program is in need of amendment to remain in compliance with the Texas Enterprise Zone Act.

Background:

On December 14, 2009, the City Commission adopted Ordinance No. 2009-36 ordaining the City's participation in the Texas Enterprise Zone Program (Program) pursuant to the Texas Enterprise Zone Act (Act), Chapter 2303, Texas Government Code and outlining local incentives available to nominated projects or activities of certain qualified businesses under the Act.

Recently, revisions were made to the Program and the previously adopted ordinance needs to be amended to add: 1) additional language to remain within compliance of TAC Rule Section 176.2(2)(A), and 2) additional potential incentives that are or will be made available to nominated projects in the City of Kingsville.

A public hearing is required prior to ordinance adoption, so one has been notice in the local newspaper on 6/27/24. Posting at the place of the meeting (city hall) and notice to the State are also required and were done on 6/20/24.



**City of Kingsville
Legal Department**

Financial Impact: None.

Recommendation: Approve the ordinance amending the City's Enterprise Zone Ordinance from 2009 for continued participation in the Texas Enterprise Zone Program.



PUBLIC HEARING NOTICE

Notice is hereby given that the City Commission of Kingsville will conduct a public hearing and consider an ordinance on July 8, 2024 at 5:00PM in the Helen Kleberg Groves Community Room at City Hall, located at 400 W. King Avenue, Kingsville, TX 78363, for the purpose of receiving public comments on the City's amendment to Ordinance ORD2009-38 pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code as revised. Possible tax incentives to be offered to projects within the City of Kingsville may be discussed at the meeting. This hearing will be pursuant to the ordinance considered and voted on by the City Commission on July 22, 2024. All interested parties are encouraged to attend and present their views.

For additional information, please contact, Mark McLaughlin, 361.595.8002.

Couple CONTINUED FROM PAGE 1

However, no one from Kathleen Thompson's side of the family had been located.

After the funeral home contacted Judge Gutierrez, she did some investigating and was able to find out from neighbors that Kathleen Thompson was from Benavides.

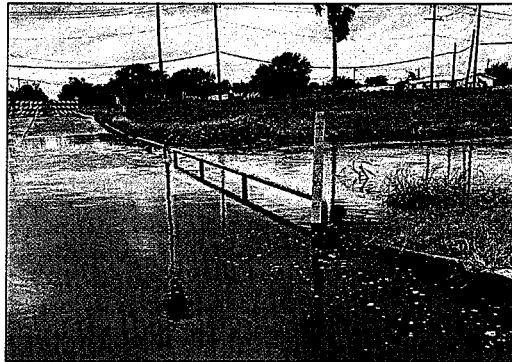
"I know a lot of people in Benavides and reached out to them. I just felt that I had to try and find them so they could have some closure," Gutierrez said.

Through acquaintances in Benavides,

Judge Gutierrez located a relative of Kathleen Thompson and Gutierrez drove to her that night to deliver the notification.

The family was later told that an autopsy would cost them close to \$5,000 and after trying several different avenues, Gutierrez said the family decided to go ahead with the cremation.

The Kingsville Police have closed their investigation.



Water covers the road from the creek at 17th and Alice in Kingsville last Thursday. Heavy rains, totaling as much as 10 inches in some places, fell on the area last week. (Photo by Ted Figueroa)



Members of the Kingsville Record staff were recognized for editorial excellence during the most recent conference of the Texas Press Association. (Photo by JT Strasner)

Record wins state awards

Record Staff Report

COLLEGE STATION - The Kingsville Record staff's work for the 2023 calendar year was recognized for excellence during a recent statewide contest.

Competing against newspapers across the state of Texas, the Record captured two second place awards as well as a third place honor in the 2023 Texas Press Association's Better Newspaper Contest.

"We are pleased to receive this recognition from our peers," JT Strasner, editor and publisher, said. "As always, we share these honors with the readers and advertisers, as well as the wonderful folks in our community, whose

stories we've been telling for more than 100 years."

Tina Salinas, graphic designer and advertising executive, captured second place in the Page Design category.

Salinas' entries included a pair of front pages from September and October that she designed.

Ted Figueroa, reporter, captured third place for his feature story on local sculptor Roberto Garcia.

Strasner brought home a second place award in the category of News Writing for his December coverage of the sentencing for the killer of Kingsville Police Officer Sherman Benys.

Storm CONTINUED FROM PAGE 1

Rain showers were on and off and the usual minor flooding of King and 14th Streets occurred but did not impede traffic.

The City of Kingsville reported the following rain totals through out the city: Health department 10", Public Works 5.5", North Wastewater Treatment Plant 5.5", South Wastewater Treatment Plant 6.5" and the

Landfill 6.5".

At least two tornadoes were reported by weather officials north and west of Kingsville.

While the area escaped mostly unscathed, citizens are urged to stay aware and prepared as the Texas Gulf Coast enters what forecasters expect to be a busy hurricane season.

Theft CONTINUED FROM PAGE 1

suspicious activity report on North 6th Street, resulting in the detention of Menendez and Puente.

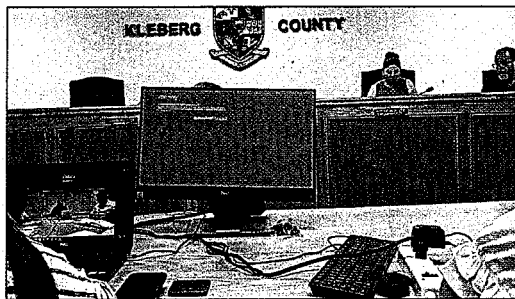
The suspects were found with another stolen vehicle from Nessen Chevrolet, police say.

Both Menendez and Puente have been charged with

felony unauthorized use of a motor vehicle and engaging in organized criminal activity, a third degree felony.

KPD Chief John Blair said he urges all citizens to lock and secure their vehicles and properties. The investigation is ongoing, and more suspects are believed to be

involved. Anyone with information is requested to contact the KPD Criminal Investigations at 361-592-4311. To provide information anonymously, please contact Kingsville Crime Stoppers at 361-592-INFO.



County Judge Rudy Madrid and Commissioner Chuck Schultz appear on a laptop screen (left hand corner) as Monday's Commission meeting was held by Zoom. (Photo by JT Strasner)

County CONTINUED FROM PAGE 1

consulting with Madrid and other staff, were satisfied that the invoicing was accurate.

Commissioners also entered an agreement with ICE Engineering, for the company to transport a recently acquired mobile medical clinic unit.

The large vehicle was purchased by Madrid with a win via a military surplus auction. Ma-

drid said the vehicle is valued in the high six figures, but was purchased for only \$20,000 with grant funds. New tires and a tune up will be completed before it is transported here.

Commissioners also ratified then cancelled a burn ban for the county, following heavy rains from Tropical Storm Alberto.

PUBLIC HEARING NOTICE

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For additional information, please contact, Mark McLaughlin, 361.595.8002.

KINGSVILLE SYMPHONY ORCHESTRA
 a 501(c)(3) Non-Profit Organization
 PRESENTS
 Season Eighteen
 2023-2024
ORCHESTRAL ODYSSEY
Patriotic Celebration
 A musical celebration of service, independence and the USA!
 -Don't forget to wear your red, white & blue-

Sunday, June 30, 2024
 3:00 pm
 Texas A&M University-Kingsville
 Performance Hall
 755 N. Armstrong

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 Reservations and more information

TEXAS A&M UNIVERSITY-KINGSVILLE
 KSO

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING ORDINANCE NO. ORD2009-38, ORDAINING THE CITY OF KINGSVILLE'S CONTINUED PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), AMENDING THE ORIGINAL ORDINANCE LANGUAGE AND PROVIDING ADDITIONAL POTENTIAL INCENTIVES FOR THE INVESTMENT OF PRIVATE RESOURCES IN PRODUCTIVE BUSINESS ENTERPRISES LOCATED IN SEVERELY DISTRESSED AREAS OF THE CITY AS REQUIRED BY THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (EDT).

WHEREAS, the City Commission of the City of Kingsville Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, on December 14, 2009 the City Commission adopted Ordinance No. ORD2009-38 ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (the "Act") and outlining local incentives available to nominated projects or activities of certain qualified businesses under the Act; and

WHEREAS, the City Commission now wishes to amend Ordinance No. ORD2009-38 to add 1) additional language to remain within compliance of TAC Rule §176.2 (2)(A); and, 2) additional potential incentives that are or will be made available to nominated projects in the City of Kingsville;

WHEREAS, "Whereas, the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business";

WHEREAS, in accordance with Section 2303.4051(e) of the Act, on July 8, 2024 the City Commission conducted a public hearing prior to consideration of this Ordinance to receive public comment as to the amendment of Ordinance ORD2009-38, and any other matters related to this Ordinance, notice of which was published in the *Kingsville Record*, a newspaper of general circulation, on June 27, 2024;

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

Ordinance No. ORD2009-38 is hereby amended to read as follows:

- Section 1: The City hereby elects to participate in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("Act"). The City Commission wishes to add the following language in order to remain in compliance with TAC Rule §176.2 (2)(A)
"Whereas, the City finds that it is in full compliance with Chapter 2303, Texas Government Code prior to nomination of an eligible business."
- Section 2: The updated local incentives identified and summarized briefly in the attached Exhibit "A", at the election of the governing body, are or will be made available to nominated Projects or activity of the qualified business.
- Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.
- Section 4: The City of Kingsville's City Commission directs and designates its City Manager or his designee as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.
- Section 5: The City finds that a project meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:
- (a.) A project is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located in an enterprise zone in the governing body's jurisdiction and at least twenty-five percent (25%) of the business' new employees will be residents of an Enterprise Zone, economically disadvantaged individuals, or veterans; or if the qualified business is located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
 - (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and

(c.) The designation of a project as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate 5 years after the date of designation.

Section 7: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

INTRODUCED on this _____ day of _____, 20_____.

PASSED AND APPROVED on this the _____ day of _____, 20_____.

Effective Date: _____.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Exhibit A

Name of Incentive	Description of Incentive
Local Sales Tax Refund	The City may allow sales and use tax refunds.
Tax Abatement	The City may allow property tax reduction
Tax Increment Financing	Tax Increment Financing
Chapter 380/381	Municipalities and counties are authorized to offer incentives designed to promote economic development
Other Tax Deferrals, Tax Refunds or Tax Incentives	Other Tax Deferrals, Tax Refunds or Tax Incentives
Zoning Changes/Variances	Zoning changes are available to residents
Impact/Inspection Fee Exemptions	Impact/inspection fee exemptions are available to residents
Streamlined Permitting	City may allow permit applications and supporting materials to be tendered to one department for distribution to the appropriate City departments.
Improved Police and/or Fire Protection	Safety and protection of City residents is made a priority by improving our police and fire protection services

Community Crime Prevention Programs	Safety and protection of City residents is made a priority through local crime prevention programs
Special Public Transportation Routes or Reduced Fares	Transportation options or reduced fares have been made available to the public
Capital Improvements in Water and Sewer Facilities	The City may provide resources for a capital improvement plan related to water and sewer service
Road Repair	The City is responsible for maintaining and repairing public streets and alleys inside City limits
Creation or Improvements of Parks	Maintain parks and promote healthy lifestyle for City residents
Low-Interest Loans for Business	Low interest loads are available to businesses
Provision of Publicly Owned Land for Development Purposes	Publicly owned land may be provided for development purposes
One Stop Permitting, Problem Resolution Center	City may offer one-stop permitting
Promotion and Marketing Services	Convention and Visitors Bureau and Chamber of Commerce
Job Training and Employment Services	Offered in conjunction with local community college and technical schools
Retraining Program	Offered in conjunction with local community college and technical schools
Literacy and Employment Skills Services	Offered in conjunction with local community college and technical schools
Vocation Education	Offered in conjunction with local community college and technical schools
Customized Job Training	Offered in conjunction with local community college and technical schools

AGENDA ITEM #6

**City of Kingsville
Police Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: John Blair, Chief of Police
DATE: 6/25/2024
SUBJECT: Request for Budget Amendment for the Police Department to Replace SWAT Team Ballistic Body Armor.

