

# City of Kingsville, Texas

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## AGENDA

### CITY COMMISSION

TUESDAY, OCTOBER 15, 2024

REGULAR MEETING

CITY HALL

HELEN KLEBERG GROVES COMMUNITY ROOM

400 WEST KING AVENUE

5:00 P.M. – Regular Meeting

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 – September 23, 2024

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

None.

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

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

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

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

#### V.

##### Consent Agenda

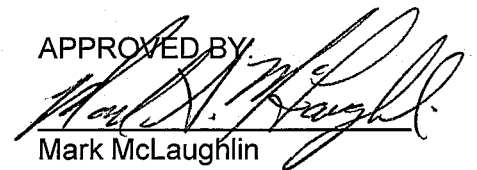
##### Notice to the Public

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AGENDA – KINGSVILLE CITY COMMISSION

October 15, 2024

APPROVED BY:



Mark McLaughlin  
City Manager

*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 IX-General Regulations, Article 8-Parks and Recreation, providing for revised golf course fees for the L.E. Ramey Golf Course. (Parks Director).
2. Motion to approve the reappointment of Steve Davis to the Health Board for another 3-year term when his current term expires on November 8, 2024. (Health Director).
3. Motion to approve membership with Electric Reliability Council of Texas (ERCOT) for 2025. (renewal of annual membership). (City Attorney).

**REGULAR AGENDA**

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

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

4. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number Two, City of Kingsville, Texas, established pursuant to Chapter 311 of the Texas Tax Code. (Economic Development Director).
5. Consider a resolution authorizing the City Manager to engage the services of David Petit Economic Development, LLC as per prior agreement, for the creation of TIRZ#3. (Economic Development Director).
6. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for TIRZ#3. (Economic Development Director).
7. Consideration and approval of a resolution accepting a Petition for and calling for a public hearing on the creation of the Somerset at Kingsville Public Improvement District Number 1 within the City of Kingsville, Texas pursuant to Chapter 372 of the Texas Local Government Code and authorizing the mailing and publication of notice of the public hearing. (City Attorney).
8. Consider awarding bid #RPF 24-19 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19<sup>th</sup> Street Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).
9. Consider awarding bid #RPF 24-20 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).
10. Consider awarding bid #RPF 24-22 for GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvement Project, as per recommendation of contract engineer. (City Engineer).

11. Consider approving Change Order #4 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 3: 18" Wastewater Main Replacement for 3MGD Wastewater Treatment Plant. (no additional cost). (City Engineer).
12. Consider approving Change Order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 4: Alley between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements. (no additional cost). (City Engineer).
13. Consider awarding bid #RFP 24-15 for Public Works Concrete Pavement Improvement Project, as per staff recommendation. (City Engineer).
14. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the Public Works Concrete Parking Lot Project. (Public Works Director).
15. Consider a resolution authorizing the City Manager to execute the Construction Contract with Ace Co. for RFP#24-15 Public Works Concrete Pavement Improvement Project. (City Engineer).
16. Consider awarding bid RFP #24-16 for Comprehensive Plan and Grant Writing Services, as per staff recommendation. (Director of Planning & Development Services).
17. Consideration and approval of a resolution authorizing the City Manager to execute the Construction Contract with Lowman Land Improvements, Inc. for RFP#24-13 Landfill South Drainage Infrastructure-Lined Channel Project. (bid awarded 9/12/24) (Purchasing Manager).
18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV-Land Usage, Article 1-Building Regulations, Section 15-1-156, adopting the 2024 edition of the National Electric Code. (Director of Planning & Development Services).
19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 15-1-2, adopting the 2024 International Building Code. (Director of Planning & Development Services).
20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 21 & 22, adopting the 2024 edition of the International Plumbing Code. (Director of Planning & Development Services).
21. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 135 & 136, adopting the 2024 edition of the International Mechanical Code. (Director of Planning & Development Services).
22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 402 & 403, adopting the 2024 edition of the International Energy Conservation Code. (Director of Planning & Development Services).
23. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 502, adopting the 2024 edition of the International Existing Building Code. (Director of Planning & Development Services).
24. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 7-Nuisances, Sections 1 & 2, adopting the 2024 edition of the International Property Maintenance Code. (Director of Planning & Development Services).

25. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 5-Fire Prevention and Protection, Section 10, adopting the 2024 edition of the International Fire Code. (Director of Planning & Development Services).

26. Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the evaluation and duties of the City Manager. (Mayor Fugate).

**VII. Adjournment.**

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

**NOTICE**

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall, City of Kingsville, 400 West King Avenue, Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

October 7, 2024, at 2:00 P.M. and remained posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

*Mary Valenzuela*

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

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

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

**MINUTES OF PREVIOUS  
MEETING(S)**

SEPTEMBER 23, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 23, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY COMMISSION ABSENT:**

Sam R. Fugate, Mayor

**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  
Leticia Salinas, Accounting Manager  
Susan Ivy, Park Director  
Bill Donnell, Public Works Director  
Rudy Mora, City Engineer  
Erik Spitzer, Director of Economic & Development Services  
Juan J. Adame, Fire Chief  
Diana Gonzalez, Human Resources Director  
Mike Mora, Capital Improvements Manager  
Janine Reyes, Tourism Director  
Frank Garcia, Wastewater Supervisor  
Kwabena Agyekum, Senior Planner

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – September 12, 2024**

Motion made by Commissioner Alarcon to approve the minutes of September 12, 2024, as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting “FOR”

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

None.

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

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

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

Mr. Mark McLaughlin, City Manager reported on Tropical Depression #9. Storm will impact Florida and have no impact on Texas. He further reported that staff will be spraying for mosquitos throughout the city beginning this evening and for the next two evenings. Kleberg County has approved the Texas Multi-Hazard Mitigation Plan during their County Commissioners’ Court meeting today. He also reported that 12<sup>th</sup> Street was supposed to be chipped sealed, but due to rain that project will be delayed. Mr. McLaughlin reported that he will be meeting with the Chief of Naval Air Wing Training on airshow details for Kingsville.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for Tuesday, October 15, 2024. The deadline for staff to submit agenda items for that meeting is Friday, September 27, 2024. City offices will be closed on Monday, October 14, 2024, in observance of Columbus Day. Ms. Alvarez reported that the next Wine Walk is scheduled for Saturday, September 28, 2024, in the Kingsville Downtown area and National Night Out is scheduled for October 1, 2024.

Commissioner Lopez read and presented the following three proclamations: End Domestic Violence Month for October; World Alzheimer’s Awareness Month for September; and Arbor Day.

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

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

No public comments were made.

#### **V.**

##### **Consent Agenda**

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

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

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

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

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

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend grant funds from the Coastal Bend Regional Advisory Council for Fire Department medical supplies. (Fire Chief).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for fees increases for tampering with meters, damaging cut-off valves, discontinuance cut-offs, certain service calls, interest, and late fee charges, and a change in the penalty for late payments. (Finance Director).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Section 13-Purpose and Authority for Third Party Plan Review Services. (Director of Planning and Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1-Building Regulations, Sections 6, 8, 11, 23, & 40, and Article 6-Zoning, Section 126, revising permit fees in building, plumbing, fuel gas, and sign regulation codes. (Director of Planning and Development Services).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Section 152, revising the fee for swimming pools permits. (Director of Planning and Development Services).
6. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, Article 10-Streets and Sidewalks, Section 35-permit required; fee, providing for change to fees. (Director of Planning and Development Services).
7. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Section 9-7-6 Abatement of Nuisance Lots; Administrative Fees, providing for revision of administrative fees. (Director of Planning and Development Services).
8. Motion to approve City participation in annual events and parades for FY2024-2025. (Downtown Manager).

## REGULAR AGENDA

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

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

9. Consider approving a Proclamation naming November 1, 2024, as Arbor Day in the City of Kingsville. (Parks Director).

Motion made by Commissioner Hinojosa to approve the proclamation naming November 1, 2024, as Arbor Day in the City of Kingsville, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".

10. Consider a resolution of the City of Kingsville, Texas adopting the FEMA approved Kleberg County and City of Kingsville, Texas Multi-Hazard Mitigation Plan. (City Engineer).



Mr. Rudy Mora, City Engineer stated that staff is seeking the City Commission's approval to adopt the Hazard Mitigation Action Plan (HMAP) in partnership with Kleberg County. The 2024 Kleberg County Multi-Hazard Mitigation Plan is a critical document that outlines our region's strategy to reduce or eliminate long-term risks to life, property, and infrastructure from natural hazards. The adoption of this plan by the City of Kingsville will not only reinforce our commitment to public safety but also position the city to secure state and federal funding for future mitigation projects. This plan specifically identifies and addresses a wide range of natural hazards that pose a significant threat to our community. The City of Kingsville will focus on mitigating the following hazards: Flooding; Hurricanes, Tropical Storms, and Depressions; Wildfire; Tornados; Drought; Extreme Cold; Extreme Heat; Hailstorms; Winter Storm; Severe Winds; Lightning; Dam/Levee Failure. These hazards have been carefully selected based on historical data and potential future impacts, ensuring that our mitigation efforts are both targeted and effective. By adopting this plan, the city will be better prepared to protect its residents and resources from the adverse effects of these natural events. These hazards have been carefully selected based on historical data and potential future impacts, ensuring that our mitigation efforts are both targeted and effective. By adopting this plan, the city will be better prepared to protect its residents and resources from the adverse effects of these natural events. There is no direct financial impact associated with the approval of this resolution. However, adopting the HMAP will enhance the City's eligibility for state and federal grant programs, which could provide substantial funding for future mitigation projects, potentially saving the City millions of dollars in disaster-related expenses. Mr. Mora further stated that staff strongly recommends the approval of the attached resolution adopting the Hazard Mitigation Action Plan with Kleberg County. This approval will not only reinforce the City's commitment to public safety but also enhance its eligibility for state and federal grant programs, which could provide substantial funding for future mitigation projects, potentially saving the City millions of dollars in disaster-related expenses.

Mr. McLaughlin commented that Kleberg County has approved this plan at a meeting that took place today.

**Motion made by Commissioner Alarcon to approve the resolution of the City of Kingsville, Texas adopting the FEMA-approved Kleberg County and City of Kingsville, Texas Multi-Hazard Mitigation Plan, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR."**

**11. Consider a resolution authorizing the City Manager to execute the Contract with Global WET LLC for UV Filter Equipment for the Kingsville North and South Waste Water Treatment Plants. (funding for emergency repairs authorized 8/19/24). (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated that this item authorizes the contract with Global WET LLC for emergency repairs for the Wastewater Department's Ultraviolet Light Disinfection System for North and South Wastewater Treatment Plants. The total allotted funds were \$943,810.00. The disinfection system is the heart of the plant before going out into the creek. The North Plant failed on one of the previous storms and currently disinfecting with chlorine and at the South Plant, there is always an issue with keeping it going but still operating with the UV System. Mr. Donnell further stated that the financial sources are through the following: Fund 123 ED Grant Program for \$105,00.47; Fund 121 Parks ARP Allotment for \$240,990.52; Fund 125 UF ARP Funding for \$240,031.00; Fund 051 Insurance Check #1 for \$119,000.00; Fund 051 BA Reserve Line Item for \$66,950.85; and Fund 051 Fund Balance for \$171,837.16. Of that, \$124,000.00 will be reimbursed by insurance check #2 resulting in Fund 051 FB of \$47,837.16.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute the Contract with Global WET LLC for UV Filter Equipment**

for the Kingsville North and South Wastewater Treatment Plants. (funding for emergency repairs authorized 8/19/24), seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".

**12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised golf course fees for the L.E. Ramey Golf Course. (Parks Director).**

Mrs. Susan Ivy, Parks Director stated that during the budget process, the commission was presented with a schedule of proposed fees for increased rates due to inflationary increases across the nation and increased golf cart lease fees. Staff has taken the time to review the current fees and compared them with comparable surrounding cities and have set these proposed rates based on being closer to those fees.

Introduction item.

**13. Consider motion to approve proposed ball Field Rental Fee with Lights and Park Shelter Rental Fee with Electricity, as per Code of Ordinances §9-8-7. (Parks Director).**

Mrs. Ivy stated that these are fees that need to be adjusted on the Parks & Recreation side to increase utilities fees across the nation. Staff is not changing the basic rental fee for baseball fields; it is the lighting fee that will be changed. It is being proposed to change the field rental fee with lights from \$15.00 to \$25.00. In addition to this, staff is currently charging an electricity fee for the use of the electricity at the park. This will be turned into a shelter rental so all of the shelters will not have an electric outlet. This will be at two locations at Dick Kleberg, Flato, Flores, and Thompson parks.

**Motion made by Commissioner Hinojosa to approve the proposed ball Field Rental Fee with Lights and Park Shelter Rental Fee with Electricity, as per Code of Ordinances §9-8-7, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote Alarcon, Alvarez, Hinojosa, Lopez voting "FOR".**

**14. Consider a resolution authorizing the City Manager to execute a Master Services and Purchasing Agreement for Customer and other documents related thereto with Axon Enterprise, Inc. for Police Department Body Worn and In-Car Cameras and Services. (Police Chief).**

Mr. John Blair stated that the Kingsville Police Department (KPD) seeks city commission approval to enter into a contract with Axon Enterprise, Inc. This contract will provide the latest advancements in Body Worn Cameras and In-Car Camera Technology, significantly improving both officer safety and operational efficiency within the department. After a comprehensive review by the KPD and the City's IT Department, it was determined that the current officer-worn camera and In-Car Camera systems are outdated and in urgent need of replacement. Demonstrations of various systems from three vendors were conducted and after evaluating the department's requirements, Axon Enterprise, Inc was selected as the best and most cost-effective solution. This new contract will include the following: New Body Worn Cameras for all Officers; New In-Car Cameras for all Patrol Vehicles; Improved Officer Safety and Enhanced Supervisory Review; Integration of Evidenceroom.com for secure digital media storage and management; update interview rooms with new video and audio functionality; regular equipment refreshers; and comprehensive training and support. These upgrades will ensure that the KPD is equipped to provide accurate, reliable recordings in both Body Worn Cameras and In-Car Cameras, thereby enhancing public safety and accountability. The associated costs of this contract have been thoroughly reviewed and funding sources have been identified and secured to support the project from the following sources: Chapter 59 Funds for \$46,290.94; Office of

the Governor FY 2025 Body Worn Camera Grant Program for approximately \$46,000.00; leftover funding for \$8,790.47 in Fund 115 Tax Note Series 2021; and leftover funding of \$78,918.59 in Fund 126 GF Tax Notes 2022.

**Motion made by Commissioner Alvarez to approve the resolution authorizing the City Manager to execute a Master Services and Purchasing Agreement for Customer and other documents related thereto with Axon Enterprise, Inc. for Police Department Body Worn and In-Car Cameras and Services, seconded by Commissioner Alarcon. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez voting "FOR".**

**15. Consider a resolution approving the City of Kingsville's 2024 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).**

Mr. McLaughlin stated that staff received this late last week after the agenda had already been posted on Thursday of last week. The adjustment was made to the agenda by adding this item on Friday, which still met the 72-hour posting requirement. This item would accept the 2024 Tax Roll before the fiscal year ends.

Ms. Alvarez commented that this is something that the commission is required to do every year, to accept the tax roll so than that authorizes the Tax Accessor Collector to issue the statements.

Commissioner Alarcon asked if this item was an add-on today. Ms. Alvarez responded no, and that the agenda was amended on Friday, September 20<sup>th</sup>. Commissioner Alarcon commented that he received it today.

Mrs. Mary Valenzuela, City Secretary commented that an email was sent to the commission with the amended agenda attached.

**Motion made by Commissioner Alarcon to approve the resolution approving the City of Kingsville's 2024 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Alvarez, Lopez voting "FOR".**

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

There being no further business to come before the City Commission, the meeting was adjourned at 5:36 p.m.

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

**ATTEST:**

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

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

Golf Course

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** Susan Ivy, Director of Parks & Recreation  
**DATE:** September 11, 2024  
**SUBJECT:** Agenda Request – Request to Amend Ordinance to increase certain Golf Course Fees and to Approve of certain Park Fees

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**Summary:** We are requesting approval from City Commission to amend the Code of Ordinances to allow for certain Golf Course Fees at L. E. Ramey Park to be increased. We are also requesting approval to change the lighting fee for Athletic Fields rentals and the Shelter rental fees in the Parks.

**Background:** During the Budget workshops we presented a comparison of area golf course fees. After an evaluation of the current fees at our Golf Course we presented a proposal to raise certain fees to a more appropriate rate. Consideration was discussed regarding the increase in golf cart leasing contract amount, overall increase in cost of operations and considerable improvements to the course.

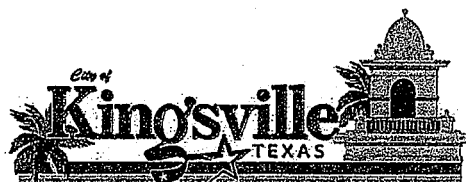
We also discussed the increase in lighting fees for athletic fields and shelter rental fees, which are covered under Code of Ordinance section 9-8-7.

A list of fees to be changed and their existing and proposed fees are attached.

**Financial Impact:** We believe that this action will result in a substantial increase in revenue for the Golf Course and Parks Department that will come closer to covering the expense of the items.

**Recommendation:** 1) Approve the fee increase proposal for Parks fees as presented. 2) Amend the Code of Ordinances for the Golf Course fee increases as presented.

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**City of Kingsville  
Parks & Recreation Department**

All fees will have sales taxes added to them at time of sale.

<b>GREEN FEES</b>	<b>Current</b>	<b>Proposed</b>
18 Weekend /Holiday	17.00	23.00
18 Weekdays	15.00	18.00
9 Weekend/Holiday	12.00	14.00
Senior Weekdays	11.00	15.00
Senior Weekends	13.00	17.00
18 Juniors	8	8.00
9 Juniors	6	6.00

<b>CART FEES</b>	<b>Current</b>	<b>Proposed</b>
18 Hole Cart Fee	15.00	Per Person Cart Fee \$18.00
Half Cart	10.00	Use rate above
Member Cart Fee	15.00	Use rate above
Trail Fee	7.00	10.00

<b>MEMBERSHIP FEES</b>	<b>Current</b>	<b>Proposed</b>
Yearly No Cart	660.00	1000.00
Monthly No Cart	65.00	175.00
Yearly With Cart	2500.00	3000.00
Monthly with Cart	185.00	350.00



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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER IX-GENERAL REGULATIONS, ARTICLE 8-PARKS AND RECREATION, PROVIDING FOR REVISED CART FEES FOR THE L.E. RAMEY GOLF COURSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in 2014 the City and County approved interlocal agreements to transfer operations and maintenance of all of the parks within the city limits and the L.E. Ramey Golf Course from the County to the City;

**WHEREAS**, the approval of these interlocal agreements necessitated the City to enact regulations and fees for the properties covered under the interlocal agreements; and

**WHEREAS**, in the first half of 2018, the City made several hundred thousand dollars of improvements at the L.E. Ramey Golf Course and determined that it needed to increase user fees to help offset the cost of the improvements and those revisions were approved on June 25, 2018, via Ordinance #2018-35; and

**WHEREAS**, the golf course user fees were last revised on August 12, 2019 and golf cart rental fees were revised on September 28, 2020; and

**WHEREAS**, the City recently acquired new electric golf carts for rent at the golf course and performed a rental rate survey which showed the current rate to be below market, so staff is now recommending a slight increase in the golf cart rental rate for the new carts to be more in-line with the going market rate; and

**WHEREAS**, the City has made numerous improvements to the golf course in the last few years without a rate adjustment and the cost to provide the services has increased, new rates are being proposed by staff to help cover costs; and

**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** Chapter IX- General Regulations, Article 8-Parks and Recreation, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**ARTICLE 8 PARKS AND RECREATION**



...

**GOLF COURSE**

...

**§ 9-8-41 GOLF COURSE FEES.**

The following schedule of fees shall be paid by the patrons of the municipal golf course. The Golf Course Manager may negotiate rates for golf course special events and promotions. NOTE: All fees will have sales taxes added to them at the time of sale.

(A) Daily Green Fees:

Golf course green fees for persons 18 years of age or older (non-refundable).

(1) 18-Holes of Play:

Weekends and holidays: ~~\$17.00~~ ~~\$23.00~~

Weekdays: ~~\$15.00~~ ~~\$18.00~~

(2) 9-Holes of Play:

Weekends and holidays: ~~\$12.00~~ ~~\$14.00~~

Weekdays: \$13.00

(B) Junior Fees:

Golf course green fees for persons in the classification of junior (non-refundable).

(1) 18-Holes of Play:

Weekdays: \$8.00

(2) 9-Holes of Play:

Weekdays: \$6.00

(C) College Student Fees:

Golf course green fees for persons in the classification of College Student (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

(D) Military Fees:

Golf course green fees for persons in the classification of Military (non-refundable) can receive a twenty percent (20%) discount off the Daily Green Fees.

(E) Senior Fees:

Golf course green fees for persons 62 years of age or older (non-refundable).

18-Holes of Play:

Weekdays: ~~\$11.00~~ \$15.00

Weekends: ~~\$13.00~~ \$17.00

(F) Annual membership fees:

Annual membership entitles that person to unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual membership rate (no cart): ~~\$660.00~~ \$1,000.00

Military annual membership rate: can receive a 25% discount off of an annual individual membership rate.

(G) Semi-Annual membership fees:

Semi-Annual membership entitles player to unlimited green fees for six (6) months from date of purchase (non-refundable) for \$360.00.

(H) Monthly membership fees:

Monthly membership entitles an individual player to unlimited green fees for 30 days from date of purchase (non-refundable).

Monthly individual rate (no cart): ~~\$65.00~~ \$175.00

Monthly individual rate (with cart): ~~\$185.00~~ \$350.00

Monthly individual rate per school team member: \$35.00

(I) Annual cart fee and green fee:

Annual cart fee is per player and entitles player to unlimited carts for 365 days from date of purchase (non-refundable) and unlimited green fees for 365 days from date of purchase (non-refundable).

Annual individual cart fee and green fee: ~~\$2,500.00~~ \$3,000.00

(J) Monthly Locker Fee:

Monthly locker fee is per player and entitles player to use of a locker for 30 days from date of purchase (non-refundable).

Monthly individual locker fee: \$30.00 for one month

\$75.00 for three months

\$120.00 for six months

\$180.00 for twelve months

(K) Daily Golf Club Rental Fee:

Daily golf club fee is per player and entitles player to use of a set of golf clubs (non-refundable).

Daily golf club rental fee: \$15.00

(L) Monthly Driving Range Membership Fee:

Monthly driving range membership entitles player to unlimited driving range fees for 30 days from date of purchase (non-refundable).

Monthly individual membership rate: \$90.00 for three months

\$120 for six months

\$200.00 for twelve months

(M) Range Ball Bucket Fee:

Range ball bucket fee entitles player to the use of the bucket of balls once (non-refundable).

Jumbo Bucket: \$15.00

Large Bucket (135 balls): \$10.00

Medium Bucket (75 balls): \$7.00

Small Bucket (35 balls): \$5.00

(N) Minors less than 16 years of age shall not operate golf carts on municipal golf course property.

(O) Each golf course green fee shall entitle payee to play a maximum of 18 holes of golf on the date paid. Additional payment of green fees shall be required if more than 18 holes of golf are to be played.

(P) All members of any authorized golf team from a school or institution of higher education located within Kleberg County may play a maximum of two rounds per week Monday-Thursday, excluding holidays, at no charge during their respective schoolyears. The following limit will apply to such golf players:

Teams are limited to 15 players per school at any one time.

(Q) Cart Rental Fee:

18-Holes: ~~\$15.00~~ \$18.00 per player

9-Holes: ~~\$10.00~~ \$18.00 per player

(R) Miscellaneous Fees:

Clubhouse Rental Deposit	\$50.00
Clubhouse Rental Fee	\$150.00
Tournament Deposit	\$100.00
Snag Golf Clinic Fee	\$60.00

City Employees Wellness Program Discount: Golf course green fees for persons who are current City Employees can receive a twenty percent (20%) discount off the Daily Green Fees.

...

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 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, work or ordinance 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 23rd day of September, 2024.

**PASSED AND APPROVED** on this the 15th day of October, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #2**



## City of Kingsville Health Department

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager  
Courtney Alvarez, City Attorney

FROM: Emilio H. Garcia, City of Kingsville Health Director

DATE: September 25, 2024

SUBJECT: Re-appointment of Health Board Member

---

**Summary:** Please be advised that Health Board Member Steve Davis term expires on November 8, 2024. I have spoken to Steve Davis, and he has agreed to remain on the Health Board for another 3-year term. It is my recommendation that Steve Davis be re-appointed to the City of Kingsville Health Board.

**Background:** Mr. Davis has served on the City of Kingsville Health Board for 3 years and would like to be re-appointed for another 3 years.

**Financial Impact:** None.

**Recommendation:** I am requesting that the City Commission consider Mr. Davis re-appointment at the next Regular City Commissioner's meeting. Approval requested.

# **AGENDA ITEM #3**





**CITY OF KINGSVILLE  
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

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Date: October 2, 2024

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: ERCOT Membership Renewal

---

**AGENDA ITEM:** Consider joining the Electric Reliability Council of Texas ("ERCOT") for 2025.

**ISSUE:** The City received notice that the ERCOT membership applications for 2025 are due by October 18, 2024, and it has been recommended that we join to give cities greater representation in ERCOT and on ERCOT's policy-making boards.

**BACKGROUND:** The City has been a member of ERCOT each year since 2009. ERCOT has begun accepting membership applications for 2024. In order to vote in the upcoming ERCOT elections, our city must be a member of ERCOT by October 18, 2024.

Since 2008, cities succeeded in placing city representatives on ERCOT's Board of Directors and on the Technical Advisory Committee due to their strong presence at ERCOT. ERCOT is an important arena in the effort to ensure that electricity rates in the deregulated Texas market are reasonable and stable. ERCOT membership is a straightforward way to influence electric market policy and costs \$100 to join. Membership in ERCOT gives the consumer presence greater clout at ERCOT and allows us to vote for city representatives to serve on ERCOT's most important policy-making bodies.

**REQUIRED COMMISSION ACTION:** Authorize staff to submit an application to join ERCOT for 2025 that includes payment of a \$100 membership fee.

**FUNDING:** Funds are available in the General Fund-City Special account.

**CONCLUSION & RECOMMENDATION:** Authorize staff to submit an application to join ERCOT for 2025.

**Courtney Alvarez**

---

**From:** Membership <membership@ercot.com>  
**Sent:** Friday, September 20, 2024 9:12 AM  
**To:** Membership  
**Subject:** 2025 ERCOT Membership  
**Attachments:** ERCOT Public Portal Registration Guide.pdf

Caution! This message was sent from outside your organization.

