

# City of Kingsville, Texas

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**AGENDA**  
**CITY COMMISSION**  
**MONDAY, OCTOBER 28, 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 – October 15, 2024

APPROVED BY:

  
Mark McLaughlin  
City Manager

**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**

*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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 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).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for TIRZ#3. (Economic Development Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for the Public Works Concrete Parking Lot Project. (Public Works Director).
4. Motion to approve final passage 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).
5. Motion to approve final passage 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).
6. Motion to approve final passage 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).
7. Motion to approve final passage 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).
8. Motion to approve final passage 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).
9. Motion to approve final passage 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).
10. Motion to approve final passage 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).
11. Motion to approve final passage 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).

12. Motion to approve a resolution authorizing the Police Chief to enter into an Operating Agreement between the Naval Air Station, Kingsville, Texas and the City of Kingsville, Texas Police Department for the Provision of Law Enforcement Services. (update signatories on existing 3/27/17 agreement; no cost). (Police Chief).

## REGULAR AGENDA

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

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

13. Consider accepting donations for the Healthy Family Program. (Parks Director).

14. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to accept and expend donations for the Parks Department Healthy Family Events. (Parks Director).

15. Consider a resolution authorizing the City to submit an application to the Texas Parks And Wildlife Department's Community Outdoor Outreach Grant Program for the purpose of requesting funding for community nature based, family oriented, recreational programming with no cash match required; authorizing the City Manager to submit the grant and the City Parks Director as the Grant Official to act on the City's behalf with such grant program. (Parks Director).

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in certain irrigation water rates. (Finance Director).

17. Consider a resolution authorizing the submission of an application to the Texas Water Development Board's 2024-2025 Economically Distressed Areas Program (EDAP) for first time wastewater service residents projects. (City Engineer).

18. Consider awarding Request for Qualification (RFQ #25-02) for Professional Engineering Services for municipal water infrastructure projects to be funded by the WaterSMART Drought Response Grant administered by the U.S. Bureau of Reclamation, as per staff recommendation. (City Engineer).

19. Consider approving Change Order #1 for GLO CDBG-MIT Contract #22-082-016-D218 for Project 2: Manhole Rehabilitation Project. (no additional cost). (City Engineer).

20. Consider a resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 2: N. 19<sup>th</sup> Street- Stormwater Improvements Project. (bid RFP #24-19 awarded to RS Parker Construction LLC on 10/15/24) (City Engineer).

21. Consider a resolution authorizing the City Manager to execute the Construction Contract with R.S. Parker Construction LLC for the GLO CDBG-MIT Contract #22-085-009-D237 for Project 13: W. Johnston Ave. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-22 awarded to RS Parker Construction LLC on 10/15/24) (City Engineer).

22. Consider a resolution authorizing the City Manager to execute the Construction Contract with Donald Hubert Construction Co. for GLO CDBG-MIT Contract #22-085-009-D237 for Project 6: Carlos Truan Blvd. Stormwater Improvements Project, as per recommendation of contract engineer. (bid RFP #24-20 awarded to Donald Hubert Construction LLC on 10/15/24) (City Engineer).

23. Consider authorizing emergency repairs to the HVAC System at City Hall. (Purchasing Manager).

24. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for emergency repairs on the City Hall air conditioning unit. (Purchasing Manager).

25. Consider a resolution authorizing the Mayor to execute an Employment Agreement for the position of City Manager with Mark McLaughlin. (Mayor Fugate).

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

27. 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 Attorney and Municipal Court Judge. (Mayor Fugate).

28. Consider a resolution authorizing staff to accept the offer for the sale of the City's 3.030 acres of land located on the north side of the 400 Block of East Caesar Ave. (9<sup>th</sup>, Block 24, Lot all, S/2 closed Ragland St.), also known as the Old Hospital site, in Kingsville, Texas. (Purchasing Manager).

## VII. Adjournment.

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

### NOTICE

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

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

October 24, 2024, at 12:30 P.M. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

Mary Valenzuela

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

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

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

**MINUTES OF PREVIOUS  
MEETING(S)**

OCTOBER 15, 2024

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, OCTOBER 15, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Kyle Benson, Director of Information & Technology  
Derek Williams, Systems Administrator  
Emilio Garcia, Health Director  
John Blair, Chief of Police  
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  
Kwabena Agyekum, Senior Planner  
Deborah Balli, Finance Director  
Manny Salazar, Economic Development Director  
Charlie Sosa, Purchasing Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – September 23, 2024**

Motion made by Commissioner Lopez to approve the minutes of September 23, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Alvarez, Hinojosa, Alarcon voting "FOR". Fugate "ABSTAINED".

**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 gave a brief update on streets.

Ms. Courtney Alvarez, City Attorney stated that the next city commission meeting is scheduled for Monday, October 28, 2024. The deadline for staff to submit their agenda items for said meeting is Friday, October 18, 2024. Ms. Alvarez further announced upcoming events that will take place in October.

Commissioner Hinojosa stated that he will be leaving tonight's meeting at 5:45 p.m. as he has a prior commitment.

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

1. **Motion to approve final passage of an ordinance amending the 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).**

Mr. Manny Salazar, Economic Development Director, stated that the TIRZ Board met earlier today and approved the financing plan for TIRZ Number 2.

Introduction item.

**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).**

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

**6. Consider introduction of an ordinance amending the Fiscal Year 2024-2025 Budget to appropriate funding for TIRZ#3. (Economic Development Director).**

Introduction item.

**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).**

Ms. Alvarez stated that you have your public hearing notice and if the TIRZ or PID doesn't get started within a certain timeframe after the public hearing it would need to be updated. This would set the public hearing for the city's commission meeting on November 12, 2024.