Summary:

The Kingsville Police Department respectfully seeks the City Commission's approval for a Budget Amendment to the FY 23-24 Budget for the purpose of replacing the Police Departments SWAT Teams Ballistic Body Armor. The current account to fund this purchase is currently in a negative balance.

Background:

The Kingsville Police Department respectfully seeks the City Commission's approval for a budget amendment to the FY 23-24 budget to replace the SWAT team's ballistic body armor due to the vests being expired. This update is crucial for maintaining the safety and operational efficiency of our tactical unit.

1. **Enhanced Protection:** Updated ballistic body armor offers improved protection against a wider range of ballistic threats. New materials and designs, such as those adhering to NIJ Standard 0101.07, provide enhanced resistance to specific ammunition types and better overall safety for officers in high-risk situations
2. **Mandatory Wear Policies:** Ensuring all SWAT members have access to current body armor supports mandatory wear policies that enhance overall safety. Consistent use of body armor has been proven to reduce fatalities and serious injuries among officers.
3. **Operational Readiness:** Upgrading body armor ensures that the SWAT team is fully equipped to handle high-risk operations effectively and safely.
4. **Community Safety:** Enhanced protection for officers directly contributes to better service and protection for the community.
5. **Long-Term Cost Savings:** Investing in new high-quality body armor reduces the potential costs associated with officer injuries and fatalities.



**City of Kingsville
Police Department**

Financial Impact:

SWAT team vests are replaced approximately every 5 years or sooner due to excessive wear and weather conditions. The total cost for replacement is \$46,890.00 for 15 vests @ \$3,126.00 each. This cost includes a new carrier, rifle plates and pouches.

Recommendation:

To respectfully request a Budget Adjustment to FY23-24 for the purpose of replacing the SWAT Team vests.



- Put ORR stamp on each page
- Prep. Invoice
- Prep. Basic response letter
- After signed, mk. File copy OR Scan= Lttr/Inv/Rpt
- Call for P/U, Mail, or Email= Lttr/Inv/Rpt
- Update ORR Log

- Put ORR stamp on each page
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ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO PROVIDE FUNDING FOR THE REPLACEMENT OF POLICE DEPARTMENT SWAT TEAMS BALLISTIC BODY ARMOR.

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#51

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Expenditures – 5</u>					
2102	Police	Minor Equipment	21700	\$46,890.00	
1030	City Special	Budget Amend Reserve	86000		\$46,890.00

[To amend the City of Kingsville FY 23-24 budget to provide funding for the replacement for the Police Department SWAT Team ballistic body armor. Funding for this request will come from the General Fund Budget Amendment Reserve line item. Currently there is \$91,180.05 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 8th day of July 2024.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #7

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



MEMO

Date: June 13th, 2024
To: Mark McLaughlin (City Manager)
From: Erik Spitzer (Director of Planning and Development Services)
Subject: REVISIONS TO EXISTING SIDEWALK ORDINANCES

Summary: Staff has observed the need to update the existing sidewalk ordinance to provide guidance on instances when construction of a sidewalk is currently required but doing so is not feasible or practical.

Background: On January 29th, 2024, the City Manager asked the City Engineer and the City Planner to examine the existing City of Kingsville ordinances that pertain to mandatory sidewalk construction within the city limits. Of concern was the current ordinance wording that does not address areas where sidewalk installation would not be feasible (due to the inability to install in existing rights-of-ways), nor make sense if the existing neighborhood had no existing sidewalk infrastructure.

The following additional language is proposed for Commission approval to incorporate in three current sections within the City of Kingsville ordinances:

“Exceptions: if no sidewalks exist in an area (such as an entire neighborhood), then sidewalk construction is not required; however, if future growth within an area is possible, then sidewalk construction is required. Also, if sidewalk construction won’t fit within the existing right-of-way, then sidewalk construction is not required. In all cases, exceptions/waivers will be granted only by approval of the City of Kingsville Director of Planning.”

Those two separate sections within the ordinances include:

- Sec. 9-10-1 - Construction of sidewalks
- Sec. 9-10-4 - Restricted construction; alteration; sidewalks and driveways required

Financial Impact: None.

Recommendation: Staff recommends the City Commission approve the suggested amendments to the sidewalk ordinance.

ORDINANCE NO. 2024-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES SECTIONS 15-3-51 AND 9-10-1 THROUGH 9-10-5, PROVIDING FOR REVISIONS TO THE SIDEWALK REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, the City has determined that the sidewalk ordinances are in need of revision due to changes sections that apply to areas of land where it is either not feasible or not practical to require a sidewalk;

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

I.

THAT Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Sections 15-3-51 and 9-10-1 through 9-10-5 shall be amended to read as follows:

...

§ 15-3-51 Sidewalks.

A concrete walk at least five feet in width and four inches thick shall be provided continuously on both sides of each street for each block in the subdivision. This standard shall be considered a minimum and may be increased at the discretion of the Director of Public Works for areas adjacent to or in the vicinity of schools, parks and other locations with significant pedestrian traffic. In the case of a high pedestrian traffic area, sidewalk widths may be required to be a minimum of 8-10 feet depending on the application. The sidewalk shall be located within the dedicated right-of-way, with a parkway of a minimum of two feet and shall extend along all street frontage. This shall include the side of corner lots and block ends; provided however, that where it is impractical to provide such sidewalks on the side lot lines abutting major thoroughfares or drainage ditches, then in those instances sidewalks are not required. The builder shall install ~~put in~~ sidewalks at the time of building construction. Additionally, the developer of record shall be responsible for the completion of sidewalks adjacent to any open space or common area at the time of the construction of street improvements.

(1) *Curbs.* Curbs at intersections and mid-block crossings shall be designed and constructed to provide a ramp for wheelchairs and/or bicycles in

accordance with the American Disabilities Act (ADA) as set forth in city standards.

(1962 Code, § 12-4-2; Ord. 95018, passed 8-28-95; Ord. 98025, passed 11-9-98; Ord. 2013-07, passed 2-25-2013).

...

§ 9-10-1. - Construction of Sidewalks.

(A) It shall be unlawful for any person to construct or lay down cement sidewalks or cement curbs within the city without first advising the City Engineer of his intention to do so, and all cement sidewalks and cement curbs shall be laid down and constructed under the supervision and direction of the City Engineer ~~so as to conform to the Street Alignment Map on file in the office of the Secretary.~~

(B) Upon the application of any person to lay down or construct cement sidewalks or cement curbs, it shall be the duty of the City Engineer to view the premises where same is proposed to be laid, and furnish the person with the lines upon which same shall be laid and the levels thereof, the lines and levels ~~to conform to the Street Alignment Map.~~

Exceptions: If no sidewalks exist in an area (such as an entire established neighborhood), then sidewalk construction is not required; however, if future growth within an area is possible, then sidewalk construction is required. Also, if sidewalk construction won't fit within the existing right-of-way, then sidewalk construction is not required. In all cases, exceptions/waivers will be granted only by approval of the City of Kingsville Director of Planning. Any appeal of the decision shall be made to the City Manager in writing within five business days from the date of receipt of the Director of Planning's decision.

> new

(1962 Code, § 9-1-1)

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

§9-10-2. Erection of Poles.

(A) It shall be unlawful for any person to put down, erect or construct any telegraph, telephone or electric light poles or wires without first advising the City Engineer of his intention to do so, and the ~~poles poles~~ and wires shall be erected and constructed within an approved alignment so as to conform to the Street Alignment Map.

(B) Whenever any person shall desire to lay down, erect or construct any telegraph poles, telephone ~~poles poles~~ or electrical ~~light~~ lines, it shall be the duty of the City Engineer to view the premises where the poles or lines are

proposed to be laid or placed and furnish the person with the lines upon which same shall be laid, and the lines shall conform to the Street Alignment Map.

(1962 Code, § 9-1-2)

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

§9-10-3. - Repair of Sidewalks, Ramps and/or Curbs Required.

(A) The owners of lots, or part of lots, blocks or other undivided parcels of land in this city, having sidewalks, ramps, and/or curbs constructed adjacent thereto shall be and they are hereby required to keep the sidewalks, ramps, and/or curbs in good repair.

(B) Whenever any sidewalks, ramps, and/or curb adjacent to any lot, block, or part of same, or along any undivided parcel of land in this city shall become out of repair, or when any sidewalks, and/or ramps shall be in any way obstructed so as to interrupt the free passage over the same, the City Manager, or his representatives, shall notify the person owning or controlling the property fronting thereon to repair the same or to remove the obstruction, and it shall be the duty of the person to comply with the notification at once, and on failing or refusing to comply therewith, he shall be deemed guilty of a misdemeanor; and each day the sidewalks, ramps, and/or curb remains unrepaired, after the notification and failure or refusal to comply therewith, shall constitute a separate offense.

(1962 Code, § 9-1-3)

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

§9-10-4. Restricted Construction; Alteration; Sidewalks, Ramps, and Driveways Required.

(A) From and after the effective date of this article, no person, firm or corporation shall construct, reconstruct, alter, repair or replace any improvements on property located in Class "C" Apartment, Class "L" Local Retail, Class "A" Business, Class "B" Business, Class "T" Trailer Park Districts without providing for sidewalks and driveways, no building permit shall be issued by the city for such improvements until a site or construction plot plan showing sidewalks, ramps, and driveways have been approved by the City Engineer.

(B) Driveways, ramps, and sidewalks required herein shall be constructed according to the requirements as set forth in § 9-10-22 of this article.

(C) Existing driveways that exceed the maximum width, that front on streets that have curb and gutter, shall reduce the excess width by the removal of driveway section and the installation of curb and gutter section. Existing driveways that exceed the maximum width, that front on streets that do not

have curb and gutter, shall reduce the excess width by the removal of driveway section and the installation of barricade, concrete island or curb, if needed. In addition, concrete sidewalks shall be provided along the property fronting all public roadways or public right-of-way, including the side of all corner lots. However, in certain cases where the property is zoned for business and the property fronting a public roadway is used solely as a parking lot, and the parking lot is asphalt paved to city specifications, the requirement for a sidewalk may be waived by the City Commission provided that a protected and clearly delineated sidewalk path area is provided for pedestrian traffic.

(D) The applicable sections of the latest edition of the Texas Highway Department "Regulations For Access Driveway to State Highways" shall be used as a guide by the City Engineer in establishing sidewalks and driveways required hereby.

Exceptions: If no sidewalks exist in an area (such as an entire established neighborhood), then sidewalk construction is not required; however, if future growth within an area is possible, then sidewalk construction is required. Also, if sidewalk construction won't fit within the existing right-of-way, then sidewalk construction is not required. In all cases, exceptions/waivers will be granted only by approval of the City of Kingsville Director of Planning. Any appeal of the decision shall be made to the City Manager in writing within five business days from the date of receipt of the Director of Planning's decision.

> new

(E) It shall be the duty of the City Engineer to review all site or construction plans for the compliance of sidewalks, ramps, and driveways required by the city.

(F) Existing property that does not comply with this subarticle shall be considered as nonconforming, and shall be brought up to the standards of this subarticle at the time a building permit is requested.

(1962 Code, § 9-1-4; Ord. 77-5, passed 2-7-77)

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

§9-10-5. Obstructions to Streets, Ramps, and Sidewalks.

It shall be unlawful for any person to obstruct any street, alley or public place within the limits of the city, by placing thereon any lumber, building material, dirt, trash, trees, posts, rubbish, furniture, white goods, yard debris, or any other noxious material. It shall be the responsibility of the property owner to mow and clean the alley and street rights-of-ways (ROW) adjacent to their property in accordance with this and all other city ordinances. It shall further be unlawful to dig or excavate upon any of the streets, alleys or public places of the city any hole, trench, ditch, or other excavation without first notifying the City Engineer of the place where the work is to be done and the kind and character thereof, and obtaining permission in writing from the City Engineer to do so. No permission shall be given for any work of this character except upon condition

that same shall be properly safeguarded during the day by either watchmen or signals, and at night by lanterns in such a manner as to prevent anyone falling or stumbling into such hole, ditch or excavation, or driving therein.