**THE RECORD DATE FOR VOTING IN THE 2025 ERCOT TAC REPRESENTATIVES ELECTIONS  
IS  
NOVEMBER 1, 2024**

**ERCOT has reduced staff available onsite to receive, distribute, and manage incoming postal mail, deliveries, faxes on a daily basis. As such:**

- 1. All Annual Member Dues shall be submitted by wire transfer; and**
- 2. All Applications for the 2025 Membership Year shall be submitted electronically online at Annual Membership Request. ERCOT is no longer accepting Applications via email.**

**Please see below for additional details.**

**Announcement of Record Date for Annual Membership Meeting**

The announcement of the members of the Technical Advisory Committee (TAC) for the 2025 year will occur at the Fifty-fourth Annual Membership Meeting on December 2, 2024 (Annual Meeting). In accordance with the ERCOT Bylaws, the Record Date for 2025 ERCOT Corporate Members to vote in the 2025 TAC Representatives Elections is Friday, November 1, 2024. Your entity would have to be approved in writing by ERCOT as a Corporate Member for the Membership Year 2025 no later than the Record Date of November 1, 2024.

**Membership Application for 2025 Membership Year Now Available Online**

ERCOT Membership terms are for no more than one Membership Year and do not renew automatically. The 2025 Membership Year begins on January 1, 2025, and ends on December 31, 2025. To become an ERCOT Member for the 2025 Membership Year, an authorized representative of your entity must complete and electronically agree to the terms of the ERCOT Membership Application and Agreement (Application), pay the applicable Annual Member Dues, and receive electronic confirmation of approval from ERCOT.

**Applications for the 2025 Membership Year must be submitted electronically online at Annual Membership Request. ERCOT is no longer accepting Applications via email. Applicants that do not have an existing ERCOT Public Portal (ServiceNow) account will need to create an account by clicking on the *New Users Click here to Register* link on the login page. The link should take you directly to the Annual Membership Application. New users are required to verify their email address after submitting the Sign Up form. Alternatively, if you log into ERCOT's Public Portal online you can find the Application by searching for "Annual" or "Member" in the search bar on**

the landing page. For technical questions and support regarding the ServiceNow portal please contact [portalsupport@ercot.com](mailto:portalsupport@ercot.com). Attached is the ERCOT Public Portal Registration Guide to assist you with registration. Please note this is the same platform that was used to submit Membership Applications last year.

**IMPORTANT:** Applicants with existing login credentials for ServiceNow may login and complete the form.

If the Applicant Contact is also the submitting entity's Authorized Representative (AR) or Backup Authorized Representative (BAR) and used their AR/BAR email address to access the ERCOT Public Portal prior to April 24, 2024, then you may continue to use those credentials. In other words, if you used your AR/BAR email address last year to access the 2024 Membership Application and Agreement, then you will be able to use those credentials again this year.

If the Applicant Contact is the submitting entity's AR or BAR and did not use their AR/BAR email address to access ERCOT's Public Portal prior to April 24, 2024, then the Applicant Contact may not use their AR/BAR email address to login to the ERCOT Public Portal and complete the Membership Application; an alternate email address must be used. In other words, if you have been your entity's AR/BAR since before April 24, 2024, but have never used your AR/BAR email address to access ERCOT's Public Portal, then you will not be able to use your AR/BAR email address to gain access to the ERCOT Public Portal; the system will block you.

Please note this login issue is scheduled to be resolved next year.

#### **Membership Eligibility**

The Application provides Membership eligibility requirements in detail.

#### **Membership Voting Rights**

The ERCOT Bylaws provide for three types of Membership: Corporate, Associate and Adjunct. Only those who are approved as Corporate Members may cast votes at Membership meetings to elect TAC Representatives. Associate and Adjunct Members have no such voting rights for any matters submitted to the general Membership.

#### **Annual Member Dues**

ERCOT requires submission of all Annual Member Dues by wire transfer. Electronic funds transfer instructions will be emailed to the applicant upon submission of the 2025 Membership Application and Agreement.

Annual Member Dues are payable as follows:

<b>Member Dues (Bylaws Section 3.4)</b>	<b>Annual Dues (\$)</b>
<b>Corporate (General) – Voting</b>	2,000
• Residential Consumer – Corporate	100
• Office of Public Utility Counsel – Corporate	Complimentary

• Appointed Residential Consumer TAC Rep. – Corporate	Complimentary
• Commercial Consumer – Corporate	100
<b>Associate (General) – Non-voting</b>	<b>500</b>
• Residential Consumer – Associate	50
• Commercial Consumer – Associate	50
<b>Adjunct – Non-voting</b>	<b>500</b>

Any Member may request that the Member's Annual Member Dues be waived for good cause shown. Annual Member Dues are not prorated even if Membership is approved by ERCOT after the 2025 Membership Year has begun.

**Membership Election Rights**

Both Corporate and Associate Memberships allow an employee or representative of your organization to be nominated for and elected to TAC and TAC subcommittees, but Adjunct Memberships have no such corresponding rights.

**Additional Information**

ERCOT Membership will post an updated 2025 ERCOT Members document to [Membership \(ercot.com\)](http://www.ercot.com) by close of business every Friday until the Record Date. Please note, final approval of the 2025 Membership Application and Agreement is dependent upon several variables, such as submittal of correct information on the application form, timely responses to follow-up questions by Membership staff, and timely payment of Membership dues.

Being registered as a Market Participant is independent from being a Member. Membership is completely optional and does not interfere with your Market Participant status.

For more information or to obtain a copy of the ERCOT Bylaws and Certificate of Formation, please visit ERCOT's website at <http://www.ercot.com/about/governance/> under the "Key Documents" section. Other related Membership information will also be posted for your review at the Membership Page on the ERCOT website at <http://www.ercot.com/about/governance/members>. If you have any questions, please contact Membership at [Membership@ercot.com](mailto:Membership@ercot.com).

**Please consider this notice an invoice for your entity's Annual Member Dues if you plan on submitting an Application for the 2025 Membership Year.**

Thank you in advance for your efforts to submit your Applications in a complete and timely manner.



ERCOT Membership  
[membership@ercot.com](mailto:membership@ercot.com)

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

**To:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**From:** Manny Salazar, President/CEO, Kingsville Chamber of Commerce and Greater Kingsville Economic Development Council

**Date:** October 2, 2024

**Subject:** Project and Finance Plan for TIRZ #2

**BACKGROUND:**

The City of Kingsville has been a steadfast supporter of local businesses and economic development programs, and understands the challenges that exist when creating a business.

The creation of Tax Increment Reinvestment Zone (TIRZ) #2 was approved on June 24, 2024.

The proposed ordinance is necessary to comply with Section 311.011(e) and 311.008. This ordinance establishes that the city has approved the feasibility and finance plan. Authorized certain powers to the TIRZ Board, establishes a severability clause and requires that the TIRZ Board comply with Texas Open Meeting requirements of Chapter 551 of the Texas Government Code.

**FINANCIAL IMPACT:**

No Fiscal Impact.

**RECOMMENDATION:**

The request approval of the ordinance.

**CITY OF KINGSVILLE, TEXAS**

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

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, APPROVING A PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TWO, CITY OF KINGSVILLE, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE**

**WHEREAS**, the City of Kingsville, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City or in the City’s extraterritorial jurisdiction or in both as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

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

**WHEREAS**, the City Commission desires to promote the development of a certain contiguous geographic area in the City, through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

**WHEREAS**, on June 24, 2024, the City Commission of the City of Kingsville, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 2024-41 designating a contiguous geographic area within the City as a Reinvestment Zone Number Two, City of Kingsville, Texas (the “Zone”); and

**WHEREAS**, as authorized by Section 311.011(e), and 311.008, of the Act, on October 15, 2024, the Board recommended that the Plan in Exhibit “A”, be approved by the City Commission:

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

**SECTION 1. RECITALS INCORPORATED.**

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

**SECTION 2. FINDINGS.**

That the City Commission hereby makes the following findings of fact:



- i. That the Plan includes all information required by Sections 311.011(b) and (c) of the Act.
- ii. That the Plan is feasible and the project plan conforms to the City's master plan.

### **SECTION 3. APPROVAL OF PLAN.**

That based on the findings set forth in Section 2 of this Ordinance, the Plan in Exhibit "A" is hereby approved.

### **SECTION 4. POWERS OF THE BOARD.**

Pursuant to Section 311.010(h) of the Act and Article III, Section 52-a of the Texas Constitution, the City Commission hereby authorizes the Board, as necessary or convenient to implement the Project and Finance Plan and achieve its purposes, to establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the Zone, eliminating unemployment and underemployment in the Zone, and developing or expanding transportation, business, and commercial activity in the Zone, including programs to make grants of land and buildings and make grants from the TIRZ Fund for activities that benefit the Zone and stimulate business and commercial activity in the Zone. In addition, the City Commission hereby authorizes the Board to exercise all of the powers of the City under Chapter 380, Texas Local Government Code, as amended.

### **SECTION 5. SEVERABILITY CLAUSE.**

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

### **SECTION 6. OPEN MEETINGS.**

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

The City Commission further ratifies, approves and confirms such written notice and the contents and posting thereof.

**SECTION 8. EFFECTIVE DATE.**

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

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

**CITY OF KINGSVILLE**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**EXHIBIT A**

**Project and Financing Plan**

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

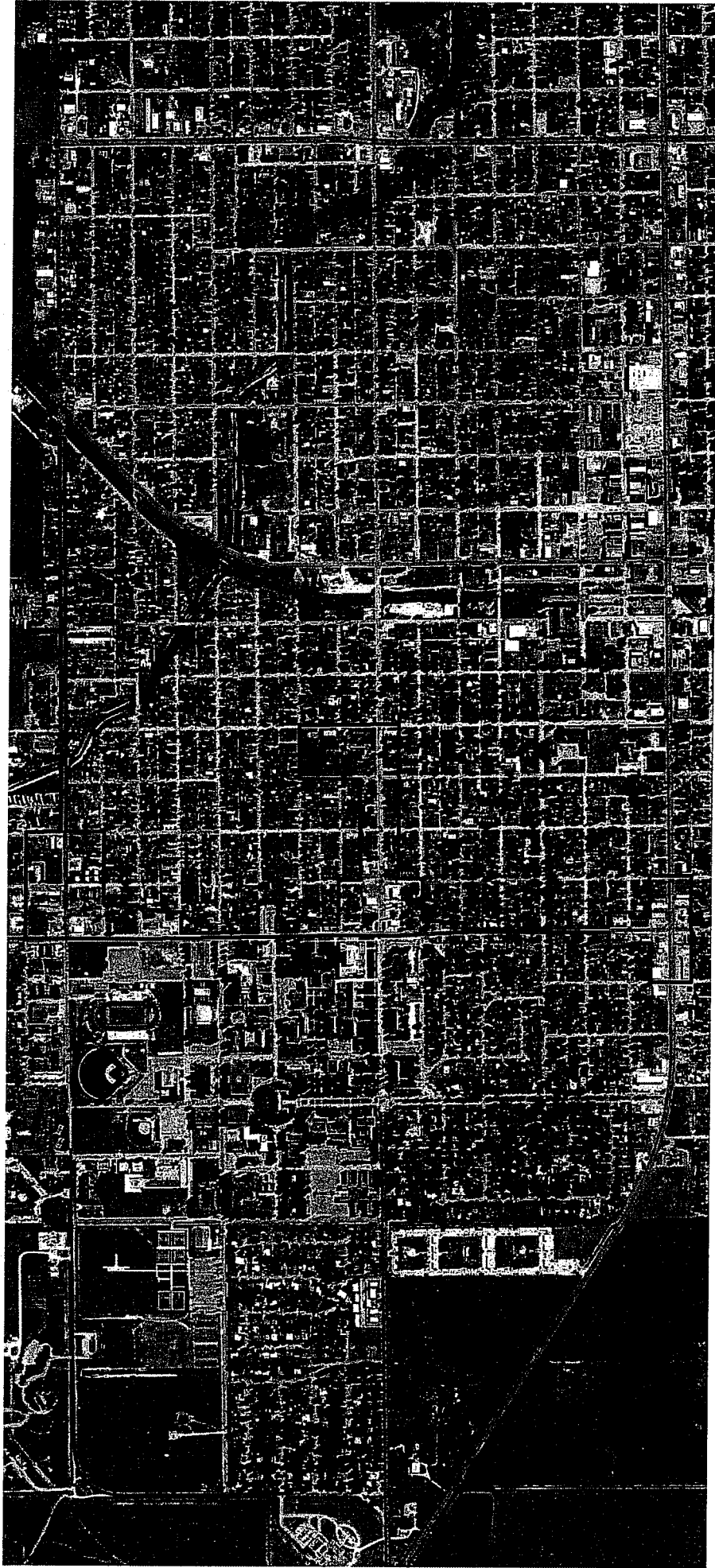


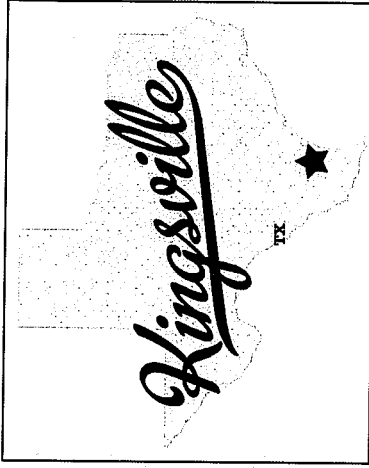
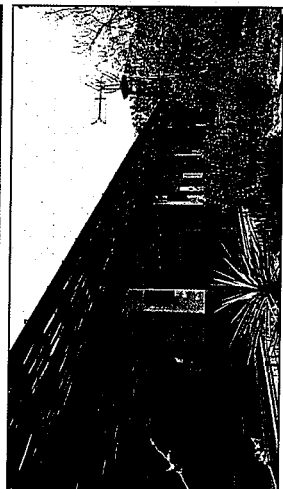
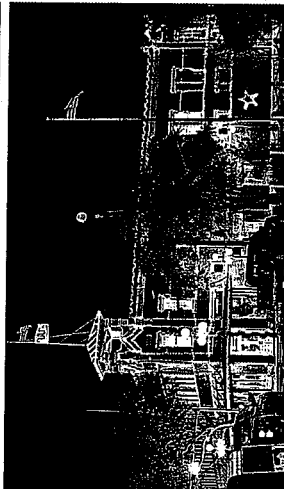
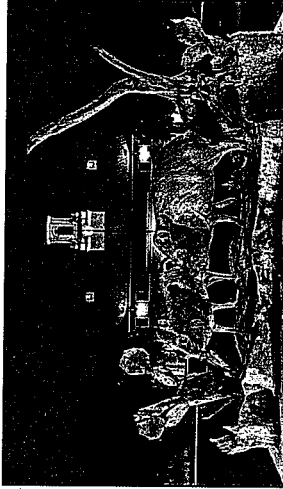
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- Project Costs ..... 7
- Financial Feasibility Analysis ..... 9
- Terms and Conditions ..... 15
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**DISCLAIMER**

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

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



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

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

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

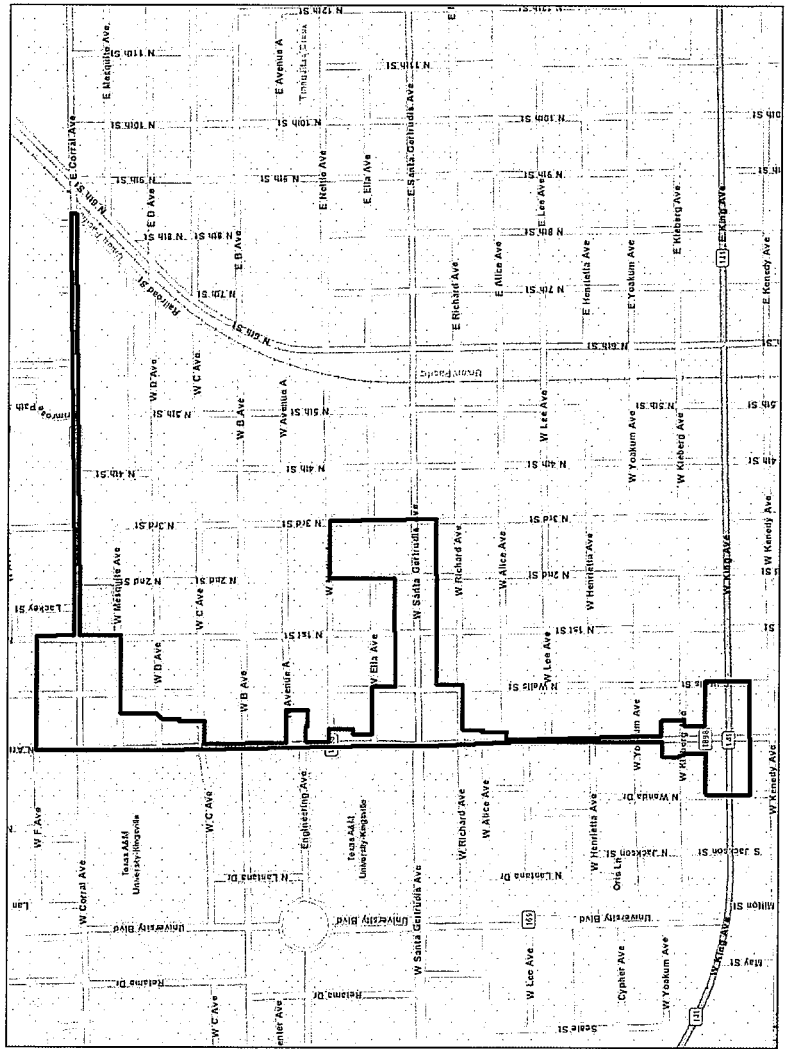
# Introduction

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

Tax Increment Financing (TIF) is a tool used to promote both new development and redevelopment within a specified geographic area. A city may designate a geographic area targeted for new development and redevelopment that would not occur but for the designation of the geographic area as a Tax Increment Reinvestment Zone (TIRZ).

On June 24, 2024, the City Commission of the City of Kingsville, Texas (the "Commission"), pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 2024-41 designating a contiguous geographic area within the City limits as Reinvestment Zone Number Two, City of Kingsville, Texas. The goal of Tax Increment Reinvestment Zone #2 (TIRZ #2) is to fund the construction of needed public infrastructure and to encourage private development that will yield additional tax revenue to all local taxing jurisdictions.

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



▭ - TIRZ Boundary

## TIRZ Boundary

### Boundary Description

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

### Legal Description TIRZ #2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## TIRZ Boundary

### Legal Description TIRZ #2 (Continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

East to the southwest corner of Property ID 13230, thence

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

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

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

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

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



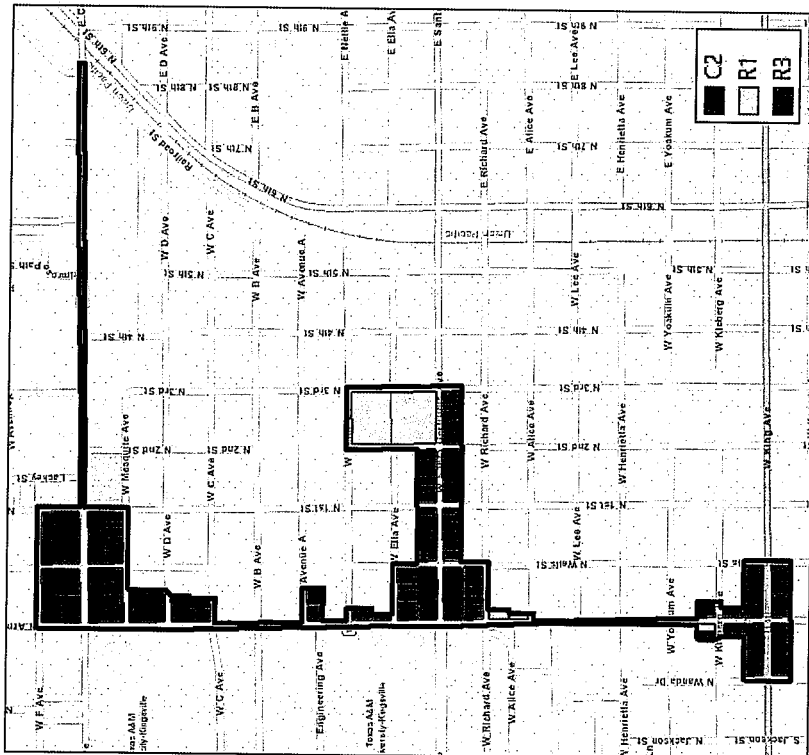
**Current Conditions**

**Land Use**

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

**Zoning**

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



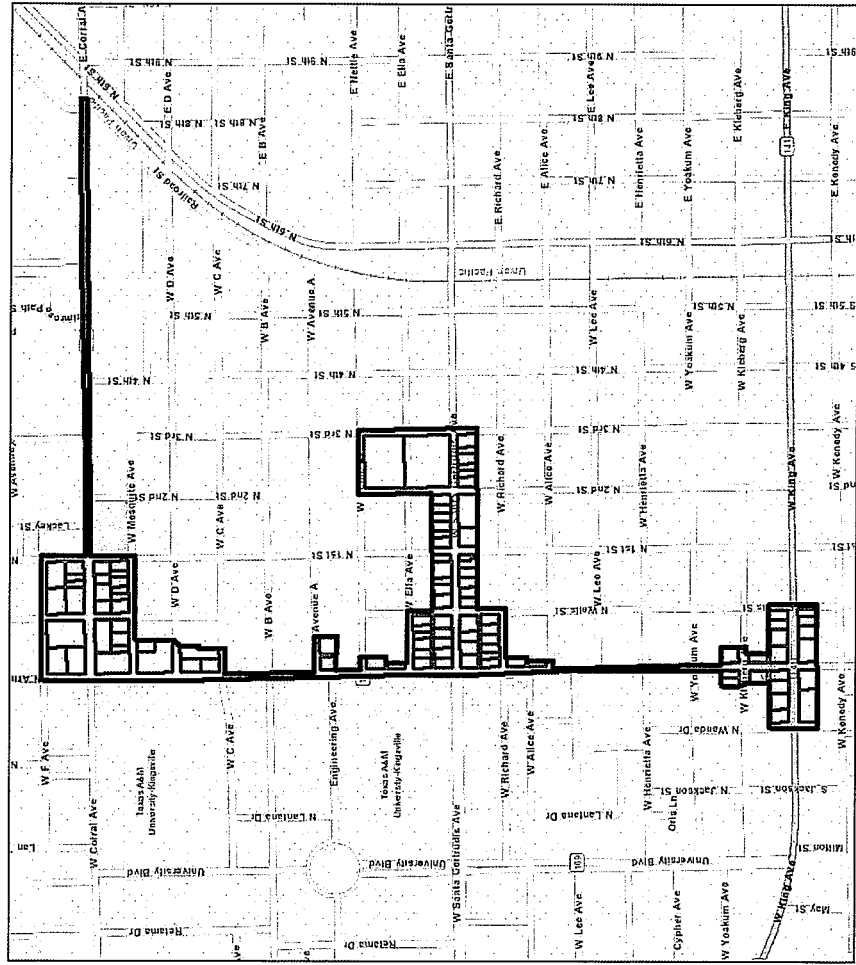
**Current Conditions**

**Method of Relocating Persons to be Displaced**

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

**Current Ownership**

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



Proposed Development

Anticipated Development

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

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

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

Project Costs

Project Costs of the Zone

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

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

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

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

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

Chapter 311 of the Texas Tax Code

Sec. 311.002.