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

**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).**

Mr. Rudy, City Engineer stated that staff seek approval to award the first GLO CDBG-MIT Hurricane Harvey State Mitigation Competition Round 1. The first is Project 2 - N. 19th Street Storm Water Improvements, which 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. Sealed bids for Bid No. 24-19 (Project 2), were received on September 17, 2024, from three bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; JE Construction Services, Corpus Christi, Texas; PM Construction & Rehab LLC, Pasadena, Texas. The base bids range from \$1,630,804.89 to \$2,623,783.00. After careful evaluation, staff recommends awarding the contract to the lowest bidder, R.S. Parker Construction LLC, for the amount of \$1,630,804.89.

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

**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).**

Mr. Mora stated that staff is 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. Sealed bids for Bid No. 24-20 (Project 6) were received on September 17, 2024, from five bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; JE Construction Services, Corpus Christi, Texas; PM Construction & Rehab LLC, Pasadena, Texas; RXDX, Sinton, Texas; 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.

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

**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).**

Mr. Mora stated that staff seeks 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. Sealed bids for Bid No. 24-22 (Project 13) were received on September 17, 2024, from two bidders: R.S. Parker Construction LLC, Corpus Christi, Texas; 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.

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

**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).**

Mr. Mora stated that staff seeks approval General Land Office Change Order No. 4 (CO-4) will decrease the contract price while increasing the contract time to help close 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. Final Contract Price and Time \$1,259,171.12 and 324 Calendar Days.

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

**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).**

Mr. Mora stated that staff seeking approval of General Land Office Change Order No. 1 (CO-1) will decrease the contract price while increasing the contract time and help close out 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. Final Contract Price and Time \$199,984.24 and 265 Calendar Days.

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

**13. Consider awarding bid #RFP 24-15 for Public Works Concrete Pavement Improvement Project, as per staff recommendation. (City Engineer).**

Mr. Mora stated that this award is for a construction contract for the Public Works concrete pavement improvement project. The project includes 840 square yards 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. This project was advertised in the local newspaper on July 18<sup>th</sup> and July 25, 2024, as well as on the city's website. Sealed bids for Bid 24-15 were received before the deadline of August 13, 2024, at 2:00 p.m. and were read out loud. The three bidders were ACE Co. from San Antonio, TX; RXDX from Sinton, TX; and Internal Consulting Engineers from Corpus Christi, TX. Base bid ranged from \$148,120.00 to \$185,080.00. Alternate bid No. 1 ranged from \$45,496.00 to \$96,509.00. Alternate bid 2 ranged from \$185,281.00 to \$272,703.80. Total bid amounts ranged from \$381,855.00 to \$523,891.97. Mr. Mora stated that it is staff's recommendation to award the base bid only on project to the lowest bidder, ACE Co. in the amount of \$148,120.00 and authorize the City Manager to sign the construction contract.

**Motion made by Commissioner Alarcon to approve the award of bid #RFP 24-15 for Public Works Concrete Pavement Improvement Project, as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Hinojosa, Alarcon, Lopez, Fugate voting "FOR".**

**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).**

Introduction item.

**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).**

**Motion made by Commissioner Lopez to approve the resolution authorizing the City Manager to execute the Construction Contract with Ace Co. for RFP#24-15 Public Works Concrete Pavement Improvement Project, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alarcon, Lopez, Alvarez, Fugate voting "FOR".**

**16. Consider awarding bid RFP #24-16 for Comprehensive Plan and Grant Writing Services, as per staff recommendation. (Director of Planning & Development Services).**

Mr. Erik Spitzer, Director of Planning & Development Services stated that the City of Kingsville has an outdated comprehensive plan which was 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. Staff would like to partner with a company to complete the work required to produce a comprehensive plan for the City of Kingsville. The 2022 Resilient Communities Program is accepting applications to help fund the development adoption and implementation of a long-range planning for cities. Applications are being processed for eligibility on a first-come basis until June 1, 2028, or until funding is exhausted. The city advertised a Request for Proposal, RFP 24-16, on August 22, 2024, and August 29, 2024, in the Kingsville Record, IAW Texas Stated Purchasing Law. Bids were opened on September 10, 2024, and closed on September 10, 2024. The city received only one bid from Half Associates, Inc. It is staff's recommendation approve the selection of Half Associates, Inc. as the Resilient Community Program Grant Writing and Administration company to complete the services required to complete the comprehensive plan.

**Motion made by Commissioner Hinojosa to approve award bid RFP #24-16 for Comprehensive Plan and Grant Writing Services, as per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alarcon, Lopez, Alvarez, Hinojosa, Fugate voting "FOR".**

**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).**

Mr. Charlie Sosa, Purchasing Manager stated that 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. Request for proposal was advertised in the newspaper on August 1, 2024, and August 8, 2024. The city received four responses, Lowman Land Improvement of Orange Grove, TX; ERS, Inc. of Jacksonville, MS; Texas Chili of Kingwood, TX; and EnviroCon Systems Inc., of Houston, TX. Hanson Engineer is the engineer of record for the city 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 low bidder, Lowman Land Improvement, Inc. of Orange Grove, TX for \$299,814.00, which the commission did at a previous meeting on September 12, 2024. The parties have worked on a contract that now needs to be approved. It is staff's recommendation to approve the city manager to enter into a contract with Lowman Land Improvements, Inc. of Orange Grove, TX for bid #24-13 Landfill South Drainage Infrastructure-Lined Channel for the city.

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

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Introduction item.

**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).**

Mayor Fugate announced the executive session and convened the meeting into a closed session at 5:47 p.m.

Commissioner Hinojosa left