(1962 Code, § 9-3-1; Ord. 99023, passed 9-13-99; Ord. 99031, passed 10-25-99; Ord. 2001-02, passed 1-22-01; Ord. 2002-05, passed 1-28-02; Ord. 2004-26, passed 9-13-04)

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

...

II.

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

III.

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

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of June, 2024.

PASSED AND APPROVED on this the 8th day of July, 2024.

Effective Date: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #8

Authorize
ARP Funds

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa Purchasing Manager
DATE: July 1, 2024
SUBJECT: ARP Funds Reallocation and Fund 6001 Utility Plant Division Budget
Amendment Request

Summary:

This item authorizes the use of ARP Funds and a budget amendment for the additional funding for the Utility Plant Division for the new water meter replacement project.

Background:

The City of Kingsville is currently installing replacement water meters throughout the city, which includes the purchase of new water meters and the installation. During the installation process, many meter boxes along with replacement of curb stop valves and meter re-adjustments were needed and done, but not part of the original contract. The city is requesting additional funding for the additional work that was done by the contractor, as well as for the additional meters and associated parts needed to keep in stock. Staff is requesting an additional \$618,800.00 for the additional work and associated parts. Funds will be transferred from ARP General Fund to ARP Utility Fund. Staff is requesting the funds be allocated to expenditure fund GL account #141-5-6001-71200 for the funding of the new water meter replacement project.

Financial Impact:

This will appropriate funding for the ARP Utility Fund in the amount of \$618,800.00 to GL #141-5-6001-71200.

Recommendation:

Staff requests: 1) the funds be allocated from ARP General Fund to ARP Utility Fund to the GL #141-5-6001-71200 for the funding of the new water meter replacement project and 2) a budget amendment for same.



AGENDA ITEM #9

Budget Am-
ARP Funds

**City of Kingsville
Purchasing Department**

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa Purchasing Manager
DATE: July 1, 2024
SUBJECT: ARP Funds Reallocation and Fund 6001 Utility Plant Division Budget Amendment Request

Summary:

This item authorizes the use of ARP Funds and a budget amendment for the additional funding for the Utility Plant Division for the new water meter replacement project.

Background:

The City of Kingsville is currently installing replacement water meters throughout the city, which includes the purchase of new water meters and the installation. During the installation process, many meter boxes along with replacement of curb stop valves and meter re-adjustments were needed and done, but not part of the original contract. The city is requesting additional funding for the additional work that was done by the contractor, as well as for the additional meters and associated parts needed to keep in stock. Staff is requesting an additional \$618,800.00 for the additional work and associated parts. Funds will be transferred from ARP General Fund to ARP Utility Fund. Staff is requesting the funds be allocated to expenditure fund GL account #141-5-6001-71200 for the funding of the new water meter replacement project.

Financial Impact:

This will appropriate funding for the ARP Utility Fund in the amount of \$618,800.00 to GL #141-5-6001-71200.

Recommendation:

Staff requests: 1) the funds be allocated from ARP General Fund to ARP Utility Fund to the GL #141-5-6001-71200 for the funding of the new water meter replacement project and 2) a budget amendment for same.



ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET TO REALLOCATE GENERAL FUND ARP FUNDING FOR THE FIRE STATION DESIGN TO UTILITY FUND ARP FUNDING FOR THE WATER METER 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#52

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 121-GF ARP					
<u>Expenditures – 5</u>					
2200	Fire	Professional Services	31400		\$618,800
6900	Transfer	Transfer to Fund 125	80125	\$618,800	
Fund 125-UF ARP					
<u>Revenues - 4</u>					
0000	Non-Dept	Transfer from Fund 121	75121	\$618,800	
6001	Water	Utility Plant	54300	\$618,800	

[To amend the City of Kingsville FY 23-24 budget to reallocate GF ARP funding for the Fire Station Design to UF ARP Funding for the Water Meter Project. Funding for this project will come from reallocation of committed ARP projects.]

II.

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

III.

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

phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

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

INTRODUCED on this the 8th day of July 2024.

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

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #10

City of Kingsville
Purchasing Department

TO: Mayor and City Commissioners
CC: Mark McLaughlin, City Manager
FROM: Charlie Sosa, Purchasing Manager
DATE: June 20, 2024
SUBJECT: Real Estate Broker Agreement

Summary:

This item authorizes the Real Estate Broker Agreement with EXP Realty LLC., for the sale of real property located at 400 E. Caesar (9th Block 24, lots All, (S. Closed Ragland St.) (Old Hospital Storage) owned by the City of Kingsville.

Background:

Staff was authorized to negotiate with an MLS (Multiple Listing Service) Broker Service as pursuant by section 253.014 in the Government Code. Staff contacted MLS Brokers locally and has recommended MLS Broker EXP Realty LLC. Staff has reviewed Real Estate Broker Agreement. Said contract is attached.

Financial Impact:

This item has no financial impact until the property is sold.

Recommendation:

It is recommended the City Commission approves the Commercial Real Estate Listing Agreement with EXP Realty LLC located at 6022 Edgewater Drive, Corpus Christi, TX. 78412 with all reasonable offers to brought back to Commission for approval.



RESOLUTION #2024-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMERCIAL REAL ESTATE LISTING AGREEMENT TERMINATION BETWEEN THE CITY OF KINGSVILLE AND NICHOLE SAENZ OF EXP REALTY, LLC FOR THE SALE OF THE NORTH SIDE OF THE 400 BLOCK OF EAST CAESAR AVE., KINGSVILLE, TEXAS, ALSO KNOWN AS 9TH, BLOCK 24, LOTS ALL AND S/2 OF CLOSED RAGLAND ST., ALSO KNOWN AS THE OLD HOSPITAL SITE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville owns approximately 3.030 acres of land at the north side of the 400 Block of East Caesar Ave., Kingsville, Texas also known as 9th, Block 24, Lots ALL and S/2 of closed Ragland St. also known as the old hospital site;

WHEREAS, on June 24, 2024, the City Commission of the City of Kingsville via Resolution #2024-63 found that it in the best interest of the citizens of Kingsville that the City-owned property located at the north side of the 400 Block of East Caesar Ave., Kingsville, Texas also known as 9th, Block 24, Lots ALL and S/2 of closed Ragland St. also known as the old hospital site, be placed for sale as authorized by the Texas Local Government Code via a broker; and

WHEREAS, Texas Local Government Code Section 253.014 allows for certain public property to be sold via a broker with the best offer coming back before the Commission for approval of the sale and the City qualifies for this type of sale;

WHEREAS, the City has located a local realtor, Nichole Saenz of eXp Realty, LLC, licensed to perform such listings required by the statute;

WHEREAS, the City and Nichole Saenz of eXp Realty, LLC, have worked to complete the Texas Realtors "Commercial Listing Agreement Termination" for the listing of the City property located at the 400 Block of East Caesar Ave., Kingsville, Texas also known as 9th, Block 24, Lots ALL and S/2 of closed Ragland St., also known as the old hospital site.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into "Commercial Listing Agreement Termination" for

the listing of the City property located at the 400 Block of East Caesar Ave., Kingsville, Texas also known as 9th, Block 24, Lots ALL and S/2 of closed Ragland St., also known as the old hospital site between the City of Kingsville and Nichole Saenz of eXp Realty, LLC, and other documents necessary for such listing 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 _____ 8th day of July, 2024.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



COMMERCIAL REAL ESTATE LISTING AGREEMENT
EXCLUSIVE RIGHT TO SELL

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS®, INC. IS NOT AUTHORIZED.
©Texas Association of REALTORS®, Inc. 2022

1. PARTIES: The parties to this agreement (this Listing) are:

Seller: City Of Kingsville,

Address: North Side of 400 Block East Caesar Ave 9th, Block 24, Lots All and s/2 closed Ragland St
City, State, Zip: Kingsville, TX 78363-6906
Phone: Mobile: Fax or E-Mail:

Broker: eXp Realty, LLC

Address: 9600 Great Hills Trail, STE 150 W
City, State, Zip: Austin, TX 78759
Phone: (361)522-4718 Mobile: (361)522-4718 Fax or E-Mail:

Seller appoints Broker as Seller's sole and exclusive real estate agent and grants to Broker the exclusive right to sell the Property.

2. PROPERTY:

A. "Property" means the following real property in Texas:

Address: North Side of 400 Block East Caesar Ave, 9th, Block 24, Lots All and s/2 closed Ragland St
City: Kingsville County: Kleberg Zip: 78363
Legal Description (Identify exhibit if described on attachment):

B. Except as otherwise provided in this Listing, Broker is to market the Property together with:

- (1) all buildings, improvements, and fixtures;
(2) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, easements and rights-of-way;
(3) Seller's interest in all leases, rents, and security deposits for all or part of the Property;
(4) Seller's interest in all licenses and permits related to the Property;
(5) Seller's interest in all third party warranties or guaranties, if transferable, relating to the Property or any fixtures;
(6) Seller's interest in any trade names, if transferable, used in connection with the Property; and
(7) all Seller's tangible personal property located on the Property that is used in connection with the Property's operations except:

(Describe any exceptions, reservations, or restrictions in Special Provisions or an addendum. If the Property is a condominium, attach Condominium Addendum to Listing (TXR-1401).)

3. LISTING PRICE:

- A. Seller instructs Broker to market the Property at the following sales price: \$ 225,000.00
Two Hundred Twenty-Five Thousand
(Listing Price).
- B. Seller agrees to sell the Property for the Listing Price or any other price acceptable to Seller. Seller will pay all typical closing costs charged to sellers of commercial real estate in Texas (seller's typical closing costs are those set forth in the commercial contract forms published by Texas REALTORS®) except _____

4. TERM:

- A. This Listing begins on July 8, 2024 and ends at 11:59 p.m. on July 1, 2025. Seller may terminate this Listing on notice to Broker any time after September 1, 2024.
- B. If Seller enters into a binding written contract to sell the Property before the date this Listing begins and the contract is binding on the date this Listing begins, this Listing will not commence and will be void.

5. BROKER'S FEE:

- A. Fee: When earned and payable, Seller will pay Broker a fee of:
 (1) 6.000 % of the sales price.
 (2) _____

- B. Earned: Broker's fee is earned when any one of the following occurs during this Listing:
 - (1) Seller sells, exchanges, agrees to sell, or agrees to exchange all or part of the Property to anyone at any price on any terms;
 - (2) Broker individually or in cooperation with another broker procures a buyer ready, willing, and able to buy all or part of the Property at the Listing Price or at any other price acceptable to Seller;
 - (3) Seller grants or agrees to grant to another person an option to purchase all or part of the Property;
 - (4) Seller transfers or agrees to transfer all or part of Seller's interest (stock or shares) in any entity that holds title to all or part of the Property for the purpose of conveying all or part of the Property to another person; or
 - (5) Seller breaches this Listing.
- C. Payable: Once earned, Broker's fee is payable either during this Listing or after it ends at the earlier of:
 - (1) the closing and funding of any sale or exchange of all or part of the Property;
 - (2) Seller's refusal to sell the Property after Broker's Fee has been earned;
 - (3) Seller's breach of this Listing; or
 - (4) at such time as otherwise set forth in this Listing.

Broker's fee is not payable if a sale of the Property does not close or fund as a result of: (i) Seller's failure, without fault of Seller, to deliver to a buyer a deed or a title policy as required by the contract to sell; (ii) loss of ownership due to foreclosure or other legal proceeding; or (iii) Seller's failure to restore the Property, as a result of a casualty loss, to its previous condition by the closing date set forth in a contract for the sale of the Property.

Commercial Listing concerning _____

D. Other Fees:

(1) Lease of Property: If, during this Listing, Broker procures a tenant to lease all or part of the Property and Seller agrees to lease all or part of the Property to the tenant, Seller will pay Broker at the time the lease is executed the fee described below. If, during the term of the lease, the tenant agrees to purchase all or part of the Property, Seller will pay Broker the fee specified in Paragraph 5A in addition to the amount described below.