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

## Project Costs

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

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

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

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

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

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

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

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

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

**Financial Feasibility Analysis**

**Method of Financing**

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

**Debt Service**

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

**Economic Feasibility Study**

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

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

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

TIRZ #1	Real Property Tax - 2023 Rates	Participation
	City of Kingsville	50%
	Kleberg County	0%
	Kingsville ISD	0%
	South Texas Water Authority	0%
		0.38000000
		0.00000000
		0.00000000
		0.00000000
		0.38000000

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

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

Financial Feasibility Analysis - Development Input

▶ INPUT

INFLATION RATE	3.00%
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DISCOUNT RATE	6.00%
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REAL PROPERTY TAX	PARTICIPATION
City of Kingsville	50%
Kleberg County	0%
Kingsville ISD	0%
South Texas Water Authority	0%
	0.38000000

PERSONAL PROPERTY TAX	PARTICIPATION
City of Kingsville	0%
Kleberg County	0%
Kingsville ISD	0%
South Texas Water Authority	0%
	0.00000000

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

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

▶ OUTPUT

TOTAL TAX REVENUE	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
City of Kingsville	40.8%	\$ 11,995,379	+	\$ 6,896,679
Kleberg County	25.6%	\$ 7,417,227	+	\$ 2,298,893
Kingsville ISD	32.2%	\$ 9,462,114	+	\$ -
South Texas Water Authority	1.4%	\$ 472,126	+	\$ -
	<b>100.0%</b>	<b>\$ 29,466,846</b>		<b>\$ 9,195,572</b>
				<b>31.3%</b>

TOTAL PARTICIPATION	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
City of Kingsville	100.0%	\$ 2,549,350	+	\$ -
Kleberg County	0.0%	\$ -	+	\$ -
Kingsville ISD	0.0%	\$ -	+	\$ -
South Texas Water Authority	0.0%	\$ 2,549,350	+	\$ -
	<b>100.0%</b>	<b>\$ 5,098,700</b>		<b>\$ 0.0%</b>

NET BENEFIT	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
City of Kingsville	35.2%	\$ 9,446,029	+	\$ 6,896,679
Kleberg County	27.9%	\$ 7,417,227	+	\$ 2,298,893
Kingsville ISD	35.2%	\$ 9,462,114	+	\$ -
South Texas Water Authority	1.6%	\$ 472,126	+	\$ -
	<b>100.0%</b>	<b>\$ 28,837,496</b>		<b>\$ 9,195,572</b>
				<b>34.2%</b>

# Financial Feasibility Analysis - Development Worksheet

## Tax Revenue Projections

Calendar Year: 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

Year	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
<b>TOTAL TAX REVENUE</b>																																	
<b>PROPERTY</b>																																	
Municipality	120,000	125,000	130,000	135,000	140,000	145,000	150,000	155,000	160,000	165,000	170,000	175,000	180,000	185,000	190,000	195,000	200,000	205,000	210,000	215,000	220,000	225,000	230,000	235,000	240,000	245,000	250,000	255,000	260,000	265,000	270,000		
County	150,000	155,000	160,000	165,000	170,000	175,000	180,000	185,000	190,000	195,000	200,000	205,000	210,000	215,000	220,000	225,000	230,000	235,000	240,000	245,000	250,000	255,000	260,000	265,000	270,000	275,000	280,000	285,000	290,000	295,000	300,000		
State	200,000	205,000	210,000	215,000	220,000	225,000	230,000	235,000	240,000	245,000	250,000	255,000	260,000	265,000	270,000	275,000	280,000	285,000	290,000	295,000	300,000	305,000	310,000	315,000	320,000	325,000	330,000	335,000	340,000	345,000	350,000		
<b>PERSONAL PROPERTY</b>																																	
City of Memphis	1,000,000	1,050,000	1,100,000	1,150,000	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000		
County	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000		
State	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000	2,750,000	2,800,000	2,850,000	2,900,000	2,950,000	3,000,000		
<b>TOTAL</b>	<b>3,700,000</b>	<b>3,850,000</b>	<b>4,000,000</b>	<b>4,150,000</b>	<b>4,300,000</b>	<b>4,450,000</b>	<b>4,600,000</b>	<b>4,750,000</b>	<b>4,900,000</b>	<b>5,050,000</b>	<b>5,200,000</b>	<b>5,350,000</b>	<b>5,500,000</b>	<b>5,650,000</b>	<b>5,800,000</b>	<b>5,950,000</b>	<b>6,100,000</b>	<b>6,250,000</b>	<b>6,400,000</b>	<b>6,550,000</b>	<b>6,700,000</b>	<b>6,850,000</b>	<b>7,000,000</b>	<b>7,150,000</b>	<b>7,300,000</b>	<b>7,450,000</b>	<b>7,600,000</b>	<b>7,750,000</b>	<b>7,900,000</b>	<b>8,050,000</b>	<b>8,200,000</b>		
<b>City of Memphis</b>	1,000,000	1,050,000	1,100,000	1,150,000	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000		
<b>County</b>	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000		
<b>State</b>	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000	2,750,000	2,800,000	2,850,000	2,900,000	2,950,000	3,000,000		
<b>City of Memphis</b>	1,000,000	1,050,000	1,100,000	1,150,000	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000		
<b>County</b>	1,200,000	1,250,000	1,300,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000		
<b>State</b>	1,500,000	1,550,000	1,600,000	1,650,000	1,700,000	1,750,000	1,800,000	1,850,000	1,900,000	1,950,000	2,000,000	2,050,000	2,100,000	2,150,000	2,200,000	2,250,000	2,300,000	2,350,000	2,400,000	2,450,000	2,500,000	2,550,000	2,600,000	2,650,000	2,700,000	2,750,000	2,800,000	2,850,000	2,900,000	2,950,000	3,000,000		

DAVID PETTIT  
Economic Development

## Project and Financing Plan, TIRZ #2





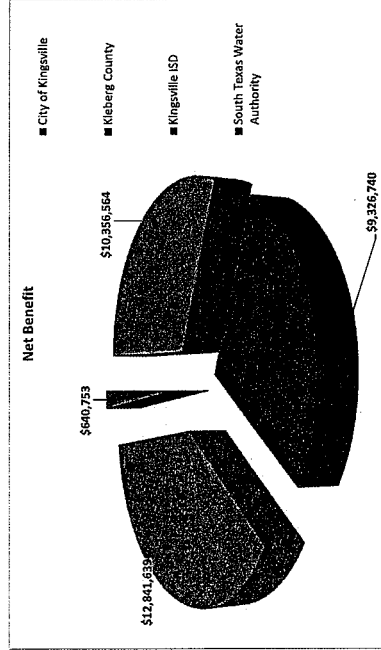
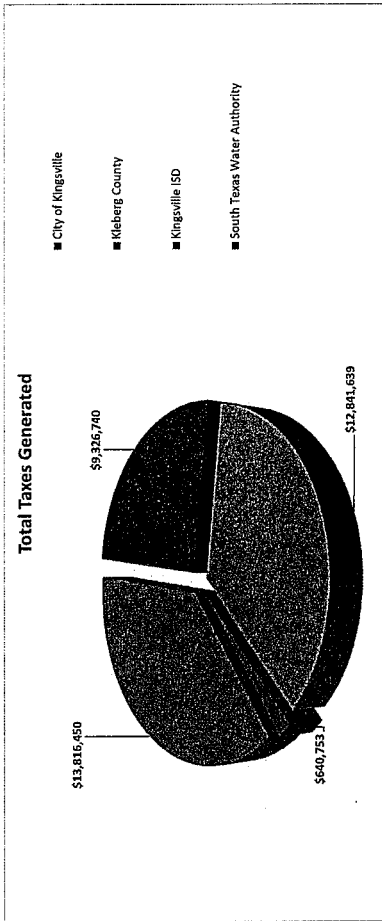


Financial Feasibility Analysis - Summary

Revenue Summary

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

Taxing Jurisdictions	Total Taxes Generated	Participation
City of Kingsville	\$13,816,450	\$3,459,886
Real Property Sales	\$9,898,679	\$0



Terms and Conditions



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

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

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

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

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



APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
12918	723 WEST ALICE LLC	HENRIETTA HGTS, BLOCK 4, LOT 31, 32	732 W ALICE	0.1607
22141	ADAMS VANESSA RENAE	COLLEGE VIEW, BLOCK 2, LOT 20, 21	610 W MESQUITE AVE	0.155532212
13303	AGZ LLC	HENRIETTA HGTS, BLOCK 2, LOT 4-6, (YOUNG'S PIZZA)	625 W SANTA GERTRUDIS	0.238374591
22816	AGZ LLC	CHAMB PL, BLOCK 10, LOT 24, 25, ACRES .0	620 W SANTA GERTRUDIS AVE	0.160696477
13620	AGZ LLC	CHAMB PL, BLOCK 10, LOT 21-23	600 W SANTA GERTRUDIS BLK	0.241043972
19082	ALI SANA LLC	BROOKS, BLOCK 8, LOT 11-16, (EZ SERVE)	809 W KING	0.482107783
12901	ALVARADO VICTOR	COLLEGE VIEW, BLOCK 2, LOT 17-19	602 W MESQUITE	0.2332923
15262	ALWAYS A WAY LLC	HENRIETTA HGTS, BLOCK 1, LOT 26, 27, E/2 28	724 W RICHARD	0.200870149
23232	BALBOA ABE L JR (LIFE EST)	CHAMB PL, BLOCK 11, LOT 8-10, E/2 11	721 W ELLA	0.281222165
25515	BAPTIST CHURCH	CHAMB PL, BLOCK 11, LOT 14-16, (EX E M P T)	720 N ARMSTRONG	0.241048215
18878	BENCZE WANDA GAIL	CHAMB PL, BLOCK 7, LOT E15' 27, 28, 29	514 W SANTA GERTRUDIS AVE	0.208905096
21714	BERNSEN PAT L	CHAMB PL, BLOCK 11, LOT 4, 5	709 W ELLA	0.160698818
22479	BERNSEN PAT L	CHAMB PL, BLOCK 11, LOT 6, 7	711 W ELLA	0.160698158
16219	BOARD OF REGENTS OF THE	COLLEGE VIEW, BLOCK 1, LOT 1-6, 27-32, (EX E M P T)	729 W CORRAL	0.958674811
23758	BOARD OF REGENTS OF THE	CHAMB PL, BLOCK 12, LOT 13-16, (EX E M P T)	806 N ARMSTRONG	0.3214
13403	CAIRNES REVOCABLE TRUST	FLATO, BLOCK 7, LOT E75' W175' S/2, AND E100' OF W200' OF N/2, (JALISCO APTS - AVE C)	728 W AVE C	0.6027
22010	CANTU SANTIAGO	COOPER, BLOCK Z-4, LOT 28-32, (CRYSTAL ROSE APT #2)	724 W KLEBERG	0.4017
18110	CARRALES JAMES EDWARD	CHAMB PL, BLOCK 7, LOT 25, 26, W10' 27	518 W SANTA GERTRUDIS AVE	0.192835994
22524	CERNOSEK CHRIS	HENRIETTA HGTS, BLOCK 2, LOT 7-9, (APTS)	615 W SANTA GERTRUDIS	0.239532352
15726	CERNOSEK CHRIS	HENRIETTA HGTS, BLOCK 2, LOT 10-12	611 W SANTA GERTRUDIS	0.24066826
16796	CHALLOO RAJAB	HENRIETTA HGTS, BLOCK 1, LOT W/2 30, 31, 32	732 W RICHARD	0.200871244
22905	CHAVEZ NYDIA A	COLLEGE VIEW, BLOCK 2, LOT 22-24	614 W MESQUITE AVE	0.233299069
18032	CHRISTOPHER DAVID	HENRIETTA HGTS, BLOCK 4, LOT 1-3, (APTS)	729 W RICHARD	0.241
20018	COLLEGE VIEW BAPTIST CHURCH	COLLEGE VIEW, BLOCK 4, LOT 1-6, 23-32, (EX E M P T)	1324 N ARMSTRONG	1.2397
24818	CORONADO RAMIRO O	HENRIETTA HGTS, BLOCK 2, LOT 13, 14, W7' S53' OF 15	607 W SANTA GERTRUDIS	0.205096969
13553	CORPUS EAGLE FOOD MART INC	COLLEGE AC, BLOCK 12, LOT SW/4, (FOOD MART)	730 W CORRAL AVE	0.658861349
15006	CRUZ DANIEL	COLLEGE AC, BLOCK 11, LOT NE/4	603 W AVE F	0.68869534
42236	D & B ENVIRONMENTAL SERVICES INC	BROOKS ADDN, BLOCK 7, LOT 20A, (CADILLAC COWGIRLS)	810 W KING	0.321392573
15063	DE LA GARZA REBECCA	CHAMB PL, BLOCK 7, LOT 17-19	530 W SANTA GERTRUDIS AVE	0.241044239
24157	DE LA GARZA REBECCA MICHEL	CHAMB PL, BLOCK 7, LOT 20, 21	524 W SANTA GERTRUDIS AVE	0.160695927
23895	DE LA PAZ RAMON	COLLEGE VIEW, BLOCK 1, LOT 21-24	712 W MESQUITE	0.311057493
21435	DE LEON BELEN L	COLLEGE AC, BLOCK 11, LOT E/2 W/2 SE/4	610 W CORRAL AVE	0.160698336
19776	DHALLA JARNAIL	HENRIETTA HGTS, BLOCK 1, LOT 17-19, 50% UNDIVIDED INTEREST	704 W RICHARD	0.241045777
20284	DROWN CHERYL ANN NIX	CHAMB PL, BLOCK 11, LOT 20-22	722 W SANTA GERTRUDIS	0.241043866
11810	EVERGREEN 786 LLC	FLATO, BLOCK 7, LOT 100X140' SW COR, (JAVALINA MART)	1202 N ARMSTRONG	0.3214



APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
22336	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 8, 9, 10, 11, (APTS)	711 W KING	0.321396603
23088	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 12-14	707 W KING	0.2410483
16278	FDH REAL ESTATE LLC	COOPER, BLOCK AA-4, LOT 15, 16	703 W KING	0.160700437
19891	FOSTER MASON	COLLEGE AC, BLOCK 11, LOT E100 SE/4, (YOUR CAR WASH)	600 W CORRAL AVE	0.321396293
22807	GARCIA ALVARO JR	COLLEGE VIEW, BLOCK 2, LOT 1-4	631 W CORRAL	0.288108794
24335	GARCIA MARIA ESTELA PENA	COLLEGE VIEW, BLOCK 2, LOT 5-9, (MARIACHI HOUSE OF BURGERS)	621 W CORRAL AVE	0.360135236
24939	GARZA EDUARDO	CHAMB PL, BLOCK 7, LOT 22-24, ACRES .0	522 W SANTA GERTRUDIS AVE	0.241044464
19451	GILBERTO & OLGA URESTI	BROOKS, BLOCK 7, LOT 29-32	830 W KING	0.321395127
13572	GOFF FRANK JR	ORIG TOWN, BLOCK 2, LOT 1-3	431 W SANTA GERTRUDIS	0.241045069
29565	GONZALEZ ROEL	CHAMB PL, BLOCK 10, LOT 26-30	608 W SANTA GERTRUDIS AVE	0.401740333
10526	GUJARDO RENE	COLLEGE VIEW, BLOCK 2, LOT 10, 11, 12	611 W CORRAL	0.216081464
11936	HAKA JONATHON	CHAMB PL, BLOCK 7, LOT 30-32	504 W SANTA GERTRUDIS AVE	0.241046238
22087	HUNTER WALTER TOM JR	HENRIETTA HGTS, BLOCK 1, LOT 23-25	716 W RICHARD	0.241042535
15177	INTERNATIONAL BANK OF COMMERCE	HENRIETTA HGTS, BLOCK 1, LOT 5-8	715 W SANTA GERTRUDIS	0.321396539
32781	INTERNATIONAL BANK OF COMMERCE	HENRIETTA HGTS, BLOCK 1, LOT 9-11, (IBC PARKING)	713 W SANTA GERTRUDIS	0.241048595
20633	IRBY KAY NIX	CHAMB PL, BLOCK 11, LOT 17-19		0.241043921
13230	JONES GENE M	BROOKS, BLOCK 7, LOT 13-16	111 S ARMSTRONG	0.3214
13282	KINGSVILLE MULTIFAMILY INVESTMENTS LLC	COLLEGE AC, BLOCK 12, LOT E/2, (SEVILLE APTS), ACRES 1.15	704 W CORRAL	1.364776565
13047	KRESTA INVESTMENTS LLC	COOPER, BLOCK AA-1, LOT 20-22	710 W KING	0.241043188
23341	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 29-32, (NANA'S LAUNDROMAT)	702, 704, 706 W SANTA GERTRUDIS	0.321393834
14198	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 26-28	714 W SANTA GERTRUDIS	0.241042915
21048	KRUEGER MICHAEL JAMES	CHAMB PL, BLOCK 11, LOT 23-25	716 W SANTA GERTRUDIS	0.241043405
12851	LEAL ARNOLD P	HENRIETTA HGTS, BLOCK 1, LOT 20-22	706 W RICHARD	0.24104397
24402	LIGHT RODNEY	COOPER 2, BLOCK 3, LOT 17, 18, (THE CROSS), (EXEMPT)	109 N ARMSTRONG	0.1607
18226	LOK INVESTMENTS LLC	ORIG TOWN, BLOCK 2, LOT 13-16, (UNIVERSITY OAKS)	403 W SANTA GERTRUDIS	0.321395345
17462	LONEY PAUL J JR	ORIG TOWN, BLOCK 2, LOT 11, 12	409 W SANTA GERTRUDIS AVE	0.160697706
15273	MARIN'S COMMERCIAL RENTAL MANAGEMENT LLC	BROOKS, BLOCK 8, LOT 1-10, (LYDIA'S RESTAURANT, ETC)	800 W KING BLK	0.803504739
14838	MARQUEZ LUIS HUMBERTO	BROOKS, BLOCK 7, LOT 17-19, (EL CHATO)	121 S ARMSTRONG	0.241044902
17508	MARTINEZ HECTOR	CHAMB PL, BLOCK 10, LOT 31, 32	602 W SANTA GERTRUDIS	0.160698415
17605	MARTORELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 29-32, (APTS)	626 W MESQUITE	0.311064576
16851	MARTORELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 27, 28	600 W MESQUITE BLK	0.1555325
20218	MARTORELLO FABRIZIO M	HENRIETTA HGTS, BLOCK 2, LOT 1-3, (APTS)	627 W SANTA GERTRUDIS	0.237211744
13752	NIELSEN RANDAL E	COOPER, BLOCK AA-1, LOT 1-3	729 W KLEBERG	0.241
24760	OBREGON ROBERTO	CHAMB PL, BLOCK 11, LOT W/2 11, 12, 13	725 W ELLA AVE	0.200872846
12460	OBREGON ROBERTO	CHAMB PL, BLOCK 11, LOT 1-3	703 W ELLA AVE	0.241049439



APPENDIX A - CURRENT PROPERTY OWNERSHIP

Property ID	Owner Name	Legal Description	Address	Acres
11285	OCHOA PEDRO III	COLLEGE VIEW, BLOCK 2, LOT 13-16	600 W CORRAL BLK	0.288102349
13567	PATEL MAHENDRA	HENRIETTA HGTS, BLOCK 1, LOT 1-4, (SHRIM 6/ESP FIX/THE CENTER)	620 N ARMSTRONG	0.321397064
25418	PENA RUBEN	COLLEGE VIEW, BLOCK 1, LOT 25, 26	716 W MESQUITE	0.155530212
23515	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 6, 7, ACRES. 0	419 W SANTA GERTRUDIS	0.160696052
22759	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 4, 5	423 W SANTA GERTRUDIS	0.160695262
13681	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT NW/4, (UNIVERSITY WELLS APTS)	625 W AVE F	0.68869933
22978	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT SW/4	630 W CORRAL AVE	0.642792286
22211	RAMIREZ SUSANA P	COLLEGE AC, BLOCK 11, LOT W50' SE/4	616 W CORRAL AVE	0.160698336
19953	REYNA TADEO	COOPER, BLOCK AA-1, LOT 17-19	117 N WELLS	0.241046935
16041	ROLDAN OCTAVIO HERNANDEZ	HENRIETTA HGTS, BLOCK 1, LOT W/2 28, 29, E/2 30	726 W RICHARD	0.160694553
22269	RUIZ RUBEN	COOPER, BLOCK AA-1, LOT 23-27	720 W KING BLK	0.401739453
25485	SABALA PROPERTIES LLC	BROOKS, BLOCK 7, LOT 24-28, (PIZZA PARLOR)	816 W KING AVE	0.401742683
18073	SAMADI LEILA	FLATO, BLOCK 7, LOT NW/COR 100X160, (RENAE'S LAUNDRY & FAMILY PLANNING CLINIC)	1216 N ARMSTRONG	0.3673
42589	SAMADI LEILA M	HENRIETTA HEIGHTS ADDN, BLOCK 1, LOT 12A, (UNIVERSITY CTR, ETC)	709 W SANTA GERTRUDIS, SUITE A, B & C	0.401748633
25903	SC CONSTRUCTION LLC	COOPER 2, BLOCK 3, LOT 19-21	800 W KLEBERG	0.241
16097	SERNA CARLOS ROLANDO	COLLEGE VIEW, BLOCK 2, LOT 25, 26	618 W MESQUITE	0.155533011
24288	SHOLTIS JENNIFER	ORIG TOWN, BLOCK 2, LOT 8-10	415 W SANTA GERTRUDIS	0.241046122
18513	SOUTH TEXAS DISTRICT COUNCIL-ASSEMBLIES OF GOD, INC	COLLEGE VIEW, BLOCK 1, LOT 7-16, (EX E M P T)	717 W CORRAL AVE	0.720289678
22384	TAZ TEXAS HOLDEM LLC	COLLEGE VIEW, BLOCK 1, LOT 17-20, (APTS)	700 W MESQUITE	0.311056518
13309	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 2, LOT 1-3, (EX E M P T)	721 WAVE A	0.45
16708	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 1, LOT LOT N/2 4, 5, 6, (EX E M P T)	725 WAVE A	0.287
25284	TEXAS A & M UNIVERSITY SYSTEM	CHAMB PL, BLOCK 12, LOT 17, 18, (EX E M P T)	728 W WELLA	0.1607
16224	TXEZP LLC	COOPER, BLOCK AA-1, LOT 28-32, (EZ PAWN)	730 W KING	0.40173865
22344	UNIVERSITY BAPTIST CHURCH	COLLEGE VIEW, BLOCK 4, LOT 7-10, (EX E M P T), ACRES. 0	725 W MESQUITE	0.3099
22990	VELIZ VELMA	ORIG TOWN, BLOCK 1, LOT 1-9	500 W SANTA GERTRUDIS BLK	0.482101806
4005495	VELIZ VELMA	ORIG TOWN, BLOCK 1, LOT 10-16	500 W SANTA GERTRUDIS BLK	0.803499105
10723	WATSON LUCRESS & DICK	COOPER, BLOCK AA-4, LOT 1-7, (FIESTA CAR WASH)	729 W KING AVE	0.562443879
25572	YAKLIN DENNIS L	HENRIETTA HGTS, BLOCK 2, LOT E18' N87' OF .15, .16, (APTS)	619 N 1ST ST	0.116301977
20336	YMG INVESTMENTS LLC	COLLEGE AC, BLOCK 12, LOT NW/4	1510 N ARMSTRONG	0.705915235
11998	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 10, LOT 17-20, (EL TAPATIO)	630 W SANTA GERTRUDIS	0.321395721
11514	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 5, LOT 1-32 & 1/2 OF W WELLA ST	400 W NETTIE BLK	2.884865143
18241	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 6, LOT 1-32, (FLATO SCHOOL)	W SANTA GERTRUDIS	3.175747304

# **AGENDA ITEM #5**



**To:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**From:** Manny Salazar, President/CEO, Kingsville Chamber of Commerce and Greater Kingsville Economic Development Council

**Date:** October 1, 2024

**Subject:** Authorizing Agreement with Vendor & Budget Amendment for Creation of TIRZ #3

**BACKGROUND:**

The City of Kingsville has been a steadfast supporter of local businesses and economic development programs, and understands the challenges that exist when creating a business. On February 12, 2024, the City Commission approved an agreement with the David Petit Firm for the creation of Tax Increment Reinvestment Zones (TIRZ), with each TIRZ to be separately authorized at a cost of \$40,000. TIRZ#2 (located on Santa Gertrudis Ave.) was authorized at that time.

TIRZ#2 and the proposed creation of TIRZ #3 will create a tool to incentivize developers by providing a method for improving infrastructure and economic development grants.

The proposed TIRZ #3 will be located, pending council approval, on undeveloped land along I-69, south of General Cavazos Blvd. The area which includes substantial highway frontage is the target for retail and multifamily development. The creation of the TIRZ indicates a community's desire for growth in the designated area.

The projects eligible for inclusion in a TIRZ will be subject to boundaries approved by city commission. The TIRZ board and all decisions of the board will be subject to city commission approval.

**FINANCIAL IMPACT:**

As per the agreement with the David Pettit firm, the cost for TIRZ creation services is \$40,000. Funding for this item is located in Fund 123-Economic Development Program line 1060-31400.

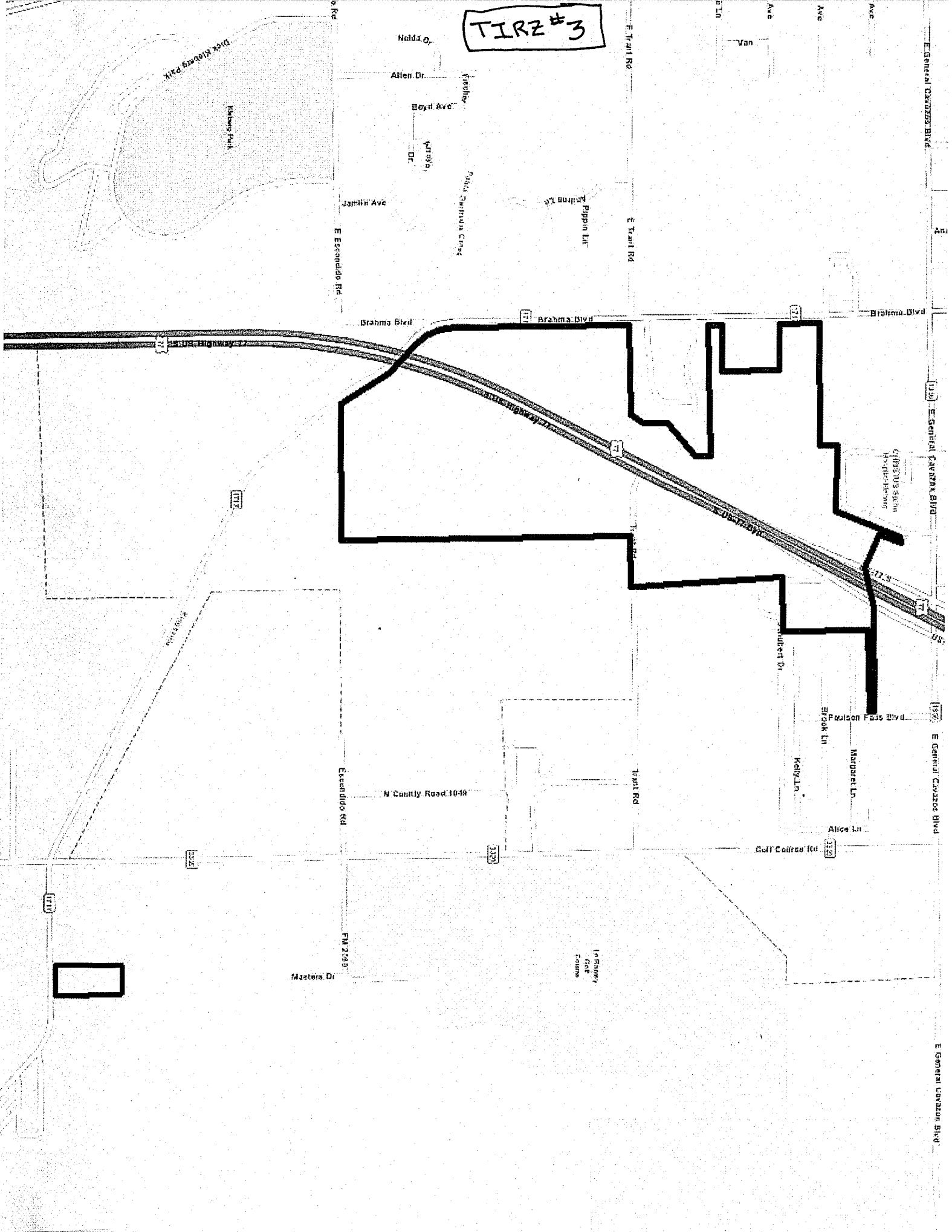
**RECOMMENDATION:**

The city commission: 1) authorize the services of the David Petit Firm, under a previously approved agreement from 2/12/24, for the creation of TIRZ#3, and 2) approve a budget amendment to allocate funding in the amount of \$40,000 for the creation of TIRZ #3 with David Pettit Economic Development as the vendor.

TIRZ # 3



TIRZ #3



1/4 Scale  
 Feet  
 Contour

**RESOLUTION #2024- 12**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR TIRZ CREATION SERVICES BETWEEN THE CITY OF KINGSVILLE AND DAVID PETTIT ECONOMIC DEVELOPMENT., LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville seeks to utilize an economic development tool known as a Tax Increment Reinvestment Zone (TIRZ) to spur development within a specific geographic area and desires to enlist the services of a firm to assist with that endeavor;

**WHEREAS**, a TIRZ is designed to build infrastructure, encourage development and can reduce the costs to private developers for those things by providing for the reimbursement of funds for eligible public improvements using a portion of the incremental increase in ad valorem taxes in the area of improvement;

**WHEREAS**, the City solicited informal Requests for Proposal for TIRZ Creation Services to vendors providing that service starting January 3, 2024 and accepted responses until the deadline on January 15, 2024 with one response being received;

**WHEREAS**, the City reviewed the respondent's qualifications and is recommending the sole respondent, David Pettit Economic Development, LLC, be selected for the service;

**WHEREAS**, the City and David Pettit Economic Development, LLC worked to prepare an agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC and the parties both agreed to the terms of the proposed agreement, which is presented for approval by the City Commission.

**NOW THEREFORE, 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 and execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC in accordance with Exhibit A hereto attached and made a part hereof.

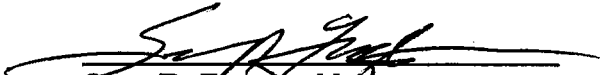
II.

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

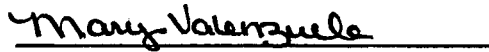
III.

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


**PASSED AND APPROVED** by a majority vote of the City Commission on the  
12th day of February, 2024.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

January 8, 2024

Mark McLaughlin  
City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, TX 78364

**RE: Professional Services Proposal**

Dear Mr. McLaughlin:

**David Pettit Economic Development, LLC ("DPED")** is pleased to provide this proposal for economic development professional services relating to the potential creation of multiple Tax Increment Reinvestment Zones ("TIRZ") in the **City of Kingsville, Texas ("City")**.

#### **The Project**

It is our understanding that the City is interested in potentially creating multiple TIRZ districts with the purpose of facilitating development.

#### **The Assignment**

Our work under this proposal would be to provide professional economic development services. DPED's primary role will be to provide professional economic development services relating to creating a TIRZ.

Additionally, DPED may provide ongoing professional services related to economic development within the City of Kingsville on an hourly basis, to include but not be limited to, educational workshops for City Council and community stakeholders, and assistance with the implementation of the TIRZs.

#### **The Team**

We propose working in a team organized as follows:

- You will be our point of contact and will provide overall direction to our team. You may also include other members of City staff with which we will meet regularly to review our progress and to get input and direction on our work.
- At this time, we do not anticipate the need for any additional consultants to accomplish the work described in this proposal.

#### **Statutory Requirements**

Chapter 311 of the Texas Tax Code outlines the various procedures for creating and amending a TIRZ. The designation TIRZ ordinance is approved by the governing body of the municipality and establishes four key elements, including:

- Boundary;
- Term;
- TIRZ Board; and
- Preliminary project and financing plan.

Before adopting an ordinance designating the reinvestment zone, the governing body of the municipality must hold a public hearing on the creation of the zone and publish notice of the hearing not later than the seventh

day before the public hearing. A final project and financing plan is subsequently approved by the TIRZ Board and then by the governing body of the municipality. Any amendment to an existing TIRZ would follow these same procedures.

### **Scope of Services**

Based on our conversations and our experience on previous projects, we propose the following scope of services for the TIRZ. Our proposed scope of services is divided into separate tasks, each providing a description of the work to be performed and the key products resulting from the task.

#### **Task 1**

##### **District Review**

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

#### **Task 2**

##### **Data Collection and Analysis**

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

#### **Task 3**

##### **Taxable Value Analysis**

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

#### **Task 4**

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

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

#### **Task 5**

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

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

#### **Task 6**

##### **TIRZ Documentation Support**

DPED will provide assistance with drafting necessary documents for creating the TIRZ including: 1) public hearing notices; 2) resolutions; and 3) ordinances. This can be a time-consuming process for City

staff, however DPED's extensive experience in drafting these documents should help streamline the preparation of materials necessary for City Council consideration. This task would also include assistance in creating and appointing the appropriate TIRZ board per the TIRZ creation ordinance.

**Fee for Services**

Our fee for services relating to the scope of services would be a lump sum fee of \$40,000 per TIRZ creation. Each TIRZ assignment would be initiated by DPED through separate written authorization by City. Individual written TIRZ authorization shall be provided via email to [dpettit@dpedllc.com](mailto:dpettit@dpedllc.com). Fees would be charged monthly, subject to on-going progress on the work effort related to the creation of the TIRZ.

Ongoing professional services related to economic development within the City of Kingsville, to include but not be limited to, educational workshops for City Council and community stakeholders, and assistance with the implementation of the TIRZs, would be billed on an hourly basis and would be charged monthly.

Reimbursable expenses not to exceed \$2,500 would be charged to include out-of-pocket expenses incurred in the interest of the project at actual costs.

**Changes of Scope and Additional Services**

Minor additions to our scope will be treated as Additional Services. Work on Additional Services will not begin until authorized in writing by the Client.

**Additional Services and Rates for Hourly Services**

Additional Services shall be billed on an hourly not to exceed basis unless a fixed fee or other method of compensation is mutually agreed upon. Our current hourly rates are:

<u>Classification</u>	<u>Hourly Billing Rate</u>
David Pettit	\$325.00
Project Manager	\$250.00
Project Specialist	\$120.00
Planning Intern	\$100.00
Administrative	\$80.00

These rates apply for the current calendar year and are subject to revision on January 1, when they may be revised to reflect changes in staff salaries over the preceding year.

**Term of Agreement**

It is anticipated that the services covered in the proposal will be completed within twelve (12) months of the date services begin. This Agreement will terminate upon the earlier of completion of services or twelve (12) months from the date of this Agreement. Additionally, Client may terminate this Agreement for any reason upon thirty (30) days written notice to DPED and DPED will cease any and all work upon receipt of such notice, unless otherwise directed in the notice. In the event of a termination as described above, Client shall be responsible for the payment of the fees and expenses incurred by DPED pursuant to this agreement through the date of such termination.

**Reimbursables**

We propose to be reimbursed for out-of-pocket expenses incurred in the interest of the project at DPED actual cost. Reimbursable expenses include: our direct consultants and their expenses (to be reimbursed, all consultants and their bids must be approved in writing, in advance by the client); reproduction; long distance communication; document printing and delivery; document graphics and binding; delivery, postage and handling; travel time; special materials; photography; etc. (Reasonable backup will be available upon request.)

**Invoices and Payments**

Payment for services rendered is due within thirty (30) days of Client's next monthly billing cycle following receipt of invoice. In the event any invoices remain unpaid 45 days after the invoice date, we suspend work until we



have been paid in full all amounts due for services and expenses. Amounts unpaid for more than 30 days after the due date may accrue interest at 10% per annum. In the event we are forced to commence a collection proceeding, you agree to pay reasonable attorney's fees and court costs, in addition to our fees billed under this proposal.

#### **Suspension and Termination**

If the project is suspended or abandoned, DPED will be compensated for all services billed prior to receipt of written notice by the Client. Services that are not billed or completed between billing periods and receipt of written notice will be reimbursed at DPED's standard hourly rates.

If the scope or schedule of the project should change beyond that to be reasonably expected due to the program changes, schedule or other reason, at their option, DPED may re-negotiate the aforementioned fees and scope of work. Any renegotiation of scope or fee will be in writing and subject to the signing of both parties.

#### **Certifications**

**Guarantees and Warranties:** We will not be required to execute any document that would result in our certifying, guaranteeing or warranting the existence of conditions whose existence we cannot ascertain.

#### **Authorization to Proceed**

Thank you again for this opportunity to work with you. Your signature below and the return of one copy to us for our file will confirm your approval and authorize us to proceed.

#### **Insurance**

DPED will provide proof of professional liability insurance (including errors and omissions) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate and excess/umbrella liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate to client. Additionally, DPED shall carry the following insurance coverages:

- (a) Worker's compensation insurance at the statutory limits and employer's liability insurance, with minimum limits of \$1,000,000.00/\$1,000,000.00/\$1,000,000.00; and
- (b) Comprehensive general liability insurance, with minimum limits of \$2,000,000.00 each occurrence and \$4,000,000.00 in aggregate; and
- (c) Comprehensive automobile liability insurance, with minimum limits of \$1,000,000.00 combined single limit each occurrence; and

DPED has previously provided, or concurrently with the execution of this agreement is providing, to Client a certificate of insurance issued to Client evidencing the foregoing insurance coverages and evidencing that Client and Client's lender, if any, are additional insured parties with respect to the insurance policies referred to in the foregoing subparagraphs (b) and (c).

#### **Notices**

Any notice required or permitted to be given to either party shall be deemed to be received by such party (a) three (3) days after deposit in the United States Registered or Certified Mail, Return Receipt Requested, or (b) one (1) business day after deposit with a nationally recognized overnight delivery service for next day delivery, or (c) upon personal delivery to the party to whom addressed provided that a receipt of such delivery is obtained, or (d) on the next business day after transmission by telecopy provided that a confirmation copy is concurrently deposited in United States Certified or Registered Mail, Return Receipt Requested, in any case addressed to the parties at the following addresses:

If to Client:

City of Kingsville, Texas  
P.O. Box 1458  
Kingsville, TX 78364  
Attention: Mark McLaughlin, City Manager  
Email: [citymanager@cityofkingsville.com](mailto:citymanager@cityofkingsville.com)

If to DPED:

David Pettit Economic Development, LLC.  
306 West Seventh Street, Suite 602  
Ft. Worth, TX 76102  
Attention: David Pettit  
Email: [dpettit@dpedllc.com](mailto:dpettit@dpedllc.com)

or to the parties at such other addresses or telecopy numbers as they may designate by notice to the other party as herein provided.

**SUMMARY**

I hope this accurately outlines the professional services you anticipated. If you have any questions or concerns please do not hesitate to contact me at 817.439.9421.

Thank you for considering David Pettit Economic Development, LLC.

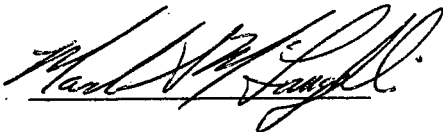
Sincerely,



David Pettit  
Managing Member

If this agreement meets with your approval, please sign and return one executed copy to our office as notice to proceed.

**AGREED TO AND ACCEPTED BY:**

By: 

Date: 2/13/2024

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENGAGE THE SERVICES OF DAVID PETTIT ECONOMIC DEVELOPMENT., LLC AS PER PRIOR AGREEMENT, FOR THE CREATION OF TIRZ#3; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville seeks to utilize an economic development tool known as a Tax Increment Reinvestment Zone (TIRZ) to spur development within a specific geographic area and desires to enlist the services of a firm to assist with that endeavor;

**WHEREAS**, a TIRZ is designed to build infrastructure, encourage development and can reduce the costs to private developers for those things by providing for the reimbursement of funds for eligible public improvements using a portion of the incremental increase in ad valorem taxes in the area of improvement;

**WHEREAS**, the City solicited informal Requests for Proposal for TIRZ Creation Services to vendors providing that service starting January 3, 2024 and accepted responses until the deadline on January 15, 2024 with one response being received from David Pettit Economic Development, LLC, whose qualifications were reviewed and accepted;

**WHEREAS**, the City Commission approved a TIRZ Creation Services Agreement between the City of Kingsville and David Pettit Economic Development, LLC via Resolution #2024-12 at a City Commission meeting held on February 12, 2024;

**WHEREAS**, the City seeks to create a third TIRZ and wants to engage the services of David Pettit Economic Development, LLC under the previously approved agreement that allows for additional TIRZ to be created at a cost of \$40,000 each, and funding has been identified for this new TIRZ.

**NOW THEREFORE, 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 a new scope of work for the creation of TIRZ#3 under the Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC previously approved on February 12, 2024.

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  
15th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #6**

**To:** Mayor and City Commissioners

**CC:** Mark McLaughlin, City Manager

**From:** Manny Salazar, President/CEO, Kingsville Chamber of Commerce and Greater Kingsville Economic Development Council

**Date:** October 1, 2024

**Subject:** Authorizing Agreement with Vendor & Budget Amendment for Creation of TIRZ #3

**BACKGROUND:**

The City of Kingsville has been a steadfast supporter of local businesses and economic development programs, and understands the challenges that exist when creating a business. On February 12, 2024, the City Commission approved an agreement with the David Petit Firm for the creation of Tax Increment Reinvestment Zones (TIRZ), with each TIRZ to be separately authorized at a cost of \$40,000. TIRZ#2 (located on Santa Gertrudis Ave.) was authorized at that time.

TIRZ#2 and the proposed creation of TIRZ #3 will create a tool to incentivize developers by providing a method for improving infrastructure and economic development grants.

The proposed TIRZ #3 will be located, pending council approval, on undeveloped land along I-69, south of General Cavazos Blvd. The area which includes substantial highway frontage is the target for retail and multifamily development. The creation of the TIRZ indicates a community's desire for growth in the designated area.

The projects eligible for inclusion in a TIRZ will be subject to boundaries approved by city commission. The TIRZ board and all decisions of the board will be subject to city commission approval.

**FINANCIAL IMPACT:**

As per the agreement with the David Pettit firm, the cost for TIRZ creation services is \$40,000. Funding for this item is located in Fund 123-Economic Development Program line 1060-31400.

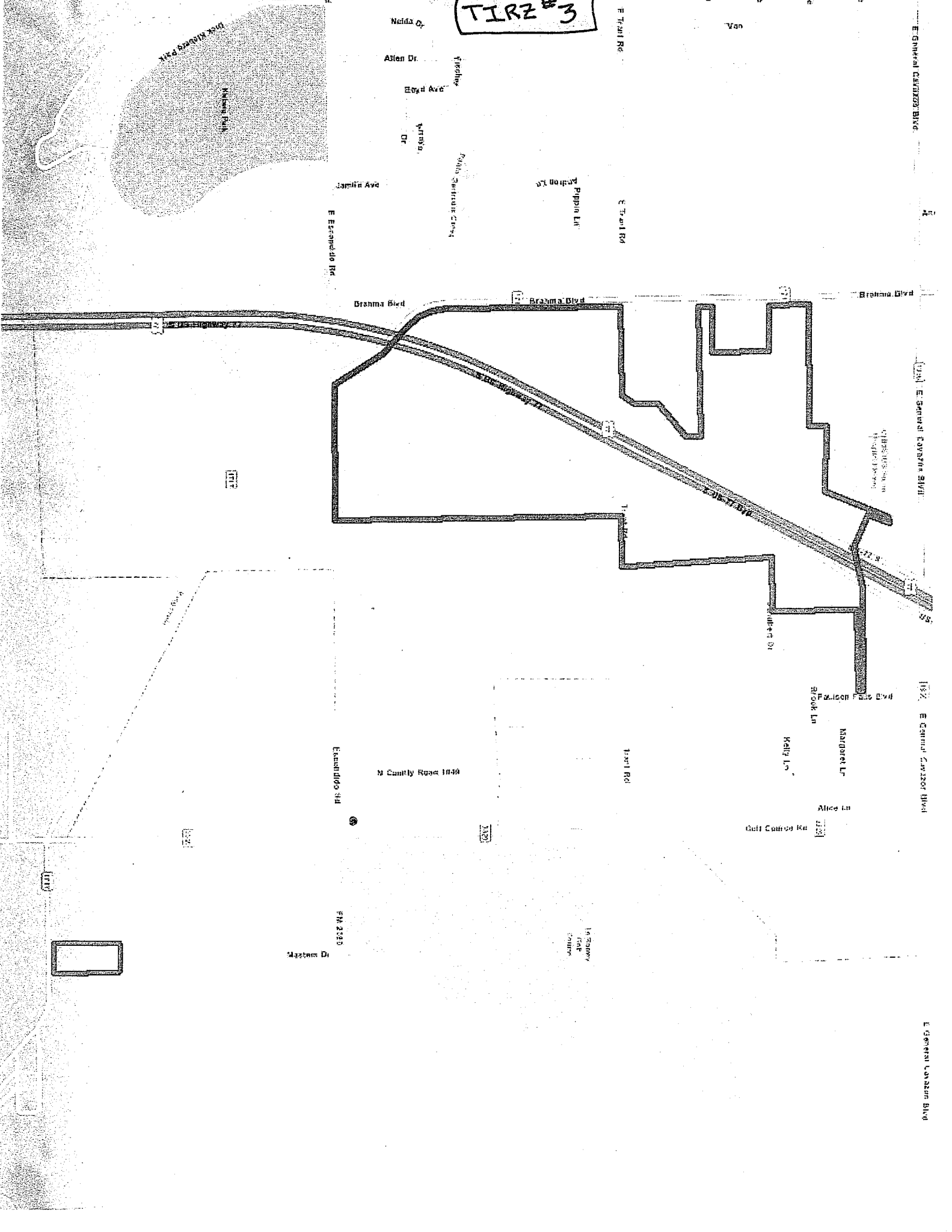
**RECOMMENDATION:**

The city commission: 1) authorize the services of the David Petit Firm, under a previously approved agreement from 2/12/24, for the creation of TIRZ#3, and 2) approve a budget amendment to allocate funding in the amount of \$40,000 for the creation of TIRZ #3 with David Pettit Economic Development as the vendor.

FIRE # 3



TIRZ #3



Nelda Dr

Allen Dr

Esqul Ave

Yruba Dr

Lapatin Ave

E Escarpment Rd

Drama Blvd

Brahma Blvd

Brahma Blvd

E Grand Canyon Blvd

CHESBURY

E Grand Canyon Blvd

Paulson Pass Blvd

Alcock Ln

Margaret Ln

Kelly Ln

Alice Ln

Golf Course Rd

N Cantilly Road 174A

Isabel Rd

Escarpment St

FM 2910

Mazette Dr

LA SOWRY  
GOLF COURSE

E Grand Canyon Blvd

Box Kildberg Park  
Kildberg Park





**RESOLUTION #2024- 12**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR TIRZ CREATION SERVICES BETWEEN THE CITY OF KINGSVILLE AND DAVID PETTIT ECONOMIC DEVELOPMENT., LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville seeks to utilize an economic development tool known as a Tax Increment Reinvestment Zone (TIRZ) to spur development within a specific geographic area and desires to enlist the services of a firm to assist with that endeavor;

**WHEREAS**, a TIRZ is designed to build infrastructure, encourage development and can reduce the costs to private developers for those things by providing for the reimbursement of funds for eligible public improvements using a portion of the incremental increase in ad valorem taxes in the area of improvement;

**WHEREAS**, the City solicited informal Requests for Proposal for TIRZ Creation Services to vendors providing that service starting January 3, 2024 and accepted responses until the deadline on January 15, 2024 with one response being received;

**WHEREAS**, the City reviewed the respondent's qualifications and is recommending the sole respondent, David Pettit Economic Development, LLC, be selected for the service;

**WHEREAS**, the City and David Pettit Economic Development, LLC worked to prepare an agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC and the parties both agreed to the terms of the proposed agreement, which is presented for approval by the City Commission.

**NOW THEREFORE, 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 and execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

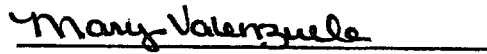
III.

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


**PASSED AND APPROVED** by a majority vote of the City Commission on the  
12th day of February, 2024.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

  
Courtney Alvarez, City Attorney

January 8, 2024

Mark McLaughlin  
City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, TX 78364

**RE: Professional Services Proposal**

Dear Mr. McLaughlin:

**David Pettit Economic Development, LLC ("DPED")** is pleased to provide this proposal for economic development professional services relating to the potential creation of multiple Tax Increment Reinvestment Zones ("TIRZ") in the **City of Kingsville, Texas ("City")**.

**The Project**

It is our understanding that the City is interested in potentially creating multiple TIRZ districts with the purpose of facilitating development.

**The Assignment**

Our work under this proposal would be to provide professional economic development services. DPED's primary role will be to provide professional economic development services relating to creating a TIRZ.

Additionally, DPED may provide ongoing professional services related to economic development within the City of Kingsville on an hourly basis, to include but not be limited to, educational workshops for City Council and community stakeholders, and assistance with the implementation of the TIRZs.

**The Team**

We propose working in a team organized as follows:

- You will be our point of contact and will provide overall direction to our team. You may also include other members of City staff with which we will meet regularly to review our progress and to get input and direction on our work.
- At this time, we do not anticipate the need for any additional consultants to accomplish the work described in this proposal.

**Statutory Requirements**

Chapter 311 of the Texas Tax Code outlines the various procedures for creating and amending a TIRZ. The designation TIRZ ordinance is approved by the governing body of the municipality and establishes four key elements, including:

- Boundary;
- Term;
- TIRZ Board; and
- Preliminary project and financing plan.

Before adopting an ordinance designating the reinvestment zone, the governing body of the municipality must hold a public hearing on the creation of the zone and publish notice of the hearing not later than the seventh

day before the public hearing. A final project and financing plan is subsequently approved by the TIRZ Board and then by the governing body of the municipality. Any amendment to an existing TIRZ would follow these same procedures.

### **Scope of Services**

Based on our conversations and our experience on previous projects, we propose the following scope of services for the TIRZ. Our proposed scope of services is divided into separate tasks, each providing a description of the work to be performed and the key products resulting from the task.

#### **Task 1**

##### **District Review**

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

#### **Task 2**

##### **Data Collection and Analysis**

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

#### **Task 3**

##### **Taxable Value Analysis**

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

#### **Task 4**

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

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

#### **Task 5**

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

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

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##### **TIRZ Documentation Support**

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staff, however DPED's extensive experience in drafting these documents should help streamline the preparation of materials necessary for City Council consideration. This task would also include assistance in creating and appointing the appropriate TIRZ board per the TIRZ creation ordinance.

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**Reimbursables**

We propose to be reimbursed for out-of-pocket expenses incurred in the interest of the project at DPED actual cost. Reimbursable expenses include: our direct consultants and their expenses (to be reimbursed, all consultants and their bids must be approved in writing, in advance by the client); reproduction; long distance communication; document printing and delivery; document graphics and binding; delivery, postage and handling; travel time; special materials; photography; etc. (Reasonable backup will be available upon request.)

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have been paid in full all amounts due for services and expenses. Amounts unpaid for more than 30 days after the due date may accrue interest at 10% per annum. In the event we are forced to commence a collection proceeding, you agree to pay reasonable attorney's fees and court costs, in addition to our fees billed under this proposal.

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If the project is suspended or abandoned, DPED will be compensated for all services billed prior to receipt of written notice by the Client. Services that are not billed or completed between billing periods and receipt of written notice will be reimbursed at DPED's standard hourly rates.

If the scope or schedule of the project should change beyond that to be reasonably expected due to the program changes, schedule or other reason, at their option, DPED may re-negotiate the aforementioned fees and scope of work. Any renegotiation of scope or fee will be in writing and subject to the signing of both parties.

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Guarantees and Warranties: We will not be required to execute any document that would result in our certifying, guaranteeing or warranting the existence of conditions whose existence we cannot ascertain.

#### **Authorization to Proceed**

Thank you again for this opportunity to work with you. Your signature below and the return of one copy to us for our file will confirm your approval and authorize us to proceed.

#### **Insurance**

DPED will provide proof of professional liability insurance (including errors and omissions) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate and excess/umbrella liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate to client. Additionally, DPED shall carry the following insurance coverages:

(a) Worker's compensation insurance at the statutory limits and employer's liability insurance, with minimum limits of \$1,000,000.00/\$1,000,000.00/\$1,000,000.00; and

(b) Comprehensive general liability insurance, with minimum limits of \$2,000,000.00 each occurrence and \$4,000,000.00 in aggregate; and

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DPED has previously provided, or concurrently with the execution of this agreement is providing, to Client a certificate of insurance issued to Client evidencing the foregoing insurance coverages and evidencing that Client and Client's lender, if any, are additional insured parties with respect to the insurance policies referred to in the foregoing subparagraphs (b) and (c).

#### **Notices**

Any notice required or permitted to be given to either party shall be deemed to be received by such party (a) three (3) days after deposit in the United States Registered or Certified Mail, Return Receipt Requested, or (b) one (1) business day after deposit with a nationally recognized overnight delivery service for next day delivery, or (c) upon personal delivery to the party to whom addressed provided that a receipt of such delivery is obtained, or (d) on the next business day after transmission by telecopy provided that a confirmation copy is concurrently deposited in United States Certified or Registered Mail, Return Receipt Requested, in any case addressed to the parties at the following addresses:

If to Client:

City of Kingsville, Texas  
P.O. Box 1458  
Kingsville, TX 78364  
Attention: Mark McLaughlin, City Manager  
Email: [citymanager@cityofkingsville.com](mailto:citymanager@cityofkingsville.com)

If to DPED:

David Pettit Economic Development, LLC.  
306 West Seventh Street, Suite 602  
Ft. Worth, TX 76102  
Attention: David Pettit  
Email: [dpettit@dpedllc.com](mailto:dpettit@dpedllc.com)

or to the parties at such other addresses or telecopy numbers as they may designate by notice to the other party as herein provided.

**SUMMARY**

I hope this accurately outlines the professional services you anticipated. If you have any questions or concerns please do not hesitate to contact me at 817.439.9421.

Thank you for considering David Pettit Economic Development, LLC.

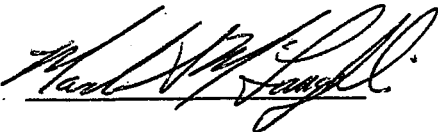
Sincerely,



David Pettit  
Managing Member

If this agreement meets with your approval, please sign and return one executed copy to our office as notice to proceed.

**AGREED TO AND ACCEPTED BY:**

By: 

Date: 2/13/2024

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2024-2025 BUDGET TO APPROPRIATE FUNDING FOR TIRZ #3.**

**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 2024-2025 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#2

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 123 – Economic Development Program</b>					
<u>Expenditures</u>					
1060	Econ Dev	Professional Services	31400	\$40,000	

[To amend the City of Kingsville FY 24-25 budget to appropriate funding for TIRZ #3. Funding will come from the unappropriated fund balance of Fund 123 Economic Development Program.]

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 15th day of October 2024.