(a) na % of all base rents to be paid over the term of the lease and the same percentage of the following items to be paid over the term of the lease: expense reimbursements; and na

(b) na

(2) Renewals, Extensions, or Expansions of Property: If, during this Listing or after it ends, Seller renews, extends, or expands the lease, Seller will pay Broker, at the time the renewal, extension, or expansion becomes effective, a fee of:

(a) na % of all base rents to be paid over the term of the renewal or extension and the same percentage of the following items to be paid over the same term: expense reimbursements based on initial amounts na ;

(b) na % of all base rents to be paid over the term of the expansion and the same percentage of the following items to be paid over the same term: expense reimbursements based on initial amounts na ; or

(c) na

In addition to their ordinary meanings, "extensions", "renewals," and "expansions" include new leases for more, less, or different space in the building or complex in which the property is located.

(3) Breach by Buyer Under Contract: If Seller collects earnest money, the sales price, or damages by suit, compromise, settlement or otherwise from a buyer who breaches a contract for the sale of all or part of the Property entered into during this Listing, Seller will pay Broker, after deducting attorney's fees and collection expenses, an amount equal to the lesser of one-half of the amount collected after deductions or the amount of the Broker's Fee stated in Paragraph 5A. Any amount paid under this Paragraph 5D(3) is in addition to any amount that Broker may be entitled to receive for subsequently selling the Property.

(4) Service Providers: If Broker refers Seller or a prospective buyer or tenant to a service provider (e.g., mover, cable company, telecommunications provider, utility, or contractor) Broker may receive a fee from the service provider for the referral. Any referral fee Broker receives under this Paragraph 5D(4) is in addition to any other compensation Broker may receive under this Listing.

(5) Other Fees and/or Reimbursable Expenses: na

Commercial Listing concerning _____

E. Protection Period:

- (1) "Protection period" means that time starting the day after this Listing ends and continuing for _____ days.
- (2) Not later than 10 days after this Listing ends Broker may send Seller written notice specifying the names of persons whose attention Broker has called to the Property during this Listing. If Seller agrees to sell or lease all or part of the Property during the protection period to a person named in the notice or to a relative or business associate of a person named in the notice, Seller will pay Broker, upon the closing of the sale or upon execution of the lease, the amount Broker would have been entitled to receive if this Listing were still in effect.
- (3) "Person" means any person in any capacity whether an individual or entity. "Sell" means any transfer of any interest in the Property whether by agreement or option.
- (4) This Paragraph 5E survives termination of this Listing.

F. County: All amounts payable to Broker are to be paid in cash in Travis County, Texas.

G. Escrow Authorization: Seller authorizes, and Broker may so instruct, any escrow or closing agent authorized to close a transaction for the purchase or acquisition of the Property to collect and disburse to Broker all amounts payable to Broker under this Listing.

NOTICE: Under Chapter 62, Texas Property Code, Broker is entitled to claim a lien against the Property to secure payment of an earned commission.

6. **EXCLUSIONS:**

A. Under a prior listing agreement Seller is obligated to pay another Texas licensed broker a fee if Seller sells or leases all or part of the Property before na07/01/2024 to any of the following persons: na _____ (named exclusions).

B. If Seller enters into a contract to sell or lease all or part of the Property to a named exclusion before the date specified in Paragraph 6A, Seller will not be obligated to pay Broker the fees under Paragraph 5 of this Listing, but Seller will pay Broker, upon the closing of the sale or upon execution of the lease, a fee equal to:

- (1) na % of the sales price if Seller sells the Property;
- (2) na % of all base rents to be paid over the term of the lease if Seller leases the Property and the same percentage of the following items to be paid over the term of the lease: expense reimbursements; na _____ ; and
- (3) _____

C. If Seller enters into a contract to sell or lease all or part of the Property to a named exclusion, Broker will will not assist Seller in negotiating and closing the sale or lease to the named exclusion.

7. **ACCESS TO THE PROPERTY:** Authorizing access to the Property means giving permission to another person to enter the Property, disclosing security codes necessary to enter the Property to such person, and lending a key to the Property to such person. To facilitate the showing and sale of the Property, Seller instructs Broker and Broker's associates to: (i) access the Property at reasonable times; (ii) authorize other brokers, inspectors, appraisers, lenders, engineers, surveyors, and repair persons to enter the Property at reasonable times; and (iii) duplicate keys to facilitate convenient and efficient showings.

Commercial Listing concerning _____

8. **COOPERATION WITH OTHER BROKERS:** Broker will allow other brokers to show the Property to prospective buyers. If the other broker procures a buyer who purchases the Property, Broker will offer to pay the other broker a portion of Broker's fee under Paragraph 5.

9. **INTERMEDIARY:** (Check A or B only.)

A. **Intermediary Status:** Broker may show the Property to interested prospective buyers or tenants who Broker represents. If a prospect who Broker represents offers to buy or lease the Property, Seller authorizes Broker to act as an intermediary and Broker will notify Seller that Broker will service the parties in accordance with one of the following alternatives.

(1) If a prospect who Broker represents is serviced by an associate other than the associate servicing Seller under this Listing, Broker may notify Seller that Broker will: (a) appoint the associate then servicing Seller to communicate with, carry out instructions of, and provide opinions and advice during negotiations to Seller; and (b) appoint the associate then servicing the prospect to the prospect for the same purpose.

(2) If a prospect who Broker represents is serviced by the same associate who is servicing Seller, Broker may notify Seller that Broker will: (a) appoint another associate to communicate with, carry out instructions of, and provide opinions and advice during negotiations to the prospect; and (b) appoint the associate servicing the Seller under this Listing to the Seller for the same purpose.

(3) Broker may notify Seller that Broker will make no appointments as described under this Paragraph 9A and, in such an event, the associate servicing the parties will act solely as Broker's intermediary representative, who may facilitate the transaction but will not render opinions or advice during negotiations to either party.

B. **No Intermediary Status:** Seller agrees that Broker will not show the Property to prospects who Broker represents.

Notice: If Broker acts as an intermediary under Paragraph 9A, Broker and Broker's associates:

- ◆ may not disclose to the prospect that Seller will accept a price less than the asking price unless otherwise instructed in a separate writing by Seller;
- ◆ may not disclose to Seller that the prospect will pay a price greater than the price submitted in a written offer to Seller unless otherwise instructed in a separate writing by the prospect;
- ◆ may not disclose any confidential information or any information Seller or the prospect specifically instructs Broker in writing not to disclose unless otherwise instructed in a separate writing by the respective party or required to disclose the information by the Real Estate License Act or a court order or if the information materially relates to the condition of the property;
- ◆ may not treat a party to the transaction dishonestly; and
- ◆ may not violate the Real Estate License Act.

10. **CONFIDENTIAL INFORMATION:** During this Listing or after it ends, Broker may not knowingly disclose information obtained in confidence from Seller except as authorized by Seller or required by law. Broker may not disclose to Seller any information obtained in confidence regarding any other person Broker represents or may have represented except as required by law.

11. **BROKER'S AUTHORITY:**

A. Broker will use reasonable efforts and act diligently to market the Property for sale, procure a buyer, and negotiate the sale of the Property.

(TXR-1301) 07-8-22 Initialed for Identification by Seller _____, _____ and Broker/Associate _____

Page 5 of 10

Commercial Listing concerning _____

- B. In addition to other authority granted by this Listing, Broker may:
- (1) advertise the Property by means and methods as Broker determines is appropriate in any media, including but not limited to:
 - (a) placing a "For Sale" sign or similar marketing sign on the Property; and
 - (b) creating and placing information about the Property (including interior and exterior photographs or videos):
 - (i) on the Internet on Broker's website and on other websites as Broker determines;
 - (ii) in any advertisements whether in print or electronic media; and
 - (iii) into listing services that may publicize the information on the Internet or by other means;
 - (2) reproduce, display, and distribute information about the Property, including the information described under Paragraph 11B(1), for the purposes of marketing the Property;
 - (3) furnish comparative marketing and sales information about other properties to prospects;
 - (4) disseminate information about the Property to other brokers and prospects, including applicable disclosures, notices, or other information that Seller is required to make under law or a contract;
 - (5) obtain information from any holder of any note secured by a lien on the Property;
 - (6) accept, in trust, any earnest money, option fee, security deposit, or other money related to the purchase or lease of the Property and deliver such money for deposit in accordance with a contract for the sale or lease of the Property;
 - (7) disclose the sales price and terms of a sale or a lease to other brokers, appraisers, other real estate professionals, and any listing services into which information about the Property is placed;
 - (8) place information about this Listing and a transaction for the Property on an electronic platform (an electronic platform is typically an Internet-based system where professionals related to the transaction, such as title companies and lenders, may receive, view, and input information); and
 - (9) advertise that Broker "sold" or "leased" the Property after the closing of a sale or execution of a lease of the Property in which Broker was involved.

NOTICE: Any submission of information to a listing service must be made in accordance with listing service's rules.

- C. Broker is not authorized to execute any document in the name of or on behalf of Seller concerning the Property.
- D. Photographs, videos, and compilations of information submitted to a listing service are the property of the listing service for all purposes.

12. REPRESENTATIONS:

- A. Except as provided otherwise in this Listing, Seller represents that:
- (1) Seller has fee simple title to and peaceable possession of the Property and all its improvements and fixtures thereon, unless rented, and the legal capacity to convey the Property;
 - (2) Seller is not bound by a listing agreement with another broker for the sale, exchange, or lease of the Property that is or will be in effect during this Listing;
 - (3) no person or entity has any right to purchase, lease, or acquire the Property by an option, right of refusal, or other agreement;
 - (4) there are no delinquencies or defaults under any deed of trust, mortgage, or other encumbrance on the Property;
 - (5) the Property is not subject to the jurisdiction of any court;
 - (6) Seller owns sufficient intellectual property rights in any materials which Seller provides to Broker related to the Property (for example, brochures, photographs, drawings, or articles) to permit Broker to reproduce and distribute such materials for the purposes of marketing the Property or for other purposes related to this agreement; and
 - (7) all information relating to the Property Seller provides to Broker is true and correct to the best of Seller's knowledge.

(TXR-1301) 07-8-22 Initialed for Identification by Seller _____, _____ and Broker/Associate _____

Page 6 of 10

Commercial Listing concerning

B. Seller and Broker must disclose any known material defect in the Property to a prospective buyer.
(Check only one box.)

(1) Seller is not aware of any material defects to the Property except as stated in the attached Commercial Property Condition Statement (TXR-1408). Seller authorizes Broker to furnish prospective buyers and other brokers with a copy of the Commercial Property Condition Statement (TXR-1408).

(2) Except as otherwise provided in this Listing, Seller is not aware of:

- (a) any subsurface: structures, pits, wastes, springs, or improvements;
- (b) any pending or threatened litigation, condemnation, or assessment affecting the Property;
- (c) any environmental hazards or conditions that materially affect the Property;
- (d) whether the Property is or has ever been used for the storage or disposal of hazardous materials or toxic waste, a dump site or landfill, or any underground tanks or containers;
- (e) whether radon, asbestos containing materials, urea-formaldehyde foam insulation, lead-based paint, toxic mold (to the extent that it adversely affects the health of ordinary occupants) or other pollutants or contaminants of any nature now exist or have ever existed on the Property;
- (f) any wetlands, as defined by federal or state law or regulation, on the Property;
- (g) any threatened or endangered species or their habitat on the Property;
- (h) any present or past infestation of wood-destroying insects in the Property's improvements;
- (i) any contemplated material changes to the Property or surrounding area that would materially and detrimentally affect the ordinary use of the Property;
- (j) any material physical defects in the improvements on the Property; or
- (k) any condition on the Property that violates any law or ordinance.

(List any exceptions to (a)-(k) in Special Provisions or an addendum.)