**PASSED AND APPROVED** on this the 28th day of October 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #7**

**RESOLUTION ACCEPTING A PETITION FOR AND CALLING FOR A PUBLIC HEARING ON THE CREATION OF THE SOMERSET AT KINGSVILLE PUBLIC IMPROVEMENT DISTRICT NUMBER 1 WITHIN THE CITY OF KINGSVILLE, TEXAS PURSUANT TO CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE AND AUTHORIZING THE MAILING AND PUBLICATION OF NOTICE OF THE PUBLIC HEARING**

WHEREAS, the City Commissioners of the City (the "City Commission") of Kingsville, Texas (the "City") received a petition (the "Petition") requesting creation of a public improvement district (the "PID") under Chapter 372 of the Texas Local Government Code (the "Act"), from the record owners of taxable real property representing more than fifty percent (50%) of the appraised value of the real property liable for assessment (as determined by the most recent certified appraisal roll for Kleberg County) in the proposed PID and the record owners of taxable real property that constitute more than 50% of all of the area of all taxable real property that is liable for assessment under the proposal; and

WHEREAS, the Petition, a copy of which is attached hereto as Exhibit A, has been examined, verified, and found to meet the requirements of Section 372.005(b) of the Act and to be sufficient for consideration by the City Commission; and

WHEREAS, the boundaries of the proposed PID are described in the attachment to the Petition and shown on the map attached hereto as Exhibit B, said area for the PID being within the City; and

WHEREAS, the City Commissioners accept the Petition and desire to schedule a public hearing to consider the creation of the PID to finance the following public improvements: onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

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

SECTION 1: THAT a public hearing is hereby scheduled at 5:00 p.m. on November 12, 2024, at City Hall, Helen Kleberg Groves Community Room, 400 West King Avenue, Kingsville, Texas 78363 to receive public comment on the creation of the PID in the area described in the petition attached as Exhibit A and as shown on the map in Exhibit B, pursuant to the Act; and

SECTION 2: THAT notice of said hearing, in the substantially final form presented herewith in Exhibit C, with such changes as may be approved by the City's counsel, shall be published in a newspaper of general circulation in the City before the 15<sup>th</sup> day prior to the hearing as required by the Act; and

SECTION 3: THAT written notice, in the substantially final form presented herewith with such changes as may be approved by the City's counsel, shall be mailed to each property owner, as reflected on the tax rolls, of property subject to assessment under the PID, before the 15<sup>th</sup> day prior to the date set for the hearing.

Passed by the City Commission of the City of Kingsville this 15th day of October 2024.

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Sam Fugate, Mayor  
City of Kingsville, Texas

ATTEST:

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

APPROVED AS TO FORM:

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Courtney Alvarez, City Attorney  
City of Kingsville, Texas

**EXHIBIT A**

**PETITION**

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE  
NAMED THE SOMERSET PUBLIC IMPROVEMENT DISTRICT NUMBER 1**

**THE STATE OF TEXAS**                   §  
  §  
**CITY OF KINGSVILLE**           §

**TO: THE HONORABLE MAYOR AND COMMISSIONERS OF THE CITY OF KINGSVILLE**

The undersigned petitioner (the "Petitioner"), acting pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Code"), submits this petition ("Petition") to the City Secretary to request the creation of a public improvement district (the "District") in the territory described in Exhibit A attached hereto (the "Subject Property") within the City of Kingsville, Texas (the "City"), and in support of this petition the Petitioner presents the following:

**Section 1. Petitioner.** In compliance with the requirements of the Code, Section 372.005(b), as determined by the current tax roll of the Kleberg County Appraisal District, the Petitioner constitute: (i) the owners of taxable real property representing more than fifty-percent (50%) of the appraised value of taxable real property proposed to be liable for assessment under the proposal described herein, and (ii) the record owners of taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property that is liable for assessment under such proposal.

**Section 2. Name.** A public improvement district is being requested, which shall be named the "Somerset Public Improvement District Number 1" (referred to herein as the "District").

**Section 3. General Nature of the Proposed Public Improvements.** The general nature of the work proposed to be done may include, but is not limited to, onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, impact fees for capacity, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, water and sewer impact fees, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws.

**Section 4. Estimated Cost of Proposed Public Improvements.** The estimated cost is approximately \$25,000,000 (including formation, issuance and other financing costs) (the “Authorized Improvement Cost”).

**Section 5. Boundaries.** The proposed boundaries are described as metes and bounds in Exhibit A and further shown in Exhibit B.

**Section 6. Proposed Method of Assessment.** The Petitioner requests that the City authorize the District to accomplish its purposes and costs of services and improvements by an assessment against the Subject Property based on the special benefits accruing to the Subject Property because of the Authorized Improvements. The Code provides that the Authorized Improvement Cost may be apportioned to and assessed against the Subject Property in any manner that results in imposing equal shares of the cost on property similarly benefitted including, but not limited to, per front foot or square foot; value of the property as determined by the governing body, with or without regard to improvements on the property; or in any other manner that results in imposing equal shares of the cost on property similarly benefitted. The assessment methodology will result in each parcel paying equal shares costs of the Authorized Improvements with the assessments based on the special benefit conferred on the parcels by such improvements.

**Section 7. Apportionment of Costs between the City and the District.** The Petitioner proposes that the Authorized Improvement costs be apportioned solely to the District to the extent the Authorized Improvements confer a special benefit on the Subject Property. Approval and creation of the District will not obligate the City to provide any funds to finance the Authorized Improvements. All costs of the District shall be paid by and apportioned to the District, and not to the City, as a whole.

**Section 8. Management of the District.** The Petitioner requests that the District be managed by the City with, at the City’s option, the assistance of a third-party administrator hired by the City and paid for as part of the administrative costs of the District.

**Section 9. Advisory Body.** An advisory board may be established by the City to develop and recommend an improvement plan to the City Commission.

The signer of this petition requests the establishment of the District and this petition will be filed with the City Secretary in support of the creation of the District by the City Commission as herein provided.

[Signatures follow on next pages]

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the City create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 12<sup>th</sup> day of August, 2024.

**PETITIONER:**

**SOMERSET LAND  
DEVELOPMENT, LLC**

BY: *Wiley McIlwain*  
Wiley McIlwain, Manager

**ACKNOWLEDGMENT**

STATE OF TEXAS

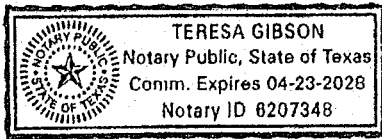
COUNTY OF San Patricio §  
§  
§

This instrument was acknowledgment before me on this 12<sup>th</sup> day of August, 2024, by Wiley McIlwain, Manager.

*Teresa Gibson*  
Notary Public, State of Texas

Printed Name of Notary: Teresa Gibson

Commission Expiration: 04-23-2028







Job No. 43534.C2.00  
May 5, 2022

Exhibit A  
54.53 Acre Tract

STATE OF TEXAS  
COUNTY OF KLEBERG

**Fieldnotes**, for a 54.43 Acre Tract of Land, being comprised of three Tracts, a portion of a 27.21 Acre Tract (Called 27.22 Acre Tract) out of Lots 2 & 5, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 27.22 Acre Tract described in a Special Warranty Deed from Victoria Bank and Trust Company to Eddie Yaklin, recorded in Volume 79, Page 154, Official Records of Kleberg County, Texas, a 12.36 Acre Tract out of the John Clayton Addition, a map of which is recorded in Envelope 145, Map Records of Kleberg County, Texas, said 12.36 Acre Tract described in a Warranty Deed from Jose A. Mendoza and Alice G. Mendoza to Eddie L. Yaklin, recorded in Volume 157, Page 271, Official Records of Kleberg County, Texas, and a 29.83 Acre Tract (Called 31.09 Acre Tract) out of Lot 6, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 31.09 Acre Tract described in a Warranty Deed from Lorell M. Ryan to Eddie Yaklin, recorded in Volume 427, Page 740, Official Records of Kleberg County, Texas; said 54.53 Acre Tract being more fully described as follows:

**Beginning**, at a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the East boundary line of a 27.22 Acre Tract of Land as described in a Warranty Deed with Vendor's Lien from Dawn Marie Hensley to Thomas Best and Glenda Best, recorded in Volume 487, Page 386, Official Records of Kleberg County, Texas, being the Northwest corner of a 20 Foot wide Drainage Easement as shown on the recorded plat of Manning Place, a map of which is recorded in Envelope 117, Plat Cabinet 1, of the said Map Records, for the Southwest corner of the said 29.83 Acre Tract and a Southwest corner of this Tract;

**Thence**, North 00°52'59" West, with the common boundary line of the said 27.22 Acre Tract and the said 29.83 Acre Tract, 1118.82 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the Northeast corner of the said 27.22 Acres, the West boundary line of the said 29.83 Acres, the Southeast corner of the said 27.21 Acres and for an inner ell corner of this Tract, from Whence a 5/8 Inch Iron Rod Found, bears North 48°37'05" West, 2.99 Feet;

**Thence**, South 89°06'04" West, with the common boundary line of the said 27.22 Acre Tract and the said 27.21 Acre Tract, 276.60 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, for a corner of this Tract, from Whence, a 5/8 Inch Iron Rod Found, for the Southwest corner of the said 27.21 Acre Tract bears, South 89°06'04" West, 842.75 Feet;

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**Thence, North 00°57'56" West, over and across the said 27.21 Acre Tract, 768.72 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, for an inner ell corner of this Tract;**

**Thence, South 89°06'04" West, over and across the said 27.21 Acre Tract, 842.75 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the West boundary line of the said 27.21 Acre Tract, for an outer corner of this Tract;**

**Thence, North 00°57'56" West, with the West boundary line of the said 27.21 Acres, at 285.19 Feet, pass a 5/8 Inch Iron Rod with plastic cap stamped "RPLS 1963" Found in concrete, in all 291.28 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southwest corner of Lot 1, Burris Acres, a map of which is recorded in Volume 2, Page 45, of the said Map Records, for the Northwest corner of the said 27.21 Acres and of this Tract;**

**Thence, North 89°06'04" East, with the common boundary line of Lots 1-5, of the said Burris Acres and the said 27.21 Acres, 1117.40 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the West boundary line of a 16.73 Acre Tract as described in a Special Warranty Deed from Goldia Burroughs Hubert to Goldia Burroughs Hubert and Laverne Patrick Hubert, recorded in Document No. 308415, of the said Official Records, being the Southeast corner of the said Lot 5, Burris Acres, the Northeast corner of the said 27.21 Acres and for an outer ell corner of this Tract;**

**Thence, South 01°03'44" East, with the common boundary line of the said 16.73 Acres and the said 27.21 Acres, 188.12 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the East boundary line of the said 27.21 Acres, for the common corner of the said 16.73 Acres, the said 12.36 Acres and of this Tract, from Whence a 5/8 Inch Iron Rod Found, bears North 43°21'41" East, 3.26 Feet;**

**Thence, North 88°56'16" East, with the common boundary line of the said 16.73 Acres and the said 12.36 Acres, 639.51 Feet, to a 5/8 Inch Iron Rod with plastic cap stamped "TEXAS GEO TECH" Found, on the South boundary line of the said 16.73 Acres, for the common corner of Lot A, John Clayton Addition, a map of which is recorded in Envelope 145, of the said Map Records, the said 12.36 Acres and of this Tract;**

**Thence, South 01°03'44" East, with the common boundary line of Lots A and B, of the said John Clayton Addition and the said 12.36 Acres, at 350.00 Feet, pass a 5/8 Inch Iron Rod Found, being the common corner of the said Lots A and B, in all 700.00 Feet, to a 5/8 Inch Iron Rod Found, for the common corner of the said Lot B, the said 12.36 Acres and for an inner ell corner of this Tract;**

**Thence, North 88°56'16" East, with the common boundary line of the said Lot B and the said 12.36 Acres, 622.30 Feet, to the West Right-of-Way line of F.M. 1717, a public roadway, the common corner of the said Lot B, the said 12.36 Acres and for a Northeast corner of this Tract, from Whence a 5/8 Inch Iron Rod Found, bears North 28°09'42" West, 0.22 Feet;**

**Thence, South 01°01'10" East, with the common boundary line of the said F.M. 1717, the said 12.36 Acres and the said 29.83 Acres, 146.44 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the said Right-of-Way line, for a common corner of Lot 5, Block 2, Manning Place, a map of which is recorded in Volume 106, Page 4, Envelope 24, of the said Map Records, the said 29.83 Acres and of this Tract, for the beginning of a non-tangent curve to the Left, having a delta of 90°45'23", a radius of 15.00 Feet, an arc length of 23.76 Feet, and a chord which bears North 45°41'58" West, 21.35 Feet;**

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Thence, with the common boundary line of the said Lot 5, the said 29.83 Acres and the said non-tangent curve to the Left, 23.76 Feet, to a 5/8 Inch Iron Rod Found, for a common corner of the said Lot 5, the said 29.83 Acres and of this Tract;

Thence, South  $88^{\circ}55'20''$  West, with the said common boundary line, 202.62 Feet, to a 1/2 Inch Iron Rod Found, being the common corner of the said Lot 5, the said 29.83 Acres and for an inner ell corner of this Tract;

Thence, South  $00^{\circ}57'57''$  East, with the common boundary line of Lots 1-5, Block 2, of the said Manning Place and the said 29.83 Acres, at 120.00 Feet, pass a 5/8 Inch Iron Rod Found (In Pipe), being the common corner of the said Lots 4 and 5, in all 600.20 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the common corner of the said Lot 1, Block 2, the said 29.83 Acres and for the inner ell corner of this Tract;

Thence, North  $88^{\circ}55'20''$  East, with the common boundary line of the said Lot 1, Block 2 and the said 29.83 Acres, 204.66 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, being the common corner of the said Lot 1, Block 2, the said 29.83 Acres and of this Tract, for the beginning of a circular curve to the Left, having a delta of  $90^{\circ}36'13''$ , a radius of 15.00 Feet, an arc length of 23.72 Feet, and a chord which bears North  $44^{\circ}13'27''$  East, 21.32 Feet;

Thence, with the common boundary line of the said Lot 1, the said 29.83 Acres and the said circular curve to the Left, 23.72 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the said Right-of-Way line, for a common corner of the said Lot 1, the said 29.83 Acres and of this Tract;

Thence, South  $00^{\circ}10'52''$  East, with the common boundary line of the said Right-of-Way line and the said 29.83 Acres, 90.41 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, on the said Right-of-Way line, being a common corner of Lot 14, Block 1, of the said Manning Place, the said 29.83 Acres and of this Tract, for the beginning of a non-tangent curve to the Left, having a delta of  $90^{\circ}45'23''$ , a radius of 15.00 Feet, an arc length of 23.76 Feet, and a chord which bears North  $45^{\circ}36'26''$  West, 21.35 Feet;

Thence, with the common boundary line of the said Lot 14, the said 29.83 Acres and the said non-tangent curve to the Left, 23.76 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, for a common corner of the said Lot 14, the said 29.83 Acres and of this Tract;

Thence, South  $89^{\circ}00'53''$  West, with the said common boundary line, 203.55 Feet, to a 5/8 Inch Iron Rod with red plastic cap stamped "URBAN ENGR CCTX" Set, for a common corner of the said Lot 14, the said 29.83 Acres and of this Tract;

Thence, South  $00^{\circ}57'57''$  East, with the common boundary line of Lots 11-14, of the said Block 1 and the said 29.83 Acres, at 250.00 Feet, pass a 5/8 Inch Iron Rod Found, on the common corner of the said Lots 12 and 13, in all 499.50 Feet, to the North boundary line of Lot 9, Block 1, Manning Places, a map of which is recorded in Envelope 117, Plat Cabinet 1, of the said Map Records, the Southwest corner of the said Lot 11, for the Southeast corner of the said 29.83 Acres and of this Tract, from Whence a 5/8 Inch Iron Rod Found, bears South  $20^{\circ}36'49''$  West, 0.29 Feet;

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Thence, South 88°56'43" West, with the common boundary line of Lots 1-9, Block 1, of the said Manning Place, the said 20 Foot wide Drainage Easement and the said 29.83 Acres, 1045.47 Feet, to the Point of Beginning, containing 54.53 Acres (2,375,400 Sq. Ft) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy. *Also reference accompanying sketch of tract described herein.*

URBAN ENGINEERING

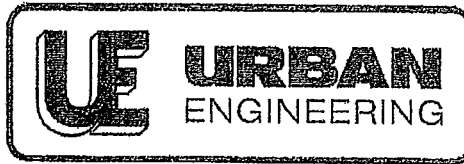
*Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.*

Brian D. Lorentson, R.P.L.S.  
License No. 6839

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Job No. 43534.C2.02  
August 01, 2022

Exhibit A  
4.16 Acre Tract

STATE OF TEXAS  
COUNTY OF KLEBERG

**Fieldnotes**, for a 4.16 Acre Tract of Land, being all of Lots 1 and 2, Burris Acres, a map of which is recorded in Volume 2, Page 45, of the Map Records of Kleberg County, Texas, SAVE AND EXCEPT a portion of the said Lot 2, as described in a Warranty Deed from Barbara E. Goetsch to Jose M. Graveley and Evelyn Graveley, recorded in Document Number 316331, of the Official Records of Kleberg County Texas; said 4.16 Acre Tract more fully described as follows:

**Beginning**, at a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, on the apparent South Right-of-Way line of FM 1356 (commonly known as General Cavazos Boulevard), a 200 Foot wide public roadway, for the Northwest corner of the said Lot 1, the said Burris Acres and for this Tract;

**Thence**, North 89°00'44" East, with the said South Right-of-Way line, the North Boundary line of the said Lot 1, 282.16 Feet, to a 5/8 Inch Iron Rod Found, being the Northeast corner of the said Lot 1, for the Northwest corner of the said Lot 2 and the Northwest corner of the said Save and Except Tract granted to Jose M. Graveley and Evelyn Graveley;

**Thence**, South 01°01'01" East with the common boundary line of the said Lot 1 and 2, and the said Graveley Tract, 200.00 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southwest corner of the said Graveley Tract and for an inner ell corner of this Tract;

**Thence**, over and across the said Lot 2, with the boundary of the said Graveley Tract and this Tract as follows:

- North 89°00'44" East, 120.00 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Southeast corner of the said Graveley Tract and for an inner ell corner of this Tract;
- North 01°01'01" West, 200.00 Feet, to a 5/8 Inch Iron Rod Found, on the common boundary line of the said South Right-of-Way line and the said Lot 2, being the Northeast corner of the said Graveley Tract and for an outer ell corner of this Tract;

**Thence**, North 89°00'44" East, with the said common boundary line, 88.62 Feet, to a 5/8 Inch Iron Rod Found, being the Northwest corner of Lot 3, of the said Burris Acres, for the Northeast corner of the said Lot 2 and for this Tract;

**Thence**, South 01°01'01" East, with the common boundary line of the said Lots 2 and 3, at 417.28 Feet, pass a 5/8 Inch Iron Rod Found, in all 418.14 Feet, to a point on the North boundary line of 27.21 Acre Tract (Called 27.22 Acre Tract) out of Lots 2 & 5, Section No. 21, Kleberg Town and Improvement Company's Subdivision, a map of which is recorded in Book A, Pg. 85, Map Records of Kleberg County, Texas, called 27.22 Acre Tract described in a Special Warranty Deed from Victoria Bank and Trust Company to Eddie Yaklin, recorded in Volume 79, Page 154, Official Records of Kleberg County, Texas, being the Southwest corner of the said Lot 3, for the Southeast corner of the said Lot 2 and for this Tract;

**Thence**, South 89°06'04" West, with the common boundary line of the said Lots 1 and 2, and the said 27.21 Acre Tract, 490.78 Feet, to a 5/8 Inch Iron Rod with a red plastic cap stamped "URBAN ENGR CCTX" Set, being the Northwest corner of the said 27.21 Acre Tract, for the Southwest corner of the said Lot 1, and for this Tract;

**Thence**, North 01°01'01" West, with the West boundary line of the said Lot 1, at 414.20 Feet, pass a 5/8 Inch Iron Rod in Concrete Found, in all 417.38 Feet, to the **Point of Beginning**, containing 4.16 Acres (181,027 SqFt) of Land, more or less.

Grid Bearings and Distances shown hereon are referenced to the Texas Coordinate System of 1983, Texas South Zone 4205, and are based on the North American Datum of 1983(2011) Epoch 2010.00.

Unless this fieldnotes description, including preamble, seal and signature, appears in its entirety, in its original form, surveyor assumes no responsibility for its accuracy. *Also reference accompanying sketch of tract described herein.*



URBAN ENGINEERING

A cursive handwritten signature of Brian D. Lorentson.

Brian D. Lorentson, R.P.L.S.  
License No. 6839

**EXHIBIT B**

MAP





## EXHIBIT C

### Notice of Public Hearing

NOTICE OF PUBLIC HEARING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE TO CONSIDER THE ADVISABILITY OF THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT WITHIN THE CITY TO MAKE CERTAIN IMPROVEMENTS OVER CERTAIN PROPERTIES LOCATED WITHIN THE CITY

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Kingsville, Texas (the "City"), pursuant to Chapter 372.005 Local Government Code, as amended, (the "Act"), will hold a public hearing at 5:00 p.m. on Tuesday, November 12, 2024, at City Hall, Helen Kleberg Groves Community Room, 400 West King Ave., Kingsville, Texas 78363, for the purpose of considering the establishment of a public improvement district to be located within the City

In accordance with the Act, the City Secretary has received a petition (the "Petition") from a certain property owner within the City (the "Petitioner") that request the establishment of a public improvement district for the Somerset development within the City.

The Petition and the legal description of the properties to be included in the public improvement district is on file and open for public inspection in the office of the City Secretary at the address stated above. The public hearing is being held with respect to the advisability of creating a public improvement district for the Somerset development and the Authorized Improvements (as defined below) to be made therein.

General Nature of the Authorized Improvements: The purpose of the public improvement district is to provide funds for public improvement projects authorized by the Act that are necessary for development of District property, which public improvements will include: onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical and hydrological engineering costs, environmental inspections/testing/and remediation costs, well plugging costs, demolition costs, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements (collectively, the "Authorized Improvements"). Further, the public improvements financed by the District may include public improvements in compliance with Chapter 372 and in accordance with governing laws. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

Estimated Cost of the Authorized Improvements: The estimated cost to fund the Authorized Improvements is \$25,000,000.

Boundaries of the Proposed District: The public improvement district would include the Property as depicted in Exhibit A.

Proposed Method of Assessment for the Public Improvement District. The City shall levy assessments on each lot within the public improvement district in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including accrued and unpaid interest), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed in part by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).

Proposed Apportionment of Costs between the District and the City for the Public Improvement District. All of the costs of the Authorized Improvements will be paid from assessments levied on properties in the public improvement district and/or from other sources of funds, if any, available to the Petitioner, including lawfully available funds of the City from the sources and in the amounts as directed by the City Commission.

All interested persons are invited to attend such public hearing to express their views with respect to the establishment of a public improvement district for the Somerset development and the Authorized Improvements to be made therein. Questions or requests for additional information may be directed to Courtney Alvarez, City Attorney at [calvarez@cityofkingsville.com](mailto:calvarez@cityofkingsville.com).

Any interested persons unable to attend the hearing may submit their views in writing to Mary Valenzuela, City Secretary at [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) prior to the date scheduled for the hearing.

This Notice of Public Hearing is given and the public hearing is being held pursuant to the requirements of the Act.

GIVEN THIS 15th day of October, 2024.

CITY OF KINGSVILLE, TEXAS

## EXHIBIT A

### Boundaries

Approximately 58 acres located in the City of Kingsville, bound by General Cavazos Blvd., Brahma Blvd., and E. Trant Rd. A full description of the boundaries of the proposed Somerset at Kingsville Public Improvement District Number 1 is available at City Hall, Helen Kleberg Groves Community Room, 400 West King Ave., Kingsville, Texas 78363.

# **AGENDA ITEM #8**

**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: October 15, 2024

SUBJECT: Consider Awarding Bid No. 24-19 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 2 – N. 19<sup>th</sup> Street Storm Water Improvements Project

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**Purpose:**

We are seeking approval to award the first GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1. The first being, Project 2 - N. 19th Street Storm Water Improvements, represents a crucial step toward enhancing the city's flood management infrastructure. The project includes the installation of 1,430 linear feet of 6' x 4' box culverts, four new curb inlets, and other related appurtenances to improve stormwater drainage and minimize future flood risks.

**Summary:**

This project was advertised in the local newspaper on August 22<sup>nd</sup> and 29<sup>th</sup> and city's website. Sealed bids for Bid No. 24-19 (Project 2) were received prior to the deadline of September 17, 2024, at 2:00pm and read out loud, from three bidders:

1. R.S. Parker Construction LLC, Corpus Christi, Texas
2. JE Construction Services, Corpus Christi, Texas
3. PM Construction & Rehab LLC, Pasadena, Texas

The base bids range from \$1,630,804.89 to \$2,623,783.00. After careful evaluation, the staff recommends awarding the contract to the lowest bidder, R.S. Parker Construction LLC, for the amount of \$1,630,804.89.

**Background:**

The General Land Office (GLO) awarded \$36,311,929.00 to the City of Kingsville on May 21, 2021, for stormwater improvements. These funds were allocated in response to severe flood events, including Hurricane Harvey in 2017. As part of this effort, Texas Land Commissioner George P. Bush announced over \$46 million in flood mitigation projects to improve drainage infrastructure in Kleberg County, including the City of Kingsville.



## City of Kingsville Engineering Dept.

The awarded funds, part of the CDBG-MIT program, are intended to enhance Kingsville's stormwater infrastructure, particularly in low-to-moderate income (LMI) areas, to better withstand future storms. These improvements will mitigate the effects of recurrent flooding and support economic stability by protecting residential and commercial properties, public infrastructure, and utilities. Collectively, these drainage improvements will efficiently direct stormwater from neighborhoods and businesses to discharge points at Santa Gertrudis Creek and San Fernando Creek, ultimately flowing into Baffin Bay.

In 2020, the City of Kingsville amended its Drainage Master Plan to include five additional sites, reflecting its commitment to sustainability and resilience in addressing future stormwater challenges.

The N. 19th Street Storm Water Improvements, as part of this broader infrastructure overhaul, will facilitate the efficient flow of stormwater from residential and commercial areas to key discharge points, such as Santa Gertrudis Creek and San Fernando Creek, eventually reaching Baffin Bay. The project will also:

- Reinforce 9,000 feet of concrete pipe and 23,100 feet of culverts
- Add 130 new inlets and 65 junction boxes
- Install 6,900 feet of curb and gutter for efficient road surface drainage
- Conduct surface repairs, including soil stabilization, asphalt, or concrete resurfacing
- Replace sidewalks to improve pedestrian safety
- Install concrete headwalls to prevent erosion and ensure long-term structural integrity.

### **Financial Impact:**

Project 2 will be funded by the General Land Office Hurricane Harvey Mitigation Grant (Fund 122) in the amount of \$1,630,804.89. The city has prioritized this project due to its significant impact on flood prevention, protection of public investments, and alignment with citywide infrastructure goals.

### **Recommendation:**

Staff recommends awarding CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 2 (N. 19th Street Storm Water Improvements) to R.S. Parker Construction LLC for the amount of \$1,630,804.89.

### **Attachments:**

- Bid Recommendation/Award Letter Project 2
- Bid Tabulation Project 2





September 26, 2024

Rutilio "Rudy" Mora, P.E., CFM  
City Engineer  
City of Kingsville  
200 E King Street  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-085-009-D237 Project 2, (City of Kingsville Bid No. 24-19) – ICE award recommendation**

Dear Mr. Mora,

This memorandum is in reference to ICE's recommendation for award of the above-mentioned project which consists of the installation of 1,430 LF of 6'x4' reinforced concrete boxes and curb inlets along 19<sup>th</sup> Street from Kenedy Ave. to Tranquitas Creek, with items associates with the installation (service connections, curb and gutter repairs, pavement repairs, traffic control, etc.).

The following is a Bid Summary for the above referenced project. Three (3) general contractors submitted bids to the City of Kingsville on 09/17/2024. Their information is attached herewith. The bidders' list with their total bid is given below:

### City of Kingsville - GLO D237 Project 2

Rank	Company	Total 1
1	RS Parker Construction, LLC	\$1,630,804.96
2	JE Construction Services	\$1,671,465.00
3	PM Construction & Rehab, LLC	\$2,623,783.00

RS Parker Construction, LLC submitted the lowest total bid of **\$1,630,804.96**. On 09/17/24 RS Parker Construction was notified of the low bid pending GLO and City of Kingsville approval. A notice to proceed will delivered upon commencement of the preconstruction meeting.

The Engineer's estimate is \$1,193,042.50. The bid is 38% above the engineer's estimate which is considered reasonable. There was a \$0.01 error on the A14 line item (24" RCP) unit price of \$114.28. This resulted in a \$0.07 error of the total bid. We believe that this was a round up error and the unit price should be \$114.29. RS Parker was notified and the error has been verified and corrected. Therefore, it is ICE's recommendation that RS Parker



Construction, LLC be awarded this bid. It is the city's discretion to waive any informality or to reject any or all bids.

If you have any questions or need additional information, please contact me at (361) 826-5805 or [charlie@icengineers.net](mailto:charlie@icengineers.net)

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Carlos Cardenas', is written over the typed name.

Juan Carlos "Charlie" Cardenas, P.E.  
Senior Engineer



# BID TABULATION

City of Kingsville

Project Name: GLO SW Project 2 (N 19th St) Storm Water Improvements (CDBG-MIT GLO CONTRACT NO. 22-085-009-D237)

Bid Number: BID #24-19

Date: September 17, 2024

Location: Helen Groves Community Room

400 W King Ave, Kingsville, TX 78363



ITEM	QTY (Original)	UNIT	DESCRIPTION	R.S. Parter Construction B/C		H.S. Construction Services		D.V. Construction & Rehab B/C	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>BASE BID:</b>									
A1	1	L.S.	Mobilization/ Bonds/ Insurance	\$25,000.00	\$25,000.00	\$46,200.00	\$46,200.00	\$84,893.00	\$84,893.00
A2	1	L.S.	Traffic Control	\$8,750.00	\$8,750.00	\$7,700.00	\$7,700.00	\$9,023.00	\$9,023.00
A3	1819	L.F.	SWPP (Sediment Control Fence)	\$6.25	\$11,368.75	\$5.00	\$9,095.00	\$13.00	\$23,647.00
A4	36	L.F.	SWPP (Erosion Control Log)	\$187.50	\$6,750.00	\$20.00	\$720.00	\$10.00	\$360.00
A5	28	S.Y.	Remove Existing Driveway Asphalt	\$100.00	\$2,800.00	\$6.00	\$168.00	\$59.00	\$1,652.00
A6	28	S.Y.	Remove Existing Driveway Gravel	\$87.50	\$2,450.00	\$6.00	\$168.00	\$34.00	\$952.00
A7	1438	L.F.	Remove Existing 36" RCP	\$13.18	\$18,952.84	\$38.00	\$54,644.00	\$52.00	\$74,776.00
A8	1	EA	Remove Existing Storm Water Manhole W/ Curb Inlet	\$7,500.00	\$7,500.00	\$1,200.00	\$1,200.00	\$13,839.00	\$13,839.00
A9	1	EA	Remove Existing Headwall	\$8,750.00	\$8,750.00	\$2,000.00	\$2,000.00	\$16,103.00	\$16,103.00
A10	4	EA	Remove Existing Sign	\$625.00	\$2,500.00	\$100.00	\$400.00	\$646.00	\$2,584.00
A11	28	S.Y.	Repair Asphalt Driveway	\$194.20	\$5,437.60	\$190.00	\$5,320.00	\$120.00	\$3,360.00
A12	28	S.Y.	Repair Gravel Driveway	\$133.93	\$3,750.04	\$60.00	\$1,680.00	\$139.00	\$3,892.00
A13	1430	L.F.	6x4" R.C.B.	\$1,006.99	\$1,439,995.70	\$1,004.00	\$1,435,720.00	\$1,557.00	\$2,226,510.00
A14	7	L.F.	24" DIA RCP CL III	\$114.28	\$800.03	\$860.00	\$6,020.00	\$372.00	\$2,604.00
A15	1	L.S.	Utility Adjustment	\$20,000.00	\$20,000.00	\$54,000.00	\$54,000.00	\$35,308.00	\$35,308.00
A16	1	EA	5'x5' Junction Box	\$7,000.00	\$7,000.00	\$9,800.00	\$9,800.00	\$28,264.00	\$28,264.00
A17	4	EA	Curb Inlet	\$7,750.00	\$31,000.00	\$6,630.00	\$26,520.00	\$13,839.00	\$55,356.00
A18	1	EA	Headwall	\$22,500.00	\$22,500.00	\$8,970.00	\$8,970.00	\$38,076.00	\$38,076.00
A19	4	EA	Re-Installing Existing Signs	\$1,375.00	\$5,500.00	\$285.00	\$1,140.00	\$646.00	\$2,584.00
<b>TOTAL BASE BID</b>					<b>\$1,630,804.96</b>		<b>\$1,671,465.00</b>		<b>\$2,623,783.00</b>

\* DENOTES ERROR IN BID

## BID RESULTS RANKING:

1	2	3
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# **AGENDA ITEM #9**

**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: October 15, 2024

SUBJECT: Consider Awarding Bid No. 24-20 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 6 – Carlos Truan Blvd - Storm Water Improvements Project

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**Purpose:**

We are seeking approval to award the second GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1 grant. The project in question, Project 6 – Carlos Truan Blvd – Storm Water Improvements, is a vital component of the city's efforts to upgrade its flood management infrastructure. The project includes the installation of 90 linear feet of concrete trench with a steel grate, regrading of the existing ditch, and other related appurtenances to improve stormwater drainage and reduce flood risks.

**Summary:**

This project was advertised in the local newspaper on August 22<sup>nd</sup> and 29<sup>th</sup> and city's website. Sealed bids for Bid No. 24-20 (Project 6) were received prior to the deadline of September 17, 2024, at 2:00pm and read out loud, from five bidders:

1. R.S. Parker Construction LLC, Corpus Christi, Texas
2. JE Construction Services, Corpus Christi, Texas
3. PM Construction & Rehab LLC, Pasadena, Texas
4. RXDX, Sinton, Texas
5. Donald Hubert Construction Co., Kingsville, Texas

The base bids ranged from \$149,124.00 to \$450,146.00. After review, staff recommends awarding the project to the lowest bidder, Donald Hubert Construction Co., for the base bid amount of \$149,124.00.

**Background:**

The General Land Office (GLO) awarded \$36,311,929.00 to the City of Kingsville for stormwater improvements on May 21, 2021. Texas Land Commissioner George P. Bush announced over \$46 million in flood mitigation projects to improve drainage infrastructure in Kleberg County and the



## City of Kingsville Engineering Dept.

City of Kingsville. These projects will benefit thousands of residents in low-to-moderate income (LMI) areas that have experienced repeated storm damage, including in 2016 and during Hurricane Harvey in 2017.

The City of Kingsville amended its Drainage Master Plan in 2020 to include five additional sites, covering all areas of the city. Given the magnitude of the work required, external funding is essential for completing these activities. These projects aim to increase community resilience by reducing flood-related economic losses, protecting public investments in infrastructure, minimizing environmental hazards, ensuring safe evacuations, preserving emergency response capabilities, and maintaining utility services.

The drainage improvements will efficiently direct stormwater from residential and commercial areas to outflows leading to Santa Gertrudis Creek, San Fernando Creek, and ultimately Baffin Bay. The improvements include:

- Reinforce 9,000 feet of concrete pipe and 23,100 feet of culverts with 130 inlets added
- Install 65 junction boxes and 6,900 feet of curb and gutter to drain water from the road surface
- Surface repairs, including flex base with geogrid for soil stabilization and either a 4" hot mix asphalt or concrete pavement surface.
- Replace impacted sidewalks for pedestrian safety
- Install concrete headwalls at the ends of drainage pipes and culverts to prevent erosion

### **Financial Impact:**

Project 6 will be funded by the General Land Office Hurricane Harvey Mitigation Grant (Fund 122) in the amount of \$149,124.00. The city has prioritized this project due to its critical role in flood prevention, protection of public investments, and alignment with citywide infrastructure improvement goals.

### **Recommendation:**

Staff recommends awarding CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 6 – Carlos Truan Blvd – Storm Water Improvements in the amount of \$149,124.00 to Donald Hubert Construction Co.

### **Attachments:**

- Bid Recommendation/Award Letter Project 6
- Bid Tabulation Project 6





September 26, 2024

Rutilio "Rudy" Mora, P.E., CFM  
City Engineer  
City of Kingsville  
200 E King Street  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-085-009-D237 Project 6, (City of Kingsville Bid No. 24-20) – ICE award recommendation**

Dear Mr. Mora,

This memorandum is in reference to ICE's recommendation for award of the above-mentioned project which consists of the installation of 90 LF of 6'x3' reinforced concrete trench and 690 of ditch regrade along E. Carlos Truan from S. Virginia Drive to the Wild Horse Mall entrance, with items associated with the installation (pavement repairs, traffic control, etc.).

The following is a Bid Summary for the above referenced project: Five (5) general contractors submitted bids to the City of Kingsville on 09/17/2024. Their information is attached herewith. The bidders' list with their total bid is given below:

### City of Kingsville - GLO Project 6

Rank	Company	Total 1
1	Donald Hubert Construction	\$149,124.00
2	JE Construction Services	\$203,946.00
3	RXDS	\$232,162.00
4	RS Parker Construction, LLC	\$296,800.00
5	PM Construction & Rehab, LLC	\$450,146.00

Donald Hubert Construction, submitted the lowest total bid of **\$149,124.00**. On 09/17/24 Donald Hubert Construction was notified of the low bid pending GLO and City of Kingsville approval. A notice to proceed will delivered upon commencement of the preconstruction meeting.

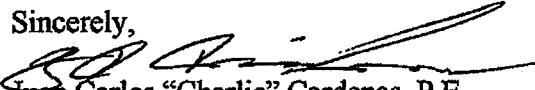
The Engineer's estimate is \$125,279.00. The bid is 19% above the engineer's estimate which is considered reasonable. Furthermore, no errors or discrepancies was found in



Donald Hubert Construction's packet. Therefore, it is ICE's recommendation that Donald Hubert Construction be awarded this bid. It is the city's discretion to waive any informality or to reject any or all bids.

If you have any questions or need additional information, please contact me at (361) 826-5805 or [charlie@icengineers.net](mailto:charlie@icengineers.net)

Sincerely,



Juan Carlos "Charlie" Cardenas, P.E.  
Senior Engineer

**BID TABULATION**

City of Kingsville  
 Project Name: GLO SW Project 6 (E Carlos Truan Blvd) Storm Water Improvements (CDBG-MIT GLO CONTRACT NO. 22-085-009-D237)  
 Bid Number: BID 24-20

Date: September 17, 2024  
 Location: Helen Groves Community Room  
 400 W King Ave, Kingsville, TX 78363



ITEM	QTY (Original)	UNIT	DESCRIPTION	DORRIL HENDERSON Construction Kingsville, TX 78363		J.E. Construction Services P.O. Box 241 Coppell, TX 75019		RDX Construction 114 Campbell Shiner, TX 77879		RSI Par Per Constent Build 155 Fardisco Coppell, TX 75019		P.W. Construction & Repair 1501 North Loop Beaumont, TX 77705	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>BASE BID:</b>													
A1	1	L.S.	Mobilization/Bonds/ Insurance	\$3,000.00	\$3,000.00	\$13,400.00	\$13,400.00	\$12,000.00	\$12,000.00	\$25,000.00	\$25,000.00	\$45,000.00	\$45,000.00
A2	1	L.S.	Traffic Control	\$3,000.00	\$3,000.00	\$5,600.00	\$5,600.00	\$10,000.00	\$10,000.00	\$6,250.00	\$6,250.00	\$12,500.00	\$12,500.00
A3	30	L.F.	SWPP (Sediment Control Fence)	\$20.00	\$600.00	\$6.00	\$180.00	\$50.00	\$1,500.00	\$6.25	\$187.50	\$16.00	\$480.00
A4	75	S.Y.	Remove Existing Valley Gutter Concrete	\$72.00	\$5,400.00	\$3,900.00	\$3,900.00	\$30.00	\$2,250.00	\$125.00	\$9,375.00	\$160.00	\$12,000.00
A5	54	S.Y.	Remove Existing Asphalt	\$64.00	\$3,456.00	\$3,456.00	\$3,456.00	\$28.00	\$1,512.00	\$100.00	\$5,400.00	\$70.00	\$3,780.00
A6	690	L.F.	Regrade Existing Ditch	\$15.00	\$10,350.00	\$20.00	\$13,800.00	\$60.00	\$41,400.00	\$25.00	\$17,250.00	\$45.00	\$31,050.00
A7	90	L.F.	Concrete Trench With Steel Grate	\$13.15	\$1,183.50	\$1,649.00	\$1,649.00	\$17.60	\$1,584.00	\$2,500.00	\$225,000.00	\$3,765.00	\$338,850.00
A8	46	S.Y.	Asphalt Tie In	\$108.00	\$4,968.00	\$3,300.00	\$3,300.00	\$300.00	\$13,800.00	\$181.25	\$8,337.50	\$141.00	\$6,486.00
<b>TOTAL BASE BID</b>					\$149,124.00	\$203,926.00	\$203,926.00	\$232,162.00	\$232,162.00	\$296,800.00	\$296,800.00	\$450,146.00	\$450,146.00

\* DENOTES ERROR IN BID

<b>BID RESULTS RANKING:</b>	1	2	3	4	5
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# **AGENDA ITEM #10**



**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: October 15, 2024

SUBJECT: Consider Awarding Bid No. 24-22 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-085-009-D237 Project 13 – W. Johnston Ave. Storm Water Improvements Project

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**Purpose:**

We are seeking approval to award the third GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1 grant. Project 13 – W. Johnston Ave. Storm Water Improvements is a critical component of the city's flood management infrastructure upgrades. This project includes the installation of 1,640 linear feet of 24-inch diameter reinforced concrete pipe (RCP), seven curb inlets, and related appurtenances to improve stormwater drainage and reduce future flood risks.

**Summary:**

This project was advertised in the local newspaper on August 22<sup>nd</sup> and 29<sup>th</sup> and city's website. Sealed bids for Bid No. 24-22 (Project 13) were received prior to the deadline of September 17, 2024, at 2:00pm and read out loud, from two bidders:

1. R.S. Parker Construction LLC, Corpus Christi, Texas
2. JE Construction Services, Corpus Christi, Texas

The base bids range from \$611,624.49 to \$791,798.00. Alternate No. 1 bids range from \$764,999.00 to \$991,552.43. The total bids range from \$1,556,797.00 to \$1,603,186.92. After review, staff recommends awarding the project to the lowest bidder, R.S. Parker Construction LLC, for the base bid amount of \$611,624.49.

**Background:**

The General Land Office (GLO) awarded \$36,311,929.00 to the City of Kingsville for citywide drainage improvements on May 21, 2021. Texas Land Commissioner George P. Bush announced over \$46 million in flood mitigation projects to improve drainage infrastructure in Kleberg County and the City of Kingsville. These projects will benefit thousands of



**City of Kingsville  
Engineering Dept.**

residents in low-to-moderate income (LMI) areas that have experienced repeated storm damage, including during Hurricane Harvey in 2017.

The City of Kingsville amended its Drainage Master Plan in 2020 to include five additional sites, covering all areas of the city. External funding is necessary to complete these improvements, which will bolster community resilience by reducing flood-related economic losses, protecting public infrastructure, and preserving emergency response capabilities.

These drainage improvements will efficiently direct stormwater from residential and commercial areas to outflows leading to Santa Gertrudis Creek, San Fernando Creek, and ultimately Baffin Bay. The improvements include:

- Installation of 9,000 feet of reinforced concrete pipe and 23,100 feet of culverts with 130 added inlets
- 65 junction boxes and 6,900 feet of curb and gutter to drain water from road surfaces
- Surface repairs using flex base with geogrid for soil stabilization, with either a 4-inch hot mix asphalt or concrete pavement surface
- Replacement of impacted sidewalks for pedestrian safety
- Installation of concrete headwalls at drainage pipe and culvert ends to prevent erosion

**Financial Impact:**

Project 13 will be funded by the General Land Office Hurricane Harvey Mitigation Grant (Fund 122) in the amount of \$661,624.49. The city has prioritized this project due to its significant impact on flood prevention, protection of public investments, and alignment with citywide infrastructure goals.

**Recommendation:**

Staff recommends awarding CDBG-MIT GLO Contract No. 22-085-009-D237 – Project 13 (W. Johnston Ave. Storm Water Improvements) to R.S. Parker Construction LLC for the base bid amount of \$611,624.49.

**Attachments:**

- Bid Recommendation/Award Letter for Project 13
- Bid Tabulation for Project 13





September 26, 2024

Rutilio "Rudy" Mora, P.E., CFM  
City Engineer  
City of Kingsville  
200 E King Street  
Kingsville, TX 78363

Re: **CDBG-MIT GLO Contract No. 22-085-009-D237 Project 13, (City of Kingsville Bid No. 24-22) – ICE award recommendation**

Dear Mr. Mora,

This memorandum is in reference to ICE's recommendation for award of the above-mentioned project which consists of the installation of 1,640 LF of 24" reinforced concrete pipe and curb inlets along West Johnston Ave., From Armstrong Street to 170' West of College Place, with items associates with the installation (service connections, curb and gutter repairs, pavement repairs, traffic control, etc.).

The following is a Bid Summary for the above referenced project. Two (2) general contractors submitted bids to the City of Kingsville on 09/17/2024. Their information is attached herewith. The bidders' list with their total bid is given below:

### **City of Kingsville - GLO D237 Project 13**

<b>Rank</b>	<b>Company</b>	<b>Total</b>
<b>1</b>	<b>RS Parker Construction, LLC</b>	<b>\$611,634.49</b>
<b>2</b>	<b>JE Construction Services</b>	<b>\$791,798.00</b>


RS Parker Construction, LLC submitted the lowest total bid of **\$611,634.49**. On 09/17/24 RS Parker Construction was notified of the low bid pending GLO and City of Kingsville approval. A notice to proceed will delivered upon commencement of the preconstruction meeting.

The Engineer's estimate is \$462,890.00. The bid is 32% above the engineer's estimate which is considered reasonable. Furthermore, no errors or discrepancies was found in RS Parker Construction, LLC packet. Therefore, it is ICE's recommendation that RS Parker Construction, LLC be awarded this bid. It is the city's discretion to waive any informality or to reject any or all bids.



If you have any questions or need additional information, please contact me at (361) 826-5805 or [charlie@icengineers.net](mailto:charlie@icengineers.net)

Sincerely,



Juan Carlos "Charlie" Cardenas, P.E.  
Senior Engineer

# BID TABULATION

City of Kingsville

Project Name: GLO SW Project 13 (W Johnston Ave) Storm Water Improvements (CDBG-MIT GLO CONTRACT NO. 22-085-009-D237)

Bid Number: BID #24-22

Date: September 17, 2024

Location: Helen Groves Community Room

400 W King Ave, Kingsville, TX 78363



ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>BASE BID:</b>							
A1	1	L.S.	Mobilization / Bonds / Insurance	\$25,000.00	\$25,000.00	\$24,230.00	\$24,230.00
A2	1	L.S.	Traffic Control	\$10,625.00	\$10,625.00	\$14,260.00	\$14,260.00
A3	1	L.S.	SWPPP	\$7,500.00	\$7,500.00	\$4,020.00	\$4,020.00
A4	110	L.F.	Waterline Relocation	\$61.36	\$6,749.60	\$259.00	\$28,490.00
A5	85	S.Y.	Remove Existing H.M.A.C	\$169.41	\$14,399.85	\$64.00	\$5,440.00
A6	39	S.Y.	Remove Existing Gravel Driveway	\$199.68	\$7,787.52	\$82.00	\$3,198.00
A7	29	S.Y.	Remove Existing Concrete Driveway	\$297.41	\$8,624.89	\$76.00	\$2,204.00
A8	2	S.Y.	Remove Existing Concrete Sidewalk	\$100.00	\$200.00	\$76.00	\$152.00
A9	1	EA	Remove Existing Tree	\$1,250.00	\$1,250.00	\$1,670.00	\$1,670.00
A10	43	S.Y.	Remove Existing Concrete Valley Gutter	\$438.95	\$18,874.85	\$76.00	\$3,268.00
A11	80	L.F.	Remove Existing Curb and Gutter	\$121.88	\$9,750.40	\$13.00	\$1,040.00
A12	1	EA	Remove Existing Telephone Pedestal	\$2,500.00	\$2,500.00	\$1,940.00	\$1,940.00
A13	8	EA	Remove Existing Street Sign	\$312.50	\$2,500.00	\$314.00	\$2,512.00
A14	1	EA	Remove Existing Electric Street Sign	\$3,125.00	\$3,125.00	\$2,330.00	\$2,330.00
A15	37	L.F.	Remove Existing 18" RCP	\$93.24	\$3,449.88	\$40.00	\$1,480.00
A16	127	S.Y.	Repair Street Asphalt, Apron, Curb and Gutter	\$250.00	\$31,750.00	\$297.00	\$37,719.00
A17	57	S.Y.	Repair Gravel Driveway	\$125.00	\$7,125.00	\$222.00	\$12,654.00
A18	45	S.Y.	Repair Concrete Driveway	\$250.00	\$11,250.00	\$385.00	\$17,325.00
A19	2	S.Y.	Repair Concrete Sidewalk	\$250.00	\$500.00	\$591.00	\$1,182.00
A20	46	L.F.	Replace 18" RCP	\$75.00	\$3,450.00	\$310.00	\$14,260.00
A21	2	EA	Re-Install Telephone Pedestal	\$6,250.00	\$12,500.00	\$6,370.00	\$12,740.00
A22	9	EA	Re-Install Street Sign	\$1,250.00	\$11,250.00	\$730.00	\$6,570.00
A23	1	EA	Re-Install Electrical Street Sign	\$3,750.00	\$3,750.00	\$3,880.00	\$3,880.00
A24	6	EA	6" Waterline Adjustment	\$4,375.00	\$26,250.00	\$11,480.00	\$68,880.00
A25	1	EA	6" Gas Line Adjustment	\$12,500.00	\$12,500.00	\$16,630.00	\$16,630.00
A26	1	EA	4' x 4' Conflict Box	\$18,750.00	\$18,750.00	\$11,230.00	\$11,230.00
A27	7	EA	5' x 3' Curb Inlet	\$25,000.00	\$175,000.00	\$8,420.00	\$58,940.00

URS Parter Construction LLC  
4541 Leroux Rd  
Corpus Christi, TX 78408

3B Construction Services  
2505 Up River Road  
Corpus Christi, TX 78409

A28		1379	L.F.	24" DIA RCP CL III	\$102.50	\$141,347.50	\$249.00	\$343,371.00
A29		261	L.F.	24" DIA RCP CL V	\$125.00	\$32,625.00	\$330.00	\$86,913.00
A30		1	EA	24" RCP Tie-In To Existing Curb Inlet	\$1,250.00	\$1,250.00	\$3,270.00	\$3,270.00
<b>TOTAL BASE BID</b>						\$611,634.49		\$791,798.00
<b>TOTAL BASE BID</b>						\$611,634.49		\$791,798.00
<b>ALTERNATE 1 BID:</b>								
B1	1		L.S.	SWPPP	\$7,500.00	\$7,500.00	\$24,986.00	\$24,986.00
B2	288		S.Y.	Remove Existing H.M.A.C	\$116.67	\$33,600.96	\$12.00	\$3,456.00
B3	290		S.Y.	Repair H.M.A.C	\$289.66	\$84,001.40	\$137.00	\$39,730.00
B4	1		EA	Existing Hydrant Adjustment	\$2,500.00	\$2,500.00	\$12,550.00	\$12,550.00
B5	1		EA	4' x 4' Junction Box	\$5,625.00	\$5,625.00	\$9,240.00	\$9,240.00
B6	1		EA	Concrete Headwall	\$3,750.00	\$3,750.00	\$6,630.00	\$6,630.00
B7	490		L.F.	24" RCP CL V	\$125.00	\$61,250.00	\$286.00	\$140,140.00
B8	3852		L.F.	6" Curb and Gutter	\$35.53	\$136,861.56	\$54.00	\$208,008.00
B9	2791		S.Y.	Temporary Flexible Pavement	\$209.11	\$583,626.01	\$56.00	\$156,296.00
B10	2		EA	5' x 3' Curb Inlet	\$11,875.00	\$23,750.00	\$9,100.00	\$18,200.00
B11	211		L.F.	Driveway Laydown Curb and Gutter	\$37.50	\$7,912.50	\$113.00	\$23,843.00
B12	2		EA	Remove Existing Tree	\$1,250.00	\$2,500.00	\$1,290.00	\$2,580.00
B13	1105		L.F.	6" DIA Waterline Relocation	\$35.00	\$38,675.00	\$108.00	\$119,340.00
<b>TOTAL ALTERNATE 1 BID</b>						\$991,552.43		\$764,999.00
<b>TOTAL BASE BID + ALTERNATE 1 BID</b>						\$1,603,186.92		\$1,556,797.00

\* DENOTES ERROR IN BID

**BID RESULTS RANKING:**

1

2

# **AGENDA ITEM #11**

**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: October 15, 2024  
 SUBJECT: Consider Approving Change Order No. 4 for Bid 23-08 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 3 – 18" Wastewater Main Replacement to 3MGD Wastewater Treatment Plant

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**Purpose:**

Consider approving General Land Office Change Order No. 4 (CO-4) will decrease the contract price while increasing the contract time to help closeout the contract as required by the grant. CO-4 decreases the contract price by \$5,400.95 and increases the contract time by 159 calendar days.