C. PID: The Property is in the following Property Improvement District: _____

D. Other Taxing Districts: The Property is in the following special taxing district (MUD, WCID, MMD, etc.): _____

13. SELLER'S ADDITIONAL PROMISES: Seller agrees to:

- A. cooperate with Broker to facilitate the showing and marketing of the Property;
- B. not negotiate with any prospective buyer who may contact Seller directly, but refer all prospective buyers to Broker;
- C. not enter into a listing agreement with another Broker for the sale or exchange of the Property to become effective during this Listing;
- D. not enter into a listing agreement for the lease of all or part of the Property with another broker to become effective during this Listing without Broker's written permission;
- E. provide Broker with copies of the following, if any, relating to the Property: a current rent roll, all leases including any amendments, architectural plans and drawings, renderings, survey, a current operating statement, environmental inspection reports, engineering reports, and other relevant information that Broker may request during this Listing;
- F. advise Broker of any tenants moving in or out of the Property;
- G. complete any disclosures or notices required by law or a contract to sell the Property;
- H. amend any applicable notices and disclosures if any material change occurs during this Listing; and
- I. at Seller's expense, remove from the Property all:
 - (1) "For Sale" (or similarly worded) signs other than Broker's signs;
 - (2) "For Lease" (or similarly worded) signs from the Property unless the Property is listed for lease with another broker; and
 - (3) "For Information" (or similarly worded) signs other than Broker's signs.

14. LIMITATION OF LIABILITY:

- A. If the Property is or becomes vacant during this Listing, Seller must notify Seller's casualty insurance company and request a "vacancy clause" to cover the Property. Broker is not responsible for the security of the Property nor for inspecting the Property on any periodic basis.
- B. Broker is not responsible or liable in any manner for personal injury to any person or for loss or damage to any person's real or personal property resulting from any act or omission not caused by Broker, including but not limited to injuries or losses caused by:
 - (1) other brokers, inspectors, appraisers, lenders, contractors, surveyors, engineers, and other persons who are authorized to access the Property;
 - (2) acts of third parties (for example, vandalism or theft);
 - (3) freezing or broken water pipes;
 - (4) a dangerous condition on the Property; and
 - (5) the Property's non-compliance with any law or ordinance.
- C. Seller agrees to indemnify and hold Broker and Broker's associates harmless from any damages, costs, attorney's fees, and expenses:
 - (1) that arise from Seller's failure to disclose any material information about the Property;
 - (2) that are caused by Seller giving incorrect information to Broker, other brokers, or prospects;
 - (3) that arise from any claim for misuse of intellectual property in any materials or information that Seller provided to Broker related to the Property or this agreement; or
 - (4) that are otherwise caused by Seller or Seller's negligence.

15. SPECIAL PROVISIONS:

- 16. DEFAULT:** If Seller breaches this Listing, Seller is in default and will be liable to Broker for the amount of Broker's fee specified in Paragraph 5A and any other fees Broker is entitled to receive under this Listing; Broker may also terminate this Listing and exercise any other remedy at law. If a sales price is not determinable in the event of an exchange or breach of this Listing, the Listing Price will be the sales price for the purpose of calculating Broker's fee. If Broker breaches this Listing, Broker is in default and Seller may exercise any remedy at law.
- 17. MEDIATION:** The parties agree to negotiate in good faith in an effort to resolve any dispute that may arise between the parties. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation. The parties to the dispute will choose a mutually acceptable mediator and will share the costs of mediation equally.
- 18. ATTORNEY'S FEES:** If Seller or Broker is a prevailing party in any legal proceeding brought as a result of a dispute under this Listing or any transaction related to or contemplated by this Listing, such party may recover from the non-prevailing party all costs of such proceeding and reasonable attorney's fees.

(TXR-1301) 07-8-22 Initialed for Identification by Seller _____, _____ and Broker/Associate _____

Page 8 of 10

19. ADDENDA: Addenda or information that are part of this Listing are:

- A. Information About Brokerage Services (TXR-2501)
- B. Property Description Exhibit identified in Paragraph 2
- C. Condominium Addendum to Listing (TXR-1401)
- D. Commercial Property Condition Statement (TXR-1408)
- E. Information About On-Site Sewer Facility(TXR-1407)
- F. Information about Special Flood Hazard Areas (TXR-1414)
- G. _____
- H. _____

20. AGREEMENT OF THE PARTIES:

- A. Entire Agreement: This Listing is the entire agreement of the parties and may not be changed except by written agreement.
- B. Assignability: Neither party may assign this Listing without the written consent of the other party.
- C. Binding Effect: Seller's obligations to pay Broker an earned fee is binding upon Seller and Seller's heirs, administrators, executors, successors, and permitted assigns.
- D. Joint and Several: All Sellers executing this Listing are jointly and severally liable for the performance of all its terms.
- E. Governing Law: Texas law governs the interpretation, validity, performance, and enforcement of this Listing.
- F. Severability: If a court finds any clause in this Listing invalid or unenforceable, the remainder of this Listing will not be affected and all other provisions of this Listing will remain valid and enforceable.
- G. Partial Sales or Leases: If Seller sells or leases part of the Property before the date this Listing ends, this Listing will continue for the remaining part of the Property through the term of this Listing.
- H. Notices: Notices between the parties must be in writing and are effective when sent to the receiving party's address, fax, or e-mail specified in Paragraph 1.

21. ADDITIONAL NOTICES:

- A. **Broker's fees or the sharing of fees between brokers are not fixed, controlled, recommended, suggested, or maintained by Texas REALTORS®, its local affiliates, or any listing service. Broker's fees are negotiable.**
- B. **The Property must be shown and made available to all persons without regard to race, color, religion, national origin, sex, disability, or familial status. Local ordinances and the National Association of REALTORS® Code of Ethics may provide for additional protected classes (e.g., creed, status as a student, marital status, sexual orientation, or age).**
- C. **If the Property contains a residential dwelling built before 1978, federal law requires the Seller to: (1) provide the buyer with the promulgated lead hazard information pamphlet (TXR-2511); and (2) disclose the presence of any known lead-based paint or lead-based paint hazards.**

Commercial Listing concerning North Side of 400 Block East Caesar Ave, 9th, Block 24, Lots All and s/2 closed Ragland St
Kingsville, TX 78363

D. Broker cannot give legal advice. This is a legally binding agreement. READ IT CAREFULLY. If you do not understand the effect of this Listing, consult your attorney BEFORE signing.

Seller: City Of Kingsville,

Broker:

Broker / Company Name: eXp Realty, LLC

By: _____

License No. 603392

By (signature): _____

By (signature): _____

Printed Name: _____

Printed Name: Nichole Saenz

Title: _____ Date: _____

Title: Listing Agent License No. 694958

Date: 07/01/2024

By: _____

By (signature): _____

Printed Name: _____

Title: _____ Date: _____



NOTICE OF INFORMATION FROM OTHER SOURCES

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To: City Of Kingsville

From: eXp Realty, LLC (Broker)
North Side of 400 Block East Caesar Ave, 9th, Block 24, Lots All and s/2 closed
Property Address: Ragland St, Kingsville, TX 78363

Date: July 8, 2024

(1) Broker obtained the attached information, identified as Square footage, legal description, year built, lot size, tax rate information
from Kleberg CAD website

(2) Broker has relied on the attached information and does not know and has no reason to know that the information is false or inaccurate except: _____

(3) **Broker does not warrant or guarantee the accuracy of the attached information. Do not rely on the attached information without verifying its accuracy.**

eXp Realty, LLC
Broker

By: Nichole Saenz

Receipt of this notice is acknowledged by:

Signature _____ Date _____
City Of Kingsville

Signature _____ Date _____



INFORMATION ABOUT SPECIAL FLOOD HAZARD AREAS

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North Side of 400 Block East Caesar Ave, 9th, Block 24, Lots All and s/2 closed Ragland St

CONCERNING THE PROPERTY AT

Kingsville, TX 78363

A. FLOOD AREAS:

- (1) The Federal Emergency Management Agency (FEMA) designates areas that have a high risk of flooding as special flood hazard areas.
- (2) A property that is in a special flood hazard area is designated on flood insurance rate maps with a zone beginning in a "V" or "A". Both V-Zone and A-Zone areas indicate a high risk of flooding.
- (3) Some properties may also lie in the "floodway" which is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a flood under FEMA rules. Communities must regulate development in these floodways.

B. AVAILABILITY OF FLOOD INSURANCE:

- (1) Generally, flood insurance is available regardless of whether the property is located in or out of a special flood hazard area. Contact your insurance agent to determine if any limitations or restrictions apply to the property in which you are interested.
- (2) FEMA encourages every property owner to purchase flood insurance regardless of whether the property is in a high, moderate, or low risk flood area.
- (3) A homeowner may obtain flood insurance coverage (up to certain limits) through the National Flood Insurance Program. Supplemental coverage is available through private insurance carriers.
- (4) A mortgage lender making a federally related mortgage will require the borrower to maintain flood insurance if the property is in a special flood hazard area.

C. GROUND FLOOR REQUIREMENTS:

- (1) Many homes in special flood hazard areas are built-up or are elevated. In elevated homes the ground floor typically lies below the base flood elevation and the first floor is elevated on piers, columns, posts, or piles. The base flood elevation is the highest level at which a flood is likely to occur as shown on flood insurance rate maps.
- (2) Federal, state, county, and city regulations:
 - (a) restrict the use and construction of any ground floor enclosures in elevated homes that are in special flood hazard areas.
 - (b) may prohibit or restrict the remodeling, rebuilding, and redevelopment of property and improvements in the floodway.
- (3) The first floor of all homes must now be built above the base flood elevation.
 - (a) Older homes may have been built in compliance with applicable regulations at the time of construction and may have first floors that lie below the base flood elevation, but flood insurance rates for such homes may be significant.

(TXR 1414) 10-19-2021

Page 1 of 3

Information about Special Flood Hazard Areas concerning

Kingsville, TX 78363

- (b) It is possible that modifications were made to a ground floor enclosure after a home was first built. The modifications may or may not comply with applicable regulations and may or may not affect flood insurance rates.
- (c) It is important for a buyer to determine if the first floor of a home is elevated at or above the base flood elevation. It is also important for a buyer to determine if the property lies in a floodway.
- (4) Ground floor enclosures that lie below the base flood elevation may be used only for: (i) parking; (ii) storage; and (iii) building access. Plumbing, mechanical, or electrical items in ground floor enclosures that lie below the base flood elevation may be prohibited or restricted and may not be eligible for flood insurance coverage. Additionally:
 - (a) in A-Zones, the ground floor enclosures below the base flood elevation must have flow-through vents or openings that permit the automatic entry and exit of floodwaters:
 - (b) in V-Zones, the ground floor enclosures must have break-away walls, screening, or lattice walls; and
 - (c) in floodways, the remodeling or reconstruction of any improvements may be prohibited or otherwise restricted.

D. COMPLIANCE:

- (1) The above-referenced property may or may not comply with regulations affecting ground floor enclosures below the base flood elevation.
- (2) A property owner's eligibility to purchase or maintain flood insurance, as well as the cost of the flood insurance, is dependent on whether the property complies with the regulations affecting ground floor enclosures.
- (3) A purchaser or property owner may be required to remove or modify a ground floor enclosure that is not in compliance with city or county building requirements or is not entitled to an exemption from such requirements.
- (4) A flood insurance policy maintained by the current property owner does not mean that the property is in compliance with the regulations affecting ground floor enclosures or that the buyer will be able to continue to maintain flood insurance at the same rate.
- (5) Insurance carriers calculate the cost of flood insurance using a rate that is based on the elevation of the lowest floor.
 - (a) If the ground floor lies below the base flood elevation and does not meet federal, state, county, and city requirements, the ground floor will be the lowest floor for the purpose of computing the rate.
 - (b) If the property is in compliance, the first elevated floor will be the lowest floor and the insurance rate will be significantly less than the rate for a property that is not in compliance.
 - (c) If the property lies in a V-Zone the flood insurance rate will be impacted if a ground floor enclosure below the base flood elevation exceeds 299 square feet (even if constructed with break-away walls).

Information about Special Flood Hazard Areas concerning

Kingsville, TX 78363

E. ELEVATION CERTIFICATE:

The elevation certificate is an important tool in determining flood insurance rates. It is used to provide elevation information that is necessary to ensure compliance with floodplain management laws. To determine the proper insurance premium rate, insurers rely on an elevation certificate to certify building elevations at an acceptable level above flood map levels. If available in your area, it is recommended that you obtain an elevation certificate for the property as soon as possible to accurately determine future flood insurance rates.

You are encouraged to: (1) inspect the property for all purposes, including compliance with any ground floor enclosure requirement; (2) review the flood insurance policy (costs and coverage) with your insurance agent; and (3) contact the building permitting authority if you have any questions about building requirements or compliance issues.

Receipt acknowledged by:

Signature
City Of Kingsville

Date

Signature

Date

(TXR 1414) 10-19-2021

Page 3 of 3



**AUTHORIZATION TO FURNISH
TILA-RESPA INTEGRATED DISCLOSURES**

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To: Lender, Title Company, Escrow Agent, and/or their representatives

RE: North Side of 400 Block East Caesar Ave, 9th, Block 24, Lots All and s/2 closed Ragland St, Kingsville, TX 78363 (Property)

I, City Of Kingsville Seller Buyer, have entered into an exclusive listing/representation agreement with the following Broker:

Name of Broker: eXp Realty, LLC
TREC License Number: 603392
Address: 9600 Great Hills Trail, STE 150 W
City, State, Zip: Austin, TX, 78759
Phone: (361)522-4718 Fax: _____
E-Mail: nichole694958@gmail.com
Name of Broker's authorized agent, if applicable: Nichole Saenz
TREC License Number of Broker's authorized agent, if applicable: 694958

I hereby authorize you to disclose and furnish a copy of any and all loan estimates, closing disclosures or other settlement statements provided in relation to the closing of the real estate transaction involving the Property, to the above-named Broker or Broker's authorized agent.

Signature of Client Date
City Of Kingsville

Signature of Client Date



AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE STATEMENT

TO: Consumer(s)
FROM: eXp Realty
PROPERTY: _____
DATE: _____

This is to give you notice that eXp World Holdings, Inc., the parent corporation of each of those subsidiaries comprising the eXp Realty® brand of real estate brokerage companies¹ (hereinafter collectively referred to as “eXp Realty”), has a business relationship with the following companies listed below:

- **SUCCESS Lending, LLC (“SUCCESS Lending”)** for mortgage loan financing: eXp Realty has an indirect ownership interest in SUCCESS Lending and a business relationship with Kind Partners, LLC, a wholly owned subsidiary of Kind Lending, LLC (hereinafter collectively referred to as “Kind”). eXp World Holdings, Inc.’s wholly owned subsidiary, SUCCESS World Holdings, LLC, owns 50% of SUCCESS Lending. Kind also owns 50% of SUCCESS Lending. Because of this relationship, a referral to SUCCESS Lending may provide eXp Realty and Kind, and its and their owners, affiliates, and employees, with a financial or other benefit.
- eXp Realty has a business relationship with, but no ownership interest in, America’s Preferred Home Warranty, Inc. (home warranty services), Transactly, Inc. (real estate transaction coordination services), and SkySlope, Inc. (real estate transaction coordination services). Because of these relationships, eXp Realty, and its owners, affiliates, and employees may receive financial or other benefits

Set forth below is the estimated charge or range of charges for the settlement services listed. You are NOT required to use the listed providers as a condition for the settlement of your loan, or purchase, sale, financing or refinance of the subject property. **THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.**

COMPANY	ESTIMATED CHARGE OR RANGE OF CHARGES
<p>SUCCESS LENDING, LLC</p> <p>This company provides various real estate mortgage loan origination activities either as a third-party originator or a mortgage broker, including loan pre-qualification, loan origination, loan pre-approval, loan structuring, processing and closing.</p> <p>The estimated charges for the settlement services provided by SUCCESS Lending are detailed on the</p>	<p>Loan Discount Fee/points¹: 0-4.00% of loan amount Administrative Fee²: \$1,250.00 Flood Fee: \$7.00 Tax Service: \$86.00 Appraisal Fee: \$525.00 Credit Report Fee: \$32.00 per borrower, unless married co-borrowers in which event it is an aggregate total of \$32.00; \$32.00 per borrower for each repulled credit report.</p> <p>Actual charges may vary according to the particular lender, settlement service product selected, the particular circumstances of the underlying transaction, the state where the property is located, borrower elections, etc. Some or all of these fees may be charged by third-parties.</p>

¹ eXp Realty, LLC (in all states except those that follow); eXp Realty of California, Inc. (in California); eXp Realty of Northern California, Inc. (in northern California); eXp Realty of Greater Los Angeles, Inc. (in central California); eXp Realty of Southern California, Inc. (in southern California); eXp Realty North, LLC (in N. Dakota, Minnesota, and portions of New York, except as further qualified); eXp Realty of Connecticut, LLC (in Connecticut, and Brooklyn, New York); and eXp Realty Associates, LLC (in Brooklyn, mid-town, and downtown, New York City).



COMPANY	ESTIMATED CHARGE OR RANGE OF CHARGES
Good Faith Estimate being provided to you by your loan officer.	<p>¹ The loan discount fee/points are affected by the note rate. Depending upon market conditions, the loan discount fee/points may be higher to adjust for below-market rates.</p> <p>² There are other charges imposed in connection with mortgage loans. In addition, a lender may require the use of other service providers, including but not limited to any attorney, credit reporting agency or real estate appraiser chosen to represent the lender's interest. If you apply to any of these companies for a loan, you will receive additional information regarding anticipated charges.</p>

ACKNOWLEDGMENT OF RECEIPT OF DISCLOSURE

I/we have read this disclosure form, and understand that eXp Realty is referring me/us to purchase the above-described settlement service(s) and may receive a financial or other benefit as the result of this referral.

Consumer 1:

Consumer 2:

Signature

Signature

Print Name

Print Name

Date

Date

(For Colorado Residents Only): This form has not been approved by the Colorado Real Estate Commission.

**THE TEXAS REAL ESTATE COMMISSION (TREC) REGULATES
REAL ESTATE BROKERS AND SALES AGENTS, REAL ESTATE INSPECTORS,
HOME WARRANTY COMPANIES, EASEMENT AND RIGHT-OF-WAY AGENTS,
AND TIMESHARE INTEREST PROVIDERS**

**YOU CAN FIND MORE INFORMATION AND
CHECK THE STATUS OF A LICENSE HOLDER AT**

WWW.TREC.TEXAS.GOV

**YOU CAN SEND A COMPLAINT AGAINST A LICENSE HOLDER TO TREC
A COMPLAINT FORM IS AVAILABLE ON THE TREC WEBSITE**

**TREC ADMINISTERS THE REAL ESTATE RECOVERY TRUST ACCOUNT WHICH MAY BE USED
TO SATISFY A CIVIL COURT JUDGMENT AGAINST A BROKER, SALES AGENT, OR
EASEMENT OR RIGHT-OF-WAY AGENT, IF CERTAIN REQUIREMENTS ARE MET.**

**REAL ESTATE INSPECTORS ARE REQUIRED TO MAINTAIN ERRORS AND OMISSIONS
INSURANCE TO COVER LOSSES ARISING FROM THE PERFORMANCE OF A REAL ESTATE
INSPECTION IN A NEGLIGENT OR INCOMPETENT MANNER.**

**PLEASE NOTE: INSPECTORS MAY LIMIT LIABILITY THROUGH PROVISIONS IN THE CONTRACT
OR INSPECTION AGREEMENT BETWEEN THE INSPECTOR AND THEIR CLIENTS. PLEASE BE
SURE TO READ ANY CONTRACT OR AGREEMENT CAREFULLY. IF YOU DO NOT UNDERSTAND
ANY TERMS OR PROVISIONS, CONSULT AN ATTORNEY.**

**IF YOU HAVE QUESTIONS OR ISSUES ABOUT THE ACTIVITIES OF
A LICENSE HOLDER, THE COMPLAINT PROCESS, OR THE
RECOVERY FUNDS, PLEASE VISIT THE WEBSITE OR CONTACT TREC AT**



TEXAS REAL ESTATE COMMISSION

P.O. BOX 12188

AUSTIN, TEXAS 78711-2188

(512) 936-3000

CN 1-5
TXR 2503



GENERAL INFORMATION AND NOTICE TO BUYERS AND SELLERS

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Be an informed seller or buyer. The following information may assist you during your real estate transaction.

ANNEXATION. If a property is outside the limits of a municipality, the buyer should be aware that the property may later be annexed by a nearby municipality. The buyer may find information on the boundaries of nearby municipalities by contacting the municipalities directly.

APPRAISAL. An appraisal is a valuation of the property. An appraiser renders an estimate of value as of a certain date under assumptions and conditions stated in the appraisal report. Typically, a buyer's lender requires an appraisal to verify that the loan is secured by property that is worth a certain amount. An appraisal is not the same as an inspection.

BROKERS. A real estate broker *represents* a party (buyer or seller) in a real estate transaction or may act as an intermediary between the parties. A party may work with the broker or with one of the broker's agents. Both a buyer and seller will be provided a form titled "Information About Brokerage Services" (TXR 2501) which defines agency relationships. An agent may help a seller market the property or help a buyer locate a property. The agent is obligated to *negotiate* the transaction and may assist in gathering information and may coordinate many details in the transaction. Brokers and agents are not inspectors. They do not possess the expertise to conduct inspections and therefore do not make any representations, warranties, or guarantees about a property's condition. Agents are not attorneys. Parties are encouraged to seek the assistance of an attorney to help in understanding any of the legal consequences and provisions of the contract or transaction.

ENVIRONMENTAL CONCERNS.

General. Over the years the market has identified environmental conditions that buyers should know may exist. Environmental hazards include, but are not limited to, conditions such as: asbestos, lead-based paint, mold, pesticides, radon gas, toxic waste, underground storage tanks, urea-formaldehyde insulation, and other pollutants. Wetlands or endangered species on the property may restrict the use of the property.

Environmental Inspections. If the buyer is concerned that environmental hazards, wetlands, or endangered species may be present on the property, the buyer should hire a qualified expert to inspect the property for such items. The parties may include a promulgated addendum (TXR 1917) in the contract that may address such matters.

Lead-Based Paint. If a property was built before 1978, federal law requires that the seller provide the buyer with: (1) the pamphlet titled "Protect Your Family from Lead in Your Home" (TXR 2511); (2) the records and reports the seller has concerning lead-based paint or hazards; and (3) an opportunity to have the property inspected for lead-based paint or hazards.

Mold. It is not uncommon to find mold spores in a property. The concern about mold increases when there are large amounts of mold found in a property. The Texas Department of Insurance publishes a document titled "Protect Your Home from Mold" (TXR 2507) which discusses mold in more detail.

Oak Wilt and Diseased Trees. There are diseases such as oak wilt and other conditions that may affect trees and other plants. Oak wilt is a fungus that affects certain oak trees. If the buyer is concerned about such matters, the buyer may have the trees and other plants inspected by a professional.

Noise. Surrounding properties are used for a variety of purposes. Some of the uses cause noise (for example, airports, railways, highways, restaurants, bars, schools, arenas and construction). The buyer is encouraged to drive to review the area around the property at various times and days.

EXPANSIVE SOILS. Soil conditions vary greatly throughout Texas. Many soils will move; some more than others. This movement will, many times, affect the foundation of homes and buildings and may cause cracks to appear in walls or other parts of the building. Additionally, if a property is newly constructed, the concrete curing process may also cause the foundation of the building to move. Seasonal changes in the moisture in the soil may also cause foundations to move. The buyer should check with an inspector and other experts on preventive methods to minimize the risk of such movement.

FIRPTA. The Foreign Investment in Real Property Tax Act of 1980 (FIRPTA) may require buyers in certain transactions involving a seller who qualifies as a "foreign person" to withhold up to 15% of the amount realized by the seller (usually the sales price) for federal taxes. A "foreign person" is defined as a: (1) nonresident alien individual; (2) foreign corporation that has not made an election under section 897(i) of the Internal Revenue Code to be treated as a domestic corporation; or (3) foreign partnership, trust, or estate. The definition does not include a resident alien individual. A seller should notify the buyer whether the seller is a "foreign person" as defined by federal law. If the seller is unsure whether he or she qualifies as a "foreign person", the seller should consult a tax professional or an attorney.