**Summary:**

***GLO Change Order No. 4 – Contract Price***

Item	Description	Unit	Quantity	Unit Cost	Total
A11	Remove Brick Fence Columns	EA	-1	\$226.55	(\$226.55)
A24	Replace Brick Fence Columns (Paid with Local Funds)	EA	-2	\$3,763.20	(\$3,763.20)
A25	Replace Flagpole (Paid with Local Funds)	EA	-1	\$1,411.20	(\$1,411.20)

**GLO Change Order No. 4 Total (\$5400.95)**

***GLO Change Order No. 4 – Contract Time***

Description	Calendar Days
Contract Time	159

**Final Contract Price and Time \$1,259,171.12 and 324 Calendar Days**





**City of Kingsville  
Engineering Dept.**

**Background:**

Previously approved on February 26, 2023, the General Land Office Change Order No. 3 increased the contract time of the project to ensure compliance with the grant requirements that all work is completed within the contract time. The contract time was increased by 45 days. On the previous Change Orders, CO No.1 was to reduce the contract amount for grant funds and CO No.1A increased the cost to use City Funds. Grant Administrators are considering CO No. 1A as CO No.2.

**Financial Impact:**

Project 3 Change Order No. 4 contract price will decrease by \$5,400.95 from \$1,264,572.07 to \$1,259,171.12.

**Recommendation:**

Staff recommends approving Change Order No.4 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 3 – 18" Wastewater Main Replacement to 3MGD WWTP for a final price of \$1,259,171.12 and contract time of 324 calendar days.

**Attachments:**

GLO Change Order No. 4





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

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

Subrecipient:  GLO Contract Number:  Date:

Engineer Name Address & Phone	Subrecipient Name, Address, & Phone Number:	Contractor Name, Address & Phone Number:
<input type="text" value="International Consulting Engineers&lt;br/&gt;261 Saratoga Blvd.&lt;br/&gt;Corpus Christi, TX 78417&lt;br/&gt;361-826-5805"/>	<input type="text" value="City of Kingsville&lt;br/&gt;400 W. King Ave.&lt;br/&gt;Kingsville, TX 78363&lt;br/&gt;361-595-8040"/>	<input type="text" value="Gerke Excavating, Inc.&lt;br/&gt;15341 State Highway 131&lt;br/&gt;Tomah, Wisconsin 54660&lt;br/&gt;608-372-4203"/>

Project #:  Bid Package #:  Change Order #:   
 Contract Origination Date:  Project Description:

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

Item No.	Description of Changes: Quantities, Units, Unit Prices, Change in Completion Schedule etc.	Decrease in Contract Price	Increase in Contract Price
A11	Remove Brick Fence Columns, 226.55/EA, -1 EA	226.55	
A24	Replace Brick Fence Columns, 1881.60/EA, -2 EA (PAID WITH ADDITIONAL LOCAL FUNDS)	3763.2	
A25	Replace Flag Pole, 1411.20/EA, -1 EA (PAID WITH ADDITIONAL LOCAL FUNDS)	1411.2	

*See sheet 2 to add additional entries*

**Change in Construction Contract Price**

Original Contract Price:	<input type="text" value="1,498,733.34"/>
Cumulative Previous Change Order(s) Total:	<input type="text" value="-234,161.27"/>
Contract Price Prior to this Change Order:	<input type="text" value="1,264,572.07"/>
Net Increase/Decrease of this Change Order:	<input type="text" value="-5400.95"/>

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

Original Contract Time in Days:	<input type="text" value="120"/>
Net Change from Previous Change Order(s) in Days:	<input type="text" value="45"/>
Contract Time Prior to this Change Order in Days:	<input type="text" value="165"/>
Net Increase/Decrease of this Change Order in Days:	<input type="text" value="159"/>



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

Contract Price with All Approved Change Orders:	1,259,171.12	Contract Time with All Approved Change Orders in Days:	324
Cumulative Percent Change in Contract Price (+/-):	-16.00%	Subrecipient Contract End Date:	1/31/2025
Construction Contract Start Date:	10/12/2023	Construction Contract End Date:	8/31/2024

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

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

Subrecipient Signature	Engineer Signature	Contractor Signature
	<b>JUAN CARLOS CARDENAS</b> <b>SENIOR ENGINEER</b>	Scott Lucia PM
Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
Subrecipient Signature	Engineer Signature	Contractor Signature

**Justification for Change Order**

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

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

Total  LMI

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

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

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

If "no", explain:

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

If "yes", is an environmental assessment required?



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

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

If "no", explain:

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

# **AGENDA ITEM #12**

**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: October 15, 2024  
SUBJECT: Consider Approving Change Order No. 1 for Bid No. 24-01 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 4 – Alley Between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements

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**Purpose:**

Approving General Land Office Change Order No. 1 (CO-1) will decrease the contract price while increasing the contract time and help closeout the contract as required by the grant. CO-1 decreases the contract price by \$229.92 and increases the contract time by 85 calendar days.

**Summary:**

***GLO Change Order No. 1 – Contract Price***

Item	Description	Unit	Quantity	Unit Cost	Total
A4	SWPP (Sediment Control Logs)	LF	-48	\$4.79	(\$229.92)

***GLO Change Order No. 1 – Contract Time***

Description	Calendar Days
Contract Time	85

**Final Contract Price and Time      \$199, 984.24 and 265 Calendar Days**

**Background:**

Sealed bids were received on October 24, 2023. This project was advertised in the local newspaper, Historically Underutilized Business (HUB), Minority- and Women-Owned Business Enterprises (MWBE) and on the City's website. Bids were opened, read aloud and the apparent low bidder was identified. Three (3) bids were received which included D&M Underground



**City of Kingsville  
Engineering Dept.**

Construction; from Corpus Christi, Texas, Gerke Excavating Inc.; from Tomah, WI, and Mammoth Foundation Repair LLC; from Corpus Christi, TX. The base bids ranged from \$176,564.18 to \$230,757.02 and additive alternate bids ranged from \$43,559.82 to \$87,653.00. Additive alternate bids will not be awarded as part of this project until an environmental clearance and a contract amendment is approved by the General Land Office (GLO). After the GLO approval, then the additive alternate can be approved by a change order for \$65,508.07 for a total project cost of \$265,722.23.

D&M Underground Construction was the lowest bid but there were some mathematical errors noted on the bids, with some of a minor clerical nature, such as a mistake in transcribing numbers, misplaced decimal, and/or typographical errors. One base bid error reduced item A13 by \$1,000.00, but the overall base bid was incorrectly totaled to be \$165,960.18. The correct total was \$176,564.18 for an increased difference of \$10,604.00 to D&M Underground's base bid. The additive alternate bid was also incorrectly totaled to be \$56,163.82. The correct total was \$43,559.82 for a decreased difference of \$12,604.00.

In addition to the mathematical errors previously noted in D&M Underground's bid:

- Certification of bidder Regarding Civil Rights Laws and Regulations form is missing the vendor's name and address.
- Contractor's Local Opportunity Plan is missing the 2<sup>nd</sup> page with the signature, date and title.
- Certification for business Concerns (Section 3) form is missing the City's name, GLO contract No. and the date at the top.
- Not specific to D&M packet: Same as with Project 3, we will need the bid packet cover page version that is signed and sealed by ICE.

Staff recommends rejecting this lowest bid and awarding to Gerke Excavating which is an increased difference of \$23,649.98. No errors were noted on the second lowest bid.

**Financial Impact:**

Project 4 contract price will decrease by \$229.92 from \$200,214.16 to \$199,984.24.

**Recommendation:**

Staff recommends approving Change Order No. 1 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 4 – Alley Between E. Johnston Ave. and E. Fordyce Ave. Sanitary Sewer Improvements for the final contract price of \$199,984.24 and contract time of 265 calendar days.

**Attachments:**

Change Order No. 1





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

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

Subrecipient:  GLO Contract Number:  Date:

Engineer Name Address & Phone	Subrecipient Name, Address, & Phone Number:	Contractor Name, Address & Phone Number:
International Consulting Engineers 261 Saratoga Blvd. Corpus Christi, TX 78417 361-826-5805	City of Kingsville 400 W. King Ave. Kingsville, TX 78363 361-595-8040	Gerke Excavating, Inc. 15341 State Highway 131 Tomah, Wisconsin 54660 608-372-4203

Project #:  Bid Package #:  Change Order #:

Contract Origination Date:  Project Description:

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

Item No.	Description of Changes: Quantities, Units, Unit Prices, Change in Completion Schedule etc.	Decrease in Contract Price	Increase in Contract Price
A4	SWPP (Erosion Control Log), 4.79/LF, -48 LF	229.92	

*See sheet 2 to add additional entries*

**Change in Construction Contract Price**

Original Contract Price:	<input type="text" value="200,214.16"/>
Cumulative Previous Change Order(s) Total:	<input type="text" value="0.00"/>
Contract Price Prior to this Change Order:	<input type="text" value="200,214.16"/>
Net Increase/Decrease of this Change Order:	<input type="text" value="-229.92"/>

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

Original Contract Time in Days:	<input type="text" value="180"/>
Net Change from Previous Change Order(s) in Days:	<input type="text" value="0"/>
Contract Time Prior to this Change Order in Days:	<input type="text" value="180"/>
Net Increase/Decrease of this Change Order in Days:	<input type="text" value="85"/>





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

Contract Price with All Approved Change Orders:

Contract Time with All Approved Change Orders in Days:

Cumulative Percent Change In Contract Price (+/-):

Subrecipient Contract End Date:

Construction Contract Start Date:

Construction Contract End Date:

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

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

Subrecipient Signature	Engineer Signature	Contractor Signature
------------------------	--------------------	----------------------

Subrecipient Name and Title (Printed)	Engineer Name and Title (Printed)	Contractor Name and Title (Printed)
	JUAN CARLOS CARDENAS, P.E. SENIOR ENGINEER	Scott Lucia PM

Subrecipient Signature	Engineer Signature	Contractor Signature
------------------------	--------------------	----------------------

**Justification for Change Order**

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

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

Total  LMI

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

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

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

If "no", explain:

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

If "yes", is an environmental assessment required?



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

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

If "no", explain:

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

# **AGENDA ITEM #13**

**City of Kingsville  
Engineering Dept.**

Award Bid

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Rutilio P. Mora Jr, P.E., City Engineer  
DATE: October 28, 2024  
SUBJECT: Consider Awarding Project Bid No. 24-15 and Approving Construction Contract with ACE CO. for Public Work Concrete Pavement Improvement Project

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**Purpose:**

Awarding this project and construction contract will be beneficial to the driving surface and addressing any drainage concerns.

Project includes 840 SY of 6" concrete pavement which replaces the existing asphalt paving and 6" concrete valley gutter for drainage improvements. The project shall be completed within 60 days from the Notice to Proceed date.

**Summary:**

This project was advertised in the local newspaper on July 18<sup>th</sup> and 25<sup>th</sup> and the city's website. Sealed bids for Bid 24-15 were received prior to the deadline of August 13, 2024, at 2:00 pm and read out loud, from 3 bidders.

1. ACE Co. from San Antonio, Texas.
2. RXDX, from Sinton, Texas.
3. International Consulting Engineers, from Corpus Christi, Texas.

Base Bid ranged from \$148,120.00 to \$185,080.00, Alternate Bid No. 1 ranged from \$45,496.00 to \$96,509.60, Alternate Bid No.2 ranged from \$185,281.00 to \$272,703.80 and Total Bid Amounts ranged from \$381,855.00 to \$523,891.87. Staff recommends awarding the Base Bid only on project to the lowest bidder ACE Co. in the amount of \$148,120.00.

**Background:**

This project will address a portion of the deteriorating pavement surface and drainage concerns adjacent to the garage.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

This project will be funded by General Fund 001 and Utility Fund 051 for a total of \$148,120.00.

**Recommendation:**

Staff recommends:

1. Awarding Bid No. 24-15 to ACE Co. in the amount of \$148,120.00.
2. Approving the construction contract between City and ACECO in the amount of \$148,120.00.
3. Authorizing the City Manager to sign the Construction Contract

**Attachments:**

Bid tabulation  
Construction Contract



# BID TABULATION

City of Kingsville  
 Project Name: 2024 Public Works Concrete Pavement Improvements Project  
 Bid Number: BID #24-15  
 Date: August 13, 2024



ITEM	QTY (Original)	UNIT	DESCRIPTION	AGECO		BAXX		GG	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>BASE BID:</b>									
B1	1	L.S.	Mobilization/Insurance and Bonds (Phase 1)	\$8,200.00	\$8,200.00	\$25,000.00	\$25,000.00	\$17,854.20	\$17,854.20
B2	840	S.Y.	6" Concrete Pavement @ 4,000 psi Including Joints and Steel (Phase 1)	\$138.00	\$115,920.00	\$170.00	\$142,800.00	\$139.50	\$117,180.00
B3	192	L.F.	6" Concrete Valley Gutter (Phase 1)	\$125.00	\$24,000.00	\$90.00	\$17,280.00	\$105.00	\$20,160.00
<b>TOTAL BASE BID</b>					<b>\$148,120.00</b>		<b>\$185,080.00</b>		<b>\$155,194.20</b>
<b>TOTAL BASE BID + ALTERNATE 1 BID:</b>									
A1-1	968	S.Y.	Demolish of Existing Asphalt Pavement and Base (Phase 1)	\$17.00	\$16,456.00	\$20.00	\$19,360.00	\$54.70	\$52,949.60
A1-2	968	S.Y.	6" Compacted Limestone Base (Phase 1)	\$30.00	\$29,040.00	\$38.00	\$36,784.00	\$45.00	\$43,560.00
<b>TOTAL ALTERNATE 1 BID</b>					<b>\$45,496.00</b>		<b>\$56,144.00</b>		<b>\$96,509.60</b>
<b>TOTAL BASE BID + ALTERNATE 1 BID</b>									
<b>ALTERNATE 2 BID:</b>					<b>\$193,616.00</b>		<b>\$241,224.00</b>		<b>\$251,703.80</b>
<b>TOTAL BASE BID + ALTERNATE 2 BID:</b>									
A2-1	1	L.S.	Mobilization/ Insurance and Bonds (Phase 2)	\$10,000.00	\$10,000.00	\$1,000.00	\$1,000.00	\$31,313.67	\$31,313.67
A2-2	1007	S.Y.	Demolish of Existing Asphalt Pavement and Base (Phase 2)	\$17.00	\$17,119.00	\$18.00	\$18,126.00	\$54.70	\$55,082.90
A2-3	1007	S.Y.	6" Concrete Pavement @ 4,000 psi Including Joints and Steel (Phase 2)	\$130.00	\$130,910.00	\$135.00	\$135,945.00	\$139.50	\$140,476.50
A2-4	1007	S.Y.	6" Compacted Limestone Base (Phase 2)	\$30.00	\$30,210.00	\$30.00	\$30,210.00	\$45.00	\$45,315.00
<b>TOTAL ALTERNATE 2 BID</b>					<b>\$188,239.00</b>		<b>\$185,281.00</b>		<b>\$272,188.07</b>
<b>TOTAL BASE BID + ALTERNATE 1 BID + ALTERNATE 2 BID</b>					<b>\$381,855.00</b>		<b>\$426,505.00</b>		<b>\$523,891.87</b>

\* DENOTES ERROR IN BID

**BID RESULTS RANKING (LOWEST TO HIGHEST):**

1 2 3

# **AGENDA ITEM #14**

**City of Kingsville**  
**Public Works**

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TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: William Dønnell, Director of Public Works

DATE: September 27, 2024

SUBJECT: Budget Amendment of Unappropriated Budget Reserve Fund 001 & 051

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**Summary:**

This item authorizes appropriation of the Unappropriated Budget Reserve General and Utility funds generated from the vehicle and equipment auction held January 2024 for service drive improvements at the Public Works Service Center.

**Background:**

In January 2024, the City sold vehicles and equipment via an online auction generating \$74,060.00 in the General Fund and \$74,060.00 in the Utility Fund. These funds were requested to be used for improvements to the driveway inside the Public Works service area around the fuel pumps and the garage bays. These repairs will provide a safe working surface area and help minimize dirt and dust blowing from vehicles traveling through the service areas.

**Financial Impact:**

This will reduce unappropriated General Fund 001 Budget Amendment Reserve balance by \$74,060.00 and unappropriated Utility Fund 051 Budget Amendment Reserve balance by \$74,060.00 and increase the Grounds & Permanent Fixtures line account 001-5-1805-59100 by \$148,120.00.

**Recommendation:**

Staff is requesting approval of funds to make needed repairs to the service drive at the Public Works Service Center.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2024-2025 BUDGET TO APPROPRIATE FUNDING FOR THE PUBLIC WORKS CONCRETE PARKING LOT 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 2024-2025 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#1

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001- General Fund</b>					
<u>Revenues</u>					
0000	Non-Dept	Transfer from 051	75010	\$74,060	
<u>Expenditures</u>					
3000	PW Admin	Grounds and Perm Fix	59100	\$148,120	
1030	City Special	Budget Amend Reserve	86000		\$74,060
<b>Fund 051- Utility Fund</b>					
<u>Expenditures</u>					
6900	Transfer	Transfer to Fund 001	80001	\$74,060	
6001	Water Const.	Budget Amend Reserve	86000		\$74,060

[To amend the City of Kingsville FY 24-25 budget to appropriate funding for the Public Works Concrete Parking Lot Project. Funding will come from the General Fund Budget Amendment Reserve line item in General Fund 001 and Utility Fund 051.]

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 15th day of October 2024.

**PASSED AND APPROVED** on this the 28th day of October 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #15**

**City of Kingsville  
Engineering Dept.**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Rutilio P. Mora Jr, P.E., City Engineer

DATE: October 28, 2024

SUBJECT: Consider Awarding Project Bid No. 24-15 and Approving Construction Contract with ACE CO. for Public Work Concrete Pavement Improvement Project

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**Purpose:**

Awarding this project and construction contract will be beneficial to the driving surface and addressing any drainage concerns.

Project includes 840 SY of 6" concrete pavement which replaces the existing asphalt paving and 6" concrete valley gutter for drainage improvements. The project shall be completed within 60 days from the Notice to Proceed date.

**Summary:**

This project was advertised in the local newspaper on July 18<sup>th</sup> and 25<sup>th</sup> and the city's website. Sealed bids for Bid 24-15 were received prior to the deadline of August 13, 2024, at 2:00 pm and read out loud, from 3 bidders.

1. ACE Co. from San Antonio, Texas.
2. RXDX, from Sinton, Texas.
3. International Consulting Engineers, from Corpus Christi, Texas.

Base Bid ranged from \$148,120.00 to \$185,080.00, Alternate Bid No. 1 ranged from \$45,496.00 to \$96,509.60, Alternate Bid No.2 ranged from \$185,281.00 to \$272,703.80 and Total Bid Amounts ranged from \$381,855.00 to \$523,891.87. Staff recommends awarding the Base Bid only on project to the lowest bidder ACE Co. in the amount of \$148,120.00.

**Background:**

This project will address a portion of the deteriorating pavement surface and drainage concerns adjacent to the garage.



**City of Kingsville  
Engineering Dept.**

**Financial Impact:**

This project will be funded by General Fund 001 and Utility Fund 051 for a total of \$148,120.00.

**Recommendation:**

Staff recommends:

1. Awarding Bid No. 24-15 to ACE Co. in the amount of \$148,120.00.
2. Approving the construction contract between City and ACECO in the amount of \$148,120.00.
3. Authorizing the City Manager to sign the Construction Contract

**Attachments:**

Bid tabulation  
Construction Contract



# BID TABULATION

City of Kingsville  
 Project Name: 2024 Public Works Concrete Pavement Improvements Project  
 Bid Number: BID #24-15  
 Date: August 13, 2024



		(GREGO) 4575 MacArthur Blvd S.W. Atlanta, GA 30347			(RODIX) 1616 Central Blvd S.W. Atlanta, GA 30337			(OT) 201 Springs Blvd Columbus, GA 31907		
ITEM	QTY (Original)	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	
<b>BASE BID:</b>										
B1	1	L.S.	Mobilization/Insurance and Bonds (Phase 1)	\$8,200.00	\$8,200.00	\$25,000.00	\$25,000.00	\$17,854.20	\$17,854.20	
B2	840	S.Y.	6" Concrete Pavement @ 4,000 psi Including Joints and Steel (Phase 1)	\$138.00	\$115,920.00	\$170.00	\$142,800.00	\$139.50	\$117,180.00	
B3	192	L.F.	6" Concrete Valley Gutter (Phase 1)	\$125.00	\$24,000.00	\$90.00	\$17,280.00	\$105.00	\$20,160.00	
<b>TOTAL BASE BID</b>					\$148,120.00		\$185,080.00		\$155,194.20	
<b>TOTAL BASE BID</b>					\$148,120.00		\$185,080.00		\$155,194.20	
<b>ALTERNATE 1 BID:</b>										
A1-1	968	S.Y.	Demolish of Existing Asphalt Pavement and Base (Phase 1)	\$17.00	\$16,456.00	\$20.00	\$19,360.00	\$54.70	\$52,949.60	
A1-2	968	S.Y.	6" Compacted Limestone Base (Phase 1)	\$30.00	\$29,040.00	\$38.00	\$36,784.00	\$45.00	\$43,560.00	
<b>TOTAL ALTERNATE 1 BID</b>					\$45,496.00		\$56,144.00		\$96,509.60	
<b>TOTAL BASE BID + ALTERNATE 1 BID</b>					\$193,616.00		\$241,224.00		\$251,703.80	
<b>ALTERNATE 2 BID:</b>										
A2-1	1	L.S.	Mobilization/ Insurance and Bonds (Phase 2)	\$10,000.00	\$10,000.00	\$1,000.00	\$1,000.00	\$31,313.67	\$31,313.67	
A2-2	1007	S.Y.	Demolish of Existing Asphalt Pavement and Base (Phase 2)	\$17.00	\$17,119.00	\$18.00	\$18,126.00	\$54.70	\$55,082.90	
A2-3	1007	S.Y.	6" Concrete Pavement @ 4,000 psi Including Joints and Steel (Phase 2)	\$130.00	\$130,910.00	\$135.00	\$135,945.00	\$139.50	\$140,476.50	
A2-4	1007	S.Y.	6" Compacted Limestone Base (Phase 2)	\$30.00	\$30,210.00	\$30.00	\$30,210.00	\$45.00	\$45,315.00	
<b>TOTAL ALTERNATE 2 BID</b>					\$188,239.00		\$185,281.00		\$272,188.07	
<b>TOTAL BASE BID + ALTERNATE 1 BID + ALTERNATE 2 BID</b>					\$381,855.00		\$426,505.00		\$523,891.87	

\* DENOTES ERROR IN BID

**BID RESULTS RANKING (LOWEST TO HIGHEST):**

1

2

3

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH ACE CO. FOR RFP#24-15 PUBLIC WORKS CONCRETE PAVEMENT IMPROVEMENT PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") intends to make improvements at Public Works, specifically a Concrete Pavement Improvement Project with funding through General Fund 001 and Utility Fund 051 for a total of \$148,120.00;

**WHEREAS**, after advertising BID #24-15 in the newspaper on July 18 & 25, 2024, three bids were received by the August 13, 2024 bid deadline and after reviewing the bid submittals staff recommended the bid be awarded to the apparent low bidder Ace Co. ("Vendor");

**WHEREAS**, the City awarded BID#24-15 to Vendor at a Commission meeting on October 15, 2024 for a total amount of \$148,120.00;

**WHEREAS**, the City and Vendor worked to prepare a contract and the parties both agree to the terms of the proposed contract for the base bid of \$148,120.00;

**WHEREAS**, staff is recommending the City Commission approve the construction contract with vendor as presented for a total amount of \$148,120.00 with a contract time of 60 calendar day;

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

I.

**THAT** the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Construction Contract with Ace Co. for Public Works Concrete Pavement Improvement Project (Bid #24-15) as per staff recommendation and 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  
15th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**CITY OF KINGSVILLE, TEXAS**

**CONTRACT AGREEMENT**

**BID #24-15 PUBLIC WORKS DEPT. CONCRETE  
PAVEMENT IMPROVEMENTS PROJECT**

STATE OF TEXAS )

COUNTY OF KLEBERG )

THIS AGREEMENT, made and entered into this 15th day of October, A.D., 2024 by and between the City of Kingsville, a municipal corporation, located in the County of Kleberg and State of Texas, acting through Mark A. McLaughlin, City Manager, thereunto authorized so to do hereafter termed OWNER, and ACE CO., hereinafter termed CONTRACTOR.

WITNESSETH, that for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, and under the conditions expressed in the bond bearing even date herewith, the said CONTRACTOR, hereby agrees with the OWNER to commence and complete the construction of certain improvements described as follows:

**BID #24-15  
2024 Public Works Dept. Concrete Pavement Improvements Project**

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at CONTRACTOR'S own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, together with the CONTRACTOR'S written proposal, the General Conditions of the Agreement, and the Performance, Maintenance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract. All terms, conditions, pricing, and other details presented by the Contractor in their Request for Proposal response are to be made a part of this agreement.

The OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal of \$ 148,120.00, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the Contract. Contract time shall be completed within 60 calendar days after being provided a Notice To Proceed.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day above written.

The City of Kingsville, Texas  
OWNER

By: \_\_\_\_\_  
Mark A. McLaughlin, City Manager

\_\_\_\_\_  
CONTRACTOR

By: \_\_\_\_\_

\_\_\_\_\_  
Print or Type Name

Title: \_\_\_\_\_  
(President/Vice-President)

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Corporation Secretary

Date:

\_\_\_\_\_  
By authority of Council Commission Date

\_\_\_\_\_  
Print or Type Name

Approved as to Content:

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

# **AGENDA ITEM #16**



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## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department is seeking approval from the City Commissioners and Mayor to select Halff Associates, Inc. as the company to complete the Resilient Community Program Grant Writing and Administration for the City of Kingsville Comprehensive Plan**

**Summary:** The City of Kingsville has an outdated Comprehensive Plan, last published in 2008. A Comprehensive Plan is a 20 to 30-year framework designed to help guide future developments and land use within a city. We would like to partner with a company to complete the work required to produce a Comprehensive Plan for the City of Kingsville.

**Background:** The 2022 Resilient Communities Program is accepting applications to help fund the development, adoption, and implementation of long-range planning for cities. Applications are being processed for eligibility on a first come, first served basis until June 1<sup>st</sup>, 2028, or until funding is exhausted, whichever comes first.

The City of Kingsville advertised a Request for Proposal (RFP 24-16) on 22 August 2024 and 29 August 2024 in The Kingsville Record, IAW Texas State Purchasing Law, soliciting companies to bid to perform the services required to complete and submit a Comprehensive Plan for the City of Kingsville. Bids were opened on 10 September 2024 and closed on 10 September 2024; one (1) company, Halff Associates, Inc., applied for this RFP.

**Financial Impact:** There is no financial impact to the City for the grant submission; if the grant is awarded, then Halff Associates', Inc. services will be paid for through the grant based on a future contract between Halff and the City.

**Recommendation:** Staff recommends approving the selection of Halff Associates, Inc. as the Resilient Community Program Grant Writing and Administration company to complete the services required to complete the Comprehensive Plan.

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

# **AGENDA ITEM #17**

**City of Kingsville  
Purchasing Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa, Purchasing Manager  
DATE: Sept 25, 2024  
SUBJECT: Landfill South Drainage Infrastructure-Lined Channel (RFP #24-13)

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**Summary:**

This item authorizes the City to enter into a contract with Lowman Land Improvements Inc., for RFP # 24-13 Landfill South Drainage Infrastructure-Lined Channel for the City of Kingsville.

**Background:**

We published a Request for Proposal #24-13 in the newspaper on August 1, 2024, and August 8, 2024. Responses were accepted until 2:00 PM on August 27, 2024. The City received Four (4) responses. They were from 1) Lowman Land Improvements of Orange Grove, TX; 2) ERS of MS Inc. of Jacksonville, MS.; 3) Texas Chili of Kingwood, TX; and 4) EnviroCon Systems Inc., of Houston, TX. Hanson Engineering of Corpus Christi, Texas is the engineer of record for the City of Kingsville Landfill. Hanson Engineering reviewed proposals and found the information received to be responsive. Bids received range from \$299,814.00 to \$490,714.64. Hanson Engineering recommended the city accept the apparent low bidder Lowman Land Improvement Inc. of Orange Grove, Texas in the amount of \$299.814.00, which the commission did at the meeting on September 12, 2024. The parties have worked on a contract that now needs to be approved.

**Financial Impact:**

Funds are available through Landfill Closure Fund Line Item 090-5-1703-31400; total cost of construction is anticipated to be \$299,814.00 for which funds are available.

**Recommendation:**

It is recommended that the City Commission approve the city manager to enter into a contract with Lowman Land Improvements Inc. of Orange Grove, Texas for bid RFP# 24-13 Landfill South Drainage Infrastructure-Lined Channel for the City of Kingsville, as per staff recommendation.



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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH LOWMAN LAND IMPROVEMENTS INC. FOR RFP#24-13 LANDFILL SOUTH DRAINAGE INFRASTRUCTURE-LINED CHANNEL PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") intends to make improvements at the Landfill, specifically a South Drainage Infrastructure-Lined Channel with funding through the Landfill Closure Fund Line Item #090-5-1703-314000;

**WHEREAS**, after advertising BID #24-13 in the newspaper on August 1 & 8, 2024, four bids were received by the August 27, 2024 bid deadline and after reviewing the bid submittals staff and the outside engineer (Hanson Engineering) recommended the bid be awarded to the apparent low bidder Lowman Land Improvements Inc. ("Vendor");

**WHEREAS**, the City awarded BID#24-13 to Vendor at a Commission meeting on September 12, 2024 for a total amount of \$299,814.00;

**WHEREAS**, the City and Vendor worked to prepare a contract and the parties both agree to the terms of the proposed contract for the base bid of \$299,814.00;

**WHEREAS**, staff is recommending the City Commission approve the construction contract with vendor as presented for a total amount of \$299,814.00 with a contract time of 74 calendar day;

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

I.

**THAT** the City Commission approves and the City Manager is authorized and directed as an act of the City of Kingsville, Texas to execute the Construction Contract with Lowman Land Improvements, Inc. for Landfill South Drainage Infrastructure-Lined Channel project (Bid #24-13) as per staff recommendation and 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  
15th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



## CONTRACT

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by and between Lowman Land Improvements, Inc. hereinafter called the CONTRACTOR, and the City of Kingsville, hereinafter called the OWNER or CITY.

WITNESSETH, that the Contractor and Owner for the consideration hereinafter named agree as follows:

**Article 1 - Scope of Work:** The Contractor shall furnish all the materials and perform all the work called for in the Contract Documents and described in the Specifications entitled:

**BID NO # 24-13      CITY OF KINGSVILLE LANDFILL SOUTH DRAINAGE  
INFRASTRUCTURE-LINED CHANNEL**

**Article 2 - Time of Completion:** The Contractor shall begin work at the job site within fourteen (14) days after the date of the Notice to Proceed issued by the Owner's Representative. The work to be performed under this contract shall be completed in seventy-four (74) consecutive calendar days plus any extended days approved by the Owner's Representative in accordance with the Specifications. For each calendar day that any work is not completed after the expiration of the time, as calculated fourteen (14) days from the date of the Notice to Proceed plus consecutive calendar days stated above plus approved extended days, the sum of One Thousand Dollars (\$1,000.00), per calendar day, will be deducted from the money due or to become due the Contractor, not as a penalty, but as liquidated damages and added for administration.

**Article 3 - The Contract Sum:** The Owner shall pay for the performance of the Contract, subject to additions and deductions provided therein, the sum of [**\$ 299,814.00**].

**Article 4 - Partial Payment:** Owner shall make progress payments as approved by the Owner's Representative in accordance with the General Conditions.

**Article 5 - Acceptance and Final Payment:** Final payment shall be due on acceptance of the work, provided the Contract has been completed as provided in the General Conditions.

Before issuance of the final payment, the contractor shall submit evidence, satisfactory to the City of Kingsville that all payrolls, material bills, subcontractors and other indebtedness connected with the work have been paid in full. **Failure to provide this documentation within ninety (90) calendar days of final acceptance of the project will result in the contractor forfeiting the entire 5% retainage payment of the contract.**

**Article 6 - The Contract Documents:** The Specifications, the Proposal, the Instructions to Bidders and the Drawings, together with this Agreement, form the Contract Documents and they are as fully a part of the Contract Documents as if hereto attached or herein repeated.

IN WITNESS WHEREOF, the parties to these present have executed this Contract in the year and day first above mentioned.

CITY OF KINGSVILLE  
**OWNER**

Lowman Land Improvements, Inc.  
**CONTRACTOR**

By: \_\_\_\_\_  
(Signature)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

City of Kingsville, Tx  
PO. Box 1458  
Kingsville, Tx. 78363

Lowman Land Improvements, Inc.  
PO Box 1155  
Mailing Address

Orange Grove, Tx 78372  
City, State & Zip

# **AGENDA ITEM #18**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



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## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV-LAND USAGE, ARTICLE 1-BUILDING REGULATIONS, SECTION 15-1-56, ADOPTING THE 2024 EDITION OF THE NATIONAL ELECTRIC CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City is updating its building codes and desires to adopt the 2024 version of the National Electric Code to enhance public safety;

**WHEREAS**, staff will have a copy of the 2024 version of the National Electric Code by the effective date of this ordinance;

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

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

I.

**THAT** Section 15-1-56 of Article I: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...  
**§ 15-1-56 DEFINITIONS.**

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined in this section shall have the meaning given to them in the ~~2017~~ 2024 Edition of NFPA 70, National Electric Code.

**APPROVED** or **APPROVAL**. Approved by the Planning Department. Nationally recognized standards shall be the basis of such approval.

**AUTHORIZED PERSON**. An individual or authorized representative of a firm or corporation who is licensed under the provisions of this subarticle to do the work provided by this subarticle.

**CITY**. The territory within the corporate limits of the City of Kingsville, Texas.

**CONDUCTOR**. A wire or cable or other form of metal suitable for carrying electrical current or potential.

**ELECTRICAL CONSTRUCTION.** All work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus and equipment used in connection therewith, inside of or attached to any building or structure.

**ELECTRICAL CONTRACTOR.** Any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment, and who is qualified under terms and provisions of this subarticle.

**ELECTRICIAN.** A person engaged in the business of electrical construction, maintenance and repair, and who is qualified under the provisions of this subarticle.

**EQUIPMENT.** Materials, fittings, motors and the like, used as a part of or in connection with electrical installations.

**INSPECTOR.** An individual who has been designated by the city as an Electrical Inspector.

**MAINTENANCE WORK.** The act of keeping in safe operating condition any conductor or piece of equipment in any and all existing electrical installations, but does not include the installation of additional electrical work, electrical equipment or apparatus.

**OWNER.** Any person holding legal title to any real property within the city.

**SPECIAL RULING.** A written ruling or decision passed by the Board and filed in the office of the Electrical Inspector.

...

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.

V.

**THAT** nothing in this ordinance or in the National Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this day on the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28th day of October, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #19**



Building

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1-BUILDING REGULATIONS, SECTION 15-1-2, ADOPTING THE 2024 INTERNATIONAL BUILDING CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City is updating its building codes and desires to adopt the 2024 versions of the International Building Codes to enhance public safety;

**WHEREAS**, staff will have a copy of the 2024 version of the International Building Code by the effective date of this ordinance;

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

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

I.

**THAT** Section 15-1-2 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

**§ 15-1-2 ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for reasonably safe construction, alteration and modification of buildings within the city. All such construction, alteration and modification of buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Building Code 2018, 2024* Edition, approved and adopted by the Southern Building Code Congress created by the International Code Council (ICC) with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Building Code, 2018 2024* Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

...

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 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #20**

Plumbing

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1-BUILDING REGULATIONS, SECTIONS 21 & 22, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL PLUMBING CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in January 2020, the City Commission adopted the 2018 version of several of the International Building Codes and now desires to update them again;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2024 version of the International Plumbing Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2024 version of this code by the effective date of this ordinance;

**WHEREAS**, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration fee or administrative fee.

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

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

I.

**THAT** Section 15-1-21 and 15-1-22 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-21 ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of plumbing within the city. All piping and fixtures for the delivery of water or disposal of wastewater shall be installed, replaced, maintained and repaired in conformance with the requirements of this subarticle and to the specifications, rules and regulations entitled *International Plumbing Code*, ~~2018~~ 2024 Edition, in its entirety with all appendices thereto. Such edition is hereby incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Plumbing Code*, ~~2018~~

2024 Edition, shall apply to installation, replacement, maintenance, and repair of all nonutility piping and fixtures for the delivery of water or the disposal of wastewater within the city or that is connected to the city water or wastewater systems.

**§ 15-1-22 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PLUMBING CODE.**

The *International Plumbing Code* is hereby modified and changed in the following particulars:

(A) Section 106.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 106.1 Contractor License: It shall be the duty of every contractor who shall make contracts for the installation or repair of gas, water and wastewater systems which are not owned by a public franchised utility for which a permit is required, and every contractor making such contracts and subletting same, or any part thereof, to register with the City Building Department and have a copy of the same on file with the Building Department, giving full name, residence and place of business, phone number, and appropriate state registration. Upon submission of the required information, the Building Department shall issue a license to perform plumbing work. In case of removal from one place to another the license holder shall cause to have made corresponding change in the file accordingly. Nothing contained herein shall be construed as prohibiting any individual from installing or repairing his own fixtures or installing, extending, replacing, altering, or repairing plumbing fixtures and piping in their own residence; provided, however, that all such work must be in conformity with all other provisions of this Chapter, including those relating to permits, inspections, and fees.

(B) Section 109.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 109.1 Supervising Board of Plumbers:

(a) Supervising Board of Plumbers Created. There is hereby created the Supervising Board of Plumbers consisting of seven (7) persons. The Board shall include three (3) appointive members and four (4) ex officio members. The appointive members of the Board shall be appointed by the City Commission. The ex officio members shall be the City Manager, the City Engineer, the Health Officer or his agent, and the Plumbing Inspector. The Supervising Board of Plumbers shall function in lieu of the Board of Appeals

described by Section 109 of the International Plumbing Code, ~~2018~~ 2024 Edition.

(b) Qualifications of Appointive Members. Persons who serve on the Supervising Board of Plumbers shall be qualified as follows: One (1) appointive member shall be a journeyman plumber, one (1) appointive member of the Board shall be a master plumber or plumbing contractor, and one (1) appointive member shall be a person knowledgeable of plumbing such as an engineer, retired contractor, vocational instructor, appliance or hardware dealer, or a journeyman or master plumber.

(c) Tenure of Office. The appointive members of the Supervising Board of Plumbers shall hold office from the date of their appointment and qualification until their successors have been appointed and qualified. The appointment or reappointment of members of the Board shall be such that the first member shall be appointed on or about January 1 of odd numbered years for a term of two (2) years, and the other two (2) members shall be appointed on or about January 1, of even numbered years for a term of two (2) years. Any member of the Board may be removed by the City Commission at any time for cause. Vacancies shall be filled by appointment for the unexpired term.

(d) Compensation. The members of the Supervising Board of Plumbers shall receive no compensation for their services.

(e) Organization of the Supervisory Board. The Board shall select their own chairman and adopt such rules and procedures as they may deem appropriate and necessary.

(f) Powers and Duties. The Board shall hear any appeals for variance or relief from grievances as may be filed which are governed by the International Plumbing Code or this Chapter. The Board shall also act as agent to assure compliance with the State Statutes involving plumbing and the regulations of the Texas State Board of Plumbing Examiners. The Board may also act in matters involving plumbing which may affect the public health.

(g) Quorum. Four (4) members of the Board present at any properly posted meeting shall constitute a quorum for the transaction of business. No vote shall be deemed official without the concurring vote of at least three (3) Board members.

(h) Records. The Board shall keep a minute book in which shall be recorded all transactions and business of the Board.



(C) Section 106.6.1 of the *International Plumbing Code* shall be amended to read as follows:

It shall be unlawful for any persons to commence any plumbing work before obtaining the necessary permit, or otherwise fail to comply with any provision of the *International Plumbing Code*, 2018 2024 Edition, or any provision of this subarticle.

...

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.

V.

**THAT** nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

# **AGENDA ITEM #21**

Mechanical

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

2017 National Electrical Code

2018 International Building Code

2018 Plumbing Code

→ 2018 Mechanical Code

2018 Energy Conservation Code

2018 Existing Building

2018 Property Maintenance Code

2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1-BUILDING REGULATIONS, SECTIONS 135 & 136, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL MECHANICAL CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in January 2020 the City Commission adopted the 2018 version of the several International Building Codes and now desires to update them again;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2024 version of the International Mechanical Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2024 version of this code by the effective date of this ordinance;

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

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

I.

**THAT** Section 15-1-135 and 15-1-136 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-135 ADOPTION.**

The *International Mechanical Code*, ~~2018~~ 2024 Edition, as approved by the International Code Council, is hereby adopted in its entirety except as herein amended and all conflicting ordinances are hereby repealed.

**§ 15-1-136 LICENSES AND PERMITS REQUIRED.**

...

(C) Fees listed in Appendix B of the *International Mechanical Code*, ~~2018~~ 2024 Edition, are hereby adopted. If any person starts work on without a permit, the permit fee shall be equal to the cost of the permit times the number of incidents the person has not obtained a permit prior to commencing work.

(1) Permit fees for remodeling, repair (as noted in Section 106.1 of the International Mechanical Code), or alterations to existing buildings costing in excess of \$500 shall be charged a permit fee as listed in Appendix B of the International Mechanical Code, 2018 2024 Edition. Permit fees will be charged on a flat fee basis. A project with one inspection or more, if necessary, will be charged a flat fee of \$100.00. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. When the work performed does not meet code requirements and a reinspection is required, a reinspection fee of \$25.00 will be charged for each reinspection. Fees listed in Appendix B of the International Mechanical Code, 2018 2024 Edition, are hereby adopted and incorporated herein.

...

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.

V.

**THAT** nothing in this ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

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

**ATTEST:**

\_\_\_\_\_  
Mary Valezuela, City Secretary

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #22**



Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



**MEMO**

**Date:** September 27<sup>th</sup>, 2024  
**To:** Mark McLaughlin (City Manager)  
**From:** Erik Spitzer (Director of Planning and Development Services)  
**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1-BUILDING REGULATIONS, SECTIONS 402 & 403, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in January 2020 the City Commission adopted the 2018 edition of several International Building Codes and now desires to update them again;

**WHEREAS**, staff recommends and the Commission desires to adopt the 2024 edition of the International Energy Conservation Code, as published by the International Code Council;

**WHEREAS**, staff will have a copy of the 2024 version of this code by the effective date of this ordinance;

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

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

I.

**THAT** Section 15-1-402 and 15-1-403 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-402 ADOPTION BY REFERENCE.**

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of Residential and Commercial Buildings within the city. All such construction, alteration and modification of Residential and Commercial Buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Energy Conservation Code*, 2024 ~~2018~~ Edition, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Energy Conservation Code*, 2024 ~~2018~~ Edition, shall apply to the construction, alteration, repair,

equipment, use and occupancy, location, maintenance, removal and demolition of every Residential and Commercial Buildings or structure or any appurtenances connected or attached to such Residential and Commercial Buildings or structures.

**§ 15-1-403 ADDITIONS AND AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE.**

The *International Energy Conservation Code*, ~~2018~~ 2024 Edition; is hereby modified and changed in the following particulars:

(A) The *International Energy Conservation Code*, ~~2018~~ 2024 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually with the exception of plumbing and electrical contractors and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 1, § 101.3 (Compliance) shall be amended by the following:

Energy Conservation Systems shall be permitted in accordance with the *International Building Code*, ~~2018~~ 2024 Edition and shall be based upon the valuation of the improvements.

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.

V.

**THAT** nothing in this ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #23**

Existing Building

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XV, ARTICLE 1-BUILDING REGULATIONS, SECTION 502, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in 2019, the City adopted the 2018 International Existing Building Code;

**WHEREAS**, the City is updating other building codes and desires to adopt the 2024 version of the International Existing Building Code, as published by the International Code Council;

**WHEREAS**, the International Existing Building Code is adopted for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas;

**WHEREAS**, staff will have a copy of the 2024 version of this code prior to the effective date of this ordinance;

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

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

I.

**THAT** Section 15-1-502 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 15-1-502 ADOPTION BY REFERENCE.**

The purpose of this subarticle is for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas. All such repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Existing Building Code* ~~2018~~ 2024 Edition, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail.

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.

V.

**THAT** nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28th day of October, 2024.

Effective Date: \_\_\_\_\_, 20\_\_\_\_

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #24**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



## MEMO

**Date:** September 27<sup>th</sup>, 2024

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

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

**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building

→ 2018 Property Maintenance Code

2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER IX- GENERAL REGULATIONS, ARTICLE 7- NUISANCES, SECTIONS 1 & 2, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in January 2020 the City Commission approved the adoption of the 2018 edition of the International Property Maintenance Code, and staff now believes the adoption of the 2024 edition of the International Property Maintenance Code is needed;

**WHEREAS**, staff recommends adopting the 2024 edition of the International Property Maintenance Code, as published by the International Code Council, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Kingsville; providing for the issuance of permits and collection of fees therefor;

**WHEREAS**, the code is founded on principles intended to establish provision consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provision that do not restrict the use of new materials, products or methods of construction; and provision that do not give preferential treatment to particular types or classes of materials, products or methods of construction;

**WHEREAS**, staff will have a copy of the 2024 edition of the International Property Maintenance Code by the effective date of this ordinance;

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

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

I.

**THAT** Sections 9-7-1 and 9-7-2 of Article 7 Nuisances of Chapter IX, General Regulations of the Code of Ordinances of the City of Kingsville, Texas, shall be amended and shall read as follows:

ARTICLE 7. - NUISANCES<sup>(8)</sup>

Footnotes:

--- (8) ---

**Editor's note**— Ord. No. 2014-08, § 1, adopted March 10, 2014, amended article 7 in its entirety to read as herein set out. Former article 7, §§ 9-7-1—9-7-4, pertained to similar subject matter. See Code Comparative Table for complete derivation.

**§ 9-7-1 ADOPTION BY REFERENCE: INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (A) A certain document being marked and designated as the International Property Maintenance Code (IPMC), ~~2018~~ 2024 Edition, including all future amendments of or revisions to such code, as published by the International Code Council (ICC), be and is hereby adopted as the Property Maintenance Code of the City of Kingsville in the State of Texas for regulating and governing the conditions and maintenance of all property, buildings and structures:
- a. By providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and
  - b. The condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and
  - c. Providing for the issuance of permits and collection of fees; and
  - d. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the Code Compliance Division and the Building Services Division of the City of Kingsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, which shall be documented in this article.
- (B) Two (2) copies of the IPMC adopted in this shall be available for viewing. One of which will be located in the office of the Code Compliance Division and one within the office of the Building Services Division.
- (C) This Section shall not be interpreted to relieve from responsibility or to lessen the responsibility of any person owning, controlling, or occupying any structure. Nor shall the City be held as assuming liability or duty of any nature by reason of inspection authority issued by the City to City Code Enforcement Officers or Building Officials or Inspectors for maintenance of the property.
- (D) *Enforcement.* The Code hereby adopted shall be enforced by the Code Enforcement Officer or the Building Official, who may delegate such enforcement authority to such assistants and subordinates as the needs of the City may require.

(Ord. 2014-08, § 1., 3-10-14)

**§ 9-7-2 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.**

The International Property Maintenance Code is hereby modified and changed in the following particulars:

- (A) Section 101.1 of the International Property Maintenance Code shall be amended to read as follows:

§101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Kingsville, hereinafter referred to as "this code."

- (B) Section 103.5 entitled "Fees" of the International Property Maintenance Code shall be amended to read as follows:

§103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as directed in Sections 9-7-5 and 9-7-6 of this Article.

- (C) Section 106 entitled "Violations." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 106 Violations in the International Property Maintenance Code, 2018 Edition.

- (D) Section 107 entitled "Notices and Orders." This section of the International Property Maintenance Code is hereby substituted to read the same as §9-7-5 of this Article and shall read the same in all other references to Section 107 "Notices and Orders" in the International Property Maintenance Code, ~~2018~~ 2024 Edition, unless otherwise noted in this subsection.

- (E) Section 108.3 entitled "Notice" of the International Property Maintenance Code shall be amended to read as follows:

§108.3 Notice. Whenever the code official has condemned a structure or equipment under the provision of this section and/or §15-1-165 through §15-1-167, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or person or persons responsible for the structure on equipment in accordance with §15-1-167(B) and §15-1-168. If the notice pertains to equipment it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in §15-1-167(B).

- (F) Section 110 entitled "Demolition." This section of the International Property Maintenance Code is hereby substituted to read the same as §15-1-167 through §15-1-176 of Chapter 15 "Land Usage", Article 1 "Building Regulations" and shall read the same in all other references to Section 110 "Demolition" in the International Property Maintenance Code, ~~2018~~ 2024 Edition.

(G) Section 111 entitled "Means of Appeal." This section of the International Property Maintenance Code, is hereby amended to read "City Commission" and shall read the same in all other references to such Board in the International Property Maintenance Code, ~~2018~~ 2024 Edition.

(H) Section 302.4 entitled "Weeds" of the International Property Maintenance Code shall be amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to corrective action in accordance with §9-7-5 and/or the prosecution in accordance with §9-7-99 of this Article.

(I) Section 304.14 entitled "Insect Screens" of the International Property Maintenance Code shall be amended to read as follows:

304.14 Insect Screens. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(J) Section 602.3 entitled "Heat Supply" of the International Property Maintenance Code shall be amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on term, either expressed or implied, to furnish heat to the occupants thereof shall supply heat through the form of a functional heating system during the period from November 1 to March 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room

temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(K) Section 602.4 entitled "Occupiable Work Spaces" of the International Property Maintenance Code shall be amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. 2014-08, § I., 3-10-14)

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 is, for any reason, held to be 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.

V.

**THAT** nothing in this ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #25**

Planning and Development Services  
410 W King  
Kingsville, TX 78363  
PH: 361-595-8055



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## MEMO

**Date:** September 27<sup>th</sup>, 2024  
**To:** Mark McLaughlin (City Manager)  
**From:** Erik Spitzer (Director of Planning and Development Services)  
**Subject:** **The City of Kingsville Planning and Development Services Department and the City of Kingsville Fire Department is seeking approval from the City Commissioners and Mayor to adopt the 2024 edition of the International Code Council (ICC) Family of Codes for the City of Kingsville**

**Summary:** The City of Kingsville is currently enforcing the following International Code Council (ICC) Family of Codes below. City ordinances are affected by adopted editions; codes are edited by the ICC every 3 years; however, a city does not have to adopt every new edition. Attached on page 2 are recommended changes to the current City of Kingsville ordinances as they pertain to the International Code Council (ICC) Family of Codes.

**Background:** Currently, the City of Kingsville enforces the following codes:

- 2017 National Electrical Code
- 2018 International Building Code
- 2018 Plumbing Code
- 2018 Mechanical Code
- 2018 Energy Conservation Code
- 2018 Existing Building
- 2018 Property Maintenance Code
- 2018 International Fire Code / National Fire Protection Association (NFPA) 101

**Recommendation:** Staff recommends approving the adoption of the 2024 edition of the International Code Council Family of Codes for the City of Kingsville

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

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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER IX-GENERAL REGULATIONS, ARTICLE 5- FIRE PREVENTION AND PROTECTION, SECTION 10, ADOPTING THE 2024 EDITION OF THE INTERNATIONAL FIRE CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, in 2019 the City of Kingsville adopted the 2018 version of the International Fire Code and now desires to adopt the 2024 version;

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

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

I.

**THAT**, Section 9-5-10 of Article 5: Fire Prevention and Protection of Chapter IX-General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 9-5-10 ADOPTION.**

There is hereby adopted the fire prevention regulations of the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion. The *International Fire Code*, 2024 ~~2018~~ Edition, as approved by the International Code Council, is hereby adopted in its entirety except to the extent as herein amended or when in conflict with locally adopted ordinances dealing with administration and personnel.

....

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.

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

**INTRODUCED** on this the 15<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED** on this the 28<sup>th</sup> day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #26**