FLOOD HAZARD, FLOODWAYS, AND FLOOD INSURANCE. Many properties are in flood hazard areas. Lenders who make loans on properties located in special flood hazard areas typically require the owner to maintain flood insurance. Additionally, some properties may lie in the floodway. Texas REALTORS® publishes a form titled, "Information about Special Flood Hazard Areas" (TXR 1414), which discusses flood hazard areas and floodways in more detail. The buyer is encouraged to buy flood insurance regardless of whether the property is in a high, moderate, or low risk flood area.

HISTORIC OR CONSERVATION DISTRICTS. Properties located in historic or conservation districts may have restrictions on use and architecture of the properties. Local governments may create historic or conservation districts for the preservation of certain architectural appeal. A property owner may or may not be aware if the property is located in such a district. If the buyer is concerned whether the property is located in such a district, contact the local government for specific information.

INSPECTION, REPAIRS, & WALK-THROUGH.

Inspections. The buyer is encouraged to have the property inspected by licensed inspectors. The buyer should have the inspections completed during any option period. The buyer should accompany the inspectors during the inspections and ask the inspectors any questions. Brokers and agents do not possess any special skills, knowledge or expertise concerning inspections or repairs. If the buyer requests names of inspectors or repair professionals from an agent, the buyer should note that the agent is not making any representation or warranty as to the ability or workmanship of the inspector or repair professionals.

Repairs. The buyer and the seller should resolve, in writing, any obligation and any timing of the obligation to complete repairs the buyer may request before the option period expires.

Walk-Through. Before the close of the sale, the buyer should walk through the property and verify that any repairs are complete. If the condition of the property does not satisfy the contractual provisions, the buyer should notify the buyer's agent before closing.

MANDATORY OWNERS' ASSOCIATIONS. An owners' association may require a property owner to be a member. The buyer may obtain subdivision information (the restrictions applying to the subdivision, the bylaws and rules of the owners' association, and a resale certificate). The buyer may be required to pay for the subdivision information unless otherwise negotiated in the contract. If membership in an owners' association is required, the buyer will probably be obligated to pay periodic dues or assessments. Failure to pay such dues could result in a lien on and foreclosure of the property.

MINERAL INTERESTS. Determining who owns the mineral interests under a property (for example, rights to oil and gas interests) normally requires an expert to review the chain of title to the property. Many times the mineral interests may have been severed from the property and may be owned by persons other than the seller. Contract forms commonly used in Texas provide that the seller's interest, if any, in the mineral interests convey to the buyer as part of the property. However, a seller may wish to retain all or part of the mineral interests. Texas REALTORS® publishes a form titled "Information about Mineral Clauses in Contract Forms" (TXR 2509) which discusses this issue in more detail.

(TXR-1506) 04-26-21

Page 2 of 5

MULTIPLE LISTING SERVICE. The Multiple Listing Service (MLS) is a database and cooperative tool between brokers. Agents who use the MLS must comply with the MLS's rules. The listing agent is required to timely report the current status of a listing, including when the property is sold or leased or is no longer available, as well as the sales price. Subscribers (other brokers, agents, appraisers, and other real estate professionals) and appraisal districts have access to the information for market evaluation purposes. Much of the information in the MLS, such as square footage, assessed value, taxes, school boundaries, and year built is obtained from different sources such as the county appraisal district, an appraiser, or builder. The broker or agent who provides information from the MLS does not verify the accuracy of the information. The buyer should independently verify the information in the MLS and not rely on the information.

PERMITS. Permits may be required to construct, alter, repair, or improve the property. The buyer is encouraged to contact the local government to verify that all required permits have been obtained, as this may impact future plans for the property.

POSSESSION. Most contracts provide that the seller will deliver possession of the property to the buyer at the time the sale *closes and funds or according to a temporary residential lease or other written lease required by the parties*. There may be a short delay between closing and actual funding; especially if the buyer is obtaining funds from a lender. The buyer may need to verify with the lender if the loan will fund on the day of closing. The buyer should also take this potential delay into account when planning the move into the property. Any possession by the buyer before the sale closes and funds (or by the seller after the sale closes and funds) must be authorized by a written lease.

PROPERTY INSURANCE. Promptly after entering into a contract to buy a property and before any option period expires, the buyer should contact an insurance agent to determine the availability and affordability of insurance for the property. There are numerous variables that an insurance company will evaluate when offering insurance at certain coverage levels and at certain prices. Most lenders require that the property be insured in an amount not less than the loan amount. The failure to obtain property insurance before closing may delay the transaction or cause it to end. Texas REALTORS® publishes a document titled, "Information about Property Insurance for a Buyer or Seller" (TXR 2508), which discusses property insurance in more detail.

PROPERTY VALUES. The real estate market is cyclical and current property values may fluctuate. Brokers and agents cannot guarantee desired future market conditions or property values. The ultimate decision on the price and terms a Buyer is willing to buy and a Seller is willing to sell for a specific property rests solely with that Buyer and Seller.

RESIDENTIAL SERVICE CONTRACTS. A residential service contract is a product under which a residential service company, for an annual fee, agrees to repair or replace certain equipment or items in a property (for example, covered appliances, air conditioning and heating systems, and plumbing systems). Co-payments typically apply to most service calls. If the buyer requests names of residential service companies from an agent, the buyer should note that the agent is not making any representation or warranty about the service company.

RESTRICTIONS ON PROPERTY NEAR AN INTERNATIONAL BORDER. Be aware that in certain counties located near an international border, Texas law may prohibit the sale of property lacking required water and sewer services. Even if a sale of such property is permitted, a buyer may face additional costs or restrictions under Texas law due to a lack of basic infrastructure (water, sewer, roads, and drainage). Texas REALTORS® publishes a form titled, "Information Regarding Property Near an International Border" (TXR 2519), which provides more information. Brokers and agents cannot guarantee that a sale of the property is permitted under Texas law or otherwise give legal advice. Consult an attorney.

SCHOOL BOUNDARIES. School boundaries may change and are, at times, difficult to determine. The school boundaries that an agent may provide or that may be provided through a Multiple Listing Service are only mapped estimates from other sources. The buyer is encouraged to verify with the school district which schools residents in the property will attend.

(TXR-1506) 04-26-21

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SEPTIC TANKS AND ON-SITE SEWER FACILITIES. Many properties have septic tanks or other on-site sewer facilities. There are several types of such systems. Special maintenance requirements may apply to certain systems. Please refer to a document titled, "Information about On-Site Sewer Facility" (TXR 1407) for more information. The buyer should also determine if the county requires any registration or other action to begin using the septic system or on-site sewer facility.

SEX OFFENDERS AND CRIMINAL ACTIVITY. Neither a seller nor a seller's agent of a residential property has a duty to disclose any information about registered sex offenders. If the buyer is concerned about sex offenders who may reside in the area, access <https://publicsite.dps.texas.gov/SexOffenderRegistry>. Contact the local police department to obtain information about any criminal activity in the area.

SQUARE FOOTAGE. If the purchase price is based on the size of the property's building and structures, the buyer should have any information the buyer receives about the square footage independently verified. Square footage information comes from other sources such as appraisal districts, appraisers, and builders. Such information is only an estimate. The actual square footage may vary.

STATUTORY TAX DISTRICTS. The property may be located in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services (for example a Municipal Utility District, Water Improvement District, or a Public Improvement District). The buyer is likely to receive a prescribed notice when buying property in such a district.

SURVEILLANCE. Be aware that when viewing a property, a seller might record or otherwise electronically monitor a buyer without the buyer's knowledge or consent, and a buyer might photograph or otherwise record the property without the seller's knowledge or consent. The parties should consult an attorney before recording or photographing another person or property.

SURVEY. A survey identifies the location of boundaries, major improvements, fence lines, drives, encroachments, easements, and other items on the property. The buyer should obtain a survey early enough in the transaction to help the buyer identify any encroachments, encumbrances to title, or restrictions. The contract will typically contain a provision which identifies who is responsible for providing a survey and the right to object to encumbrances to title disclosed in the survey.

SYNTHETIC STUCCO. Synthetic stucco (sometimes known as EIFS) is an exterior siding product that was placed on some properties in the recent past. If the product was not properly installed, it has been known to cause damage to the structure (such as wood rot and moisture). If the property has synthetic stucco, the buyer should ask an inspector to carefully inspect the siding and answer any questions.

TAX PRORATIONS. Typically, a buyer and seller agree to prorate a property's taxes through the closing date. Property taxes are due and payable at the end of each calendar year. The escrow agent will estimate, at closing, the taxes for the current year. If the seller is qualified for tax exemptions (for example, homestead, agricultural, or over-65 exemption), such exemptions may or may not apply after closing. After closing the taxes may increase because the exemptions may no longer apply. When buying new construction, the taxes at closing may be prorated based on the land value only and will later increase when the appraisal district includes the value of the new improvements. The actual taxes due, therefore, at the end of the year and in subsequent years may be different from the estimates used at closing.

TERMINATION OPTION. Most contract forms contain an option clause which provides the buyer with an unrestricted right to terminate the contract. Most buyers choose to buy the termination option. The buyer will be required to pay for the termination option in advance. The option fee is negotiable. Most buyers will conduct many of their reviews, inspections, and other due diligence during the option period. The buyer must strictly comply with the time period under the option. The option period is not suspended or extended if the buyer and the seller negotiate repairs or an amendment. If the buyer wants to extend the option period, the buyer must negotiate an extension separately, obtain the extension in writing, and pay an additional fee for the extension. The buyer should not rely on any oral extensions.

TIDE WATERS. If the property adjoins any of the state's tidal waters, the seller will provide the buyer with a prescribed notice titled, "Addendum for Coastal Area Notice" (TXR 1915). Boundaries of properties along such waters may change and building restrictions will apply. If the property is located seaward of the Gulf Intracoastal Waterway, the seller will provide the buyer with a prescribed notice titled, "Addendum for Property Located Seaward of the Gulf Intracoastal Waterway" (TXR 1916).

TITLE INSURANCE OR ABSTRACT OF TITLE. The buyer should obtain a title insurance policy or have an abstract of title covering the property examined by an attorney. If the buyer obtains a title insurance policy, the buyer should have the commitment of title insurance reviewed by an attorney not later than the time required under the contract.

UTILITIES. The buyer should evaluate what utilities the buyer will require and check to be sure that the utilities available in the area suit the buyer's needs. Some structures may or may not have utilities and electrical facilities to support many modern appliances or equipment.

WATER LEVEL FLUCTUATIONS. State law requires the seller to notify a buyer of a property that adjoins a lake, reservoir, or other impoundment of water with a storage capacity of at least 5,000 acre-feet at its normal operating level that the water level may fluctuate. The buyer and seller can find a list of lakes and reservoirs with at least 5,000 acre-feet storage capacity by accessing <http://texasalmanac.com/topics/environment/lakes-and-reservoirs>.

WATER WELLS. If the property has a water well, the buyer should have, and the lender may require, the equipment inspected and water tested. The buyer should also determine if the county requires any registration or other action to begin using the water well.

WIRE FRAUD. Criminals are targeting real estate transactions by gaining access to electronic communications or sending emails that appear to be from a real estate agent, a title company, lender, or another trusted source. Refrain from transmitting personal information, such as bank account numbers or other financial information, via unsecured email or other electronic communication. If the buyer receives any electronic communication regarding wiring instructions, even if the communication appears to come from a legitimate source, the buyer should verify its authenticity prior to the transfer of funds in person or via phone call using a recognized phone number that is not found in the communication.

OTHER.

This form was provided by:

eXp Realty, LLC

Broker's Printed Name

By signing below I acknowledge that I received, read, and understand this information and notice.

Seller

City Of Kingsville

Date

By:

Broker's Associate's Signature

Nichole Saenz

Date

Seller

Date

(TXR-1506) 04-26-21

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INFORMATION ABOUT MINERAL CLAUSES IN CONTRACT FORMS

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This form contains general information about mineral estates in published contract forms.

1. INTRODUCTION: Historically, buyers and sellers of property near urban areas have not been concerned about the conveyance or retention of mineral interests. Mineral interests for such properties may have been severed in the past or the value of the mineral interests may have been relatively insignificant. There has historically been little risk that the owner of the mineral interests under property near urban areas could or would access the surface of the property to drill or excavate for minerals (perhaps, because the property was too small to support such activity or because such activity may have been heavily regulated by a city). In recent years, the discovery of large mineral deposits near urban areas and advances in drilling technologies have led to increased exploration and drilling activities in and near urban areas. In turn, buyers and sellers of property in urban and suburban areas have raised questions as to whether it is best to convey or retain all or part of the mineral interests in a particular sale.

2. WHO OWNS THE MINERALS? Owners of property in or near urban areas typically are not aware of the precise extent of the mineral interests they may own. One may own all or only a portion of the mineral interests. Further, the mineral interests may have been leased. Determining who owns the mineral interests, whether the mineral interests have been leased, and who holds rights under any leases requires an expert (such as an oil and gas attorney) to review the chain of title and formulate an informed opinion.

3. CONTRACT FORMS: The residential contract forms promulgated by the Texas Real Estate Commission and the commercial contract forms published by Texas REALTORS® provide that the seller will convey to the buyer all of the seller's rights associated with the property, including all mineral interests and any rights held under any mineral leases by the seller. If a seller wishes to reserve all or a part of the mineral interests and rights held by the seller in a residential transaction, the seller **must** use the Texas Real Estate Commission's Addendum for Reservation of Oil, Gas, And Other Minerals (TREC No. 44-2, TXR No. 1905). If the addendum is not attached to the sales contract, the seller conveys to the buyer all of the mineral interests and rights held by the seller at the time of the transaction. In a farm & ranch transaction, the seller may use the TREC promulgated form, but may also use any addendum prepared by an attorney or by either party.

4. RESOURCES: One may find information related to mineral estates and mineral leases through many sources, including but not limited to: (a) the Real Estate Research Center (www.recenter.tamu.edu); and (b) the Railroad Commission of Texas (www.rrc.texas.gov). There are many other useful sources that one can access via the Internet through most Internet search engines.

The undersigned acknowledge receipt of this notice.

Printed Name: City Of Kingsville

Printed Name: _____

Date

Date

(TXR-2509) 10-18-2021

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INFORMATION ABOUT PROPERTY INSURANCE FOR A BUYER OR SELLER

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A. The availability and the affordability of property insurance may affect both the buyer and the seller.

Typically a buyer will seek to insure the property. Most mortgage lenders require that the property be insured in an amount not less than the loan amount. The failure to obtain property insurance at or before closing may delay the transaction or cause it to end, either of which can impose both inconvenience and cost to both the buyer and the seller.

B. There are a number of factors that affect the availability and affordability of insurance.

- (1) The level of coverage will significantly affect the cost of insurance. There are several levels of insurance coverage. For example:
 - (a) a policy may cover the replacement cost of the improvements and the replacement cost of many personal items in the property in the event of most casualties;
 - (b) a policy may cover only value of the improvements and exclude many casualties; or
 - (c) a policy may cover casualties and costs between the two noted extremes under (a) and (b).
- (2) Coverage levels and prices vary from company to company. There are many insurance companies conducting business in Texas who offer a variety of insurance products at various prices.
 - (a) One insurance company may refuse to insure a particular property or person while another insurance company may elect to do so.
 - (b) One insurance company may charge a significantly lower premium than another insurance company for the same or similar coverage.
 - (c) Generally, each insurance company has specific guidelines by which it prices its insurance policies. The following are examples of criteria that an insurance company may use in evaluating an application for insurance. The criteria vary from company to company.
 - (1) Past claims filed against the property to be insured in the 5 years preceding the application.
 - (2) Past claims filed by the applicant to be insured in the 5 years preceding the application.
 - (3) The applicant's insurance credit score.
 - (4) The past relationship between the insurance company and the applicant.
 - (5) The physical characteristics of the property such as condition, age, location, or construction materials.

C. Most insurance companies participate in the Comprehensive Loss Underwriting Exchange (CLUE) and obtain a CLUE report to evaluate the claims history of the property and the applicant.

- (1) Most insurance companies contribute information about claims to an insurance industry database known as CLUE (a registered trademark of Equifax, Inc.). An insurance company obtains a CLUE report when evaluating an application for insurance.
- (2) A CLUE report contains information about the claims history of the property and of the applicant for insurance.
 - (a) The CLUE report contains only data and does not inform the buyer or seller whether insurance is or is not available or at what cost.
 - (b) Insurance companies use the CLUE report in different ways.
 - (c) It is best to speak with an insurance agent with respect to how the information in a particular CLUE report affects the affordability and availability of insurance.

Information about Property Insurance for a Buyer or Seller

- (3) While CLUE reports are generally accurate, there may be errors in the reports.
 - (a) An event may be listed as a claim even though the insurance company did not pay any proceeds (for example, the cost of repair did not exceed the deductible or an inquiry may be incorrectly classified as a claim).
 - (b) Federal law permits a person to challenge inaccurate information. One may contact the administrator of the CLUE report (Lexis-Nexis) to correct information in a CLUE report.
- (4) A property owner may, for a fee, obtain the CLUE report on his or her property through companies such as Lexis-Nexis (<https://personalreports.lexisnexis.com>, 1-866-312-9076), A-Plus (800-709-8842) or other companies, most of whose services are accessible via the Internet. An owner may also contact the Equifax Insurance Consumer Center at 800-456-6004.

D. Promptly after entering into a contract to buy a property in Texas, the buyer should take the following steps to avoid delays in closing and to avoid additional costs.

If the buyer has the option to terminate the contract, the buyer should make sure that the buyer and the insurance agent have completed the following steps before the option expires.

- (1) Contact one or more insurance agents.
 - (a) The buyer should discuss the various levels of coverage with an insurance agent and ask questions that are necessary so the buyer understands the levels of available coverage.
 - (b) Insurance agents can provide applicants with written summaries of the various coverage levels.
 - (c) Basic summaries are available at the websites noted in Paragraph E.
- (2) **Submit an application** for insurance with the insurance agent of the buyer's choice.
 - (a) Applying for insurance promptly after entering into a contract to buy a property helps avoid surprises or delays in closing the transaction.
 - (b) Prompt application permits the buyer time to evaluate various coverage levels and prices.
 - (c) Delaying the application for insurance may limit opportunities to obtain the most suitable coverage and may limit opportunities to address any unforeseen problems or delays in obtaining coverage.
 - (d) In recent years, many transactions have been delayed or terminated because of problems associated with obtaining insurance.
- (3) Ask for written confirmation from the insurance agent that the insurance company:
 - (a) has received the application;
 - (b) has reviewed the applicant's CLUE report; and
 - (c) has conducted all necessary reviews to issue a policy at the particular price quoted (some insurance companies may ask for specific information or may wish to inspect the property).
- (4) Verify that the insurance coverage the buyer chooses is acceptable to the buyer's lender.

E. If one is not able to obtain insurance at a reasonable price or more information is needed, contact the Texas Department of Insurance (www.helpinsure.com or www.tdi.state.tx.us).

Receipt acknowledged by:

Signature
City Of Kingsville

Signature

(TXR-2508) 2-1-14

Page 2 of 2



Information About Brokerage Services

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A **BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A **SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of each party to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - that the owner will accept a price less than the written asking price;
 - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

EXP Realty, LLC	603392	tx.broker@exprealty.com	(888)519-7431-
Licensed Broker /Broker Firm Name or Primary Assumed Business Name	License No.	Email	Phone
Karen Richards	508111	tx.broker@exprealty.com	(888)519-7431
Designated Broker of Firm	License No.	Email	Phone
Karen Richards	508111	tx.broker@exprealty.com	(888)519-7431
Licensed Supervisor of Sales Agent/ Associate	License No.	Email	Phone
Nichole Saenz	694958	nichole694958@gmail.com	(361)522-4718
Sales Agent/Associate's Name	License No.	Email	Phone

Buyer/Tenant/Seller/Landlord Initials

Date

Regulated by the Texas Real Estate Commission

TXR-2501

eXp Realty, LLC, 9600 Great Hills Trail, STE 150 W Austin TX 78759

Nichole Saenz

Information available at www.trec.texas.gov

IABS 1-0 Date

City Of Kingsville

Phone: 3615224718

Fax:

Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com



Wiring Fraud Advisory Notice

Cybercrime is a potential threat in real estate transactions. Instances have occurred where criminals have hacked email accounts of entities related to real estate transactions (such as lawyers, escrow holder's, title company representatives, or real estate brokers and agents). Using email, hackers have invaded real estate transactions and used fraudulent wiring instructions to direct parties to wire funds to the criminals' bank accounts, often to off-shore accounts, with little chance of recovery. It also appears that some hackers have provided false phone numbers for verifying the wiring instructions. In those cases, the buyers called the number provided to confirm the instructions, and then unwittingly authorized a transfer to somewhere other than escrow. Sellers also have had their sales proceeds taken through similar schemes.

PLEASE BE ADVISED THAT eXp Realty, WILL NEVER SEND VIA EMAIL WIRING INSTRUCTIONS RELATED TO YOUR TRANSACTION.

BUYERS/LESSEES AND SELLERS/LESSORS ARE ALSO ADVISED:

1. Obtain the phone number of the Escrow Officer at the beginning of the transaction.
2. NEVER WIRE FUNDS PRIOR TO CALLING YOUR ESCROW OFFICER TO CONFIRM WIRE INSTRUCTIONS. ONLY USE A PHONE NUMBER YOU WERE PROVIDED PREVIOUSLY. Do not use any different phone number included in the emailed wire transfer instructions.
3. Orally confirm the wire transfer instruction is legitimate and confirm the bank routing number, account numbers and other codes before taking steps to transfer the funds.
4. Avoid sending personal information in emails or texts. Provide such information in person or over the telephone directly to the Escrow Officer.
5. Take steps to secure the system you are using with your email account. These steps include creating strong passwords and using secure WiFi as well as two-step verification processes.

If an email or a telephone call seems suspicious refrain from taking any action until the communication has been independently verified. Promptly notify your bank, your real estate agent and the Escrow Officer. The sources below, as well as others, can also provide information:

- The Federal Bureau of Investigation www.fbi.gov
- The National White-Collar Crime Center www.nw3c.org
- On Guard Online: www.onguardonline.gov

The undersigned acknowledge receipt of this Advisory.

Date: _____ Seller/Landlord: _____

Date: _____ Seller/Landlord: _____

Date: _____ Buyer/Tenant: _____

Date: _____ Buyer/Tenant: _____

(For Colorado Residents Only): This form has not been approved by the Colorado Real Estate Commission.



WIRE FRAUD WARNING

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Buyers and Sellers Beware: Criminals are targeting real estate transactions. Don't be a victim of wire fraud.

What is wire fraud and how does it occur? Criminals are targeting real estate transactions by gaining access to electronic communications or sending emails that appear to be from a real estate agent, a title company, a lender, or another trusted source. These fraudulent emails seem legitimate and direct you to wire funds to a fraudulent account. Once you wire funds to the fraudulent account, your money is gone.

How can you protect yourself from wire fraud? You should not send personal information, such as bank account numbers or other financial information, via email or other unsecured electronic communication.

If you receive any electronic communication regarding wiring instructions, even if the communication appears to come from a legitimate source, you should verify the communication's authenticity prior to the transfer of funds in person or via phone call using a recognized phone number that is not found in the communication.

Notice: This brokerage will never use any electronic communications, such as email, text messages, or social media messages, to ask you to wire funds or provide personal information.

If you think you are being targeted in a wire fraud scam, immediately notify law enforcement, your lender, the title company, and your agent.

This form was provided by:

By signing below I acknowledge that I received, read, and understand this information and notice.

EXP Realty, LLC

Broker's Printed Name

Seller Buyer

Date

City Of Kingsville

By:

Broker's Associate's Signature

Date

Nichole Saenz

Seller Buyer

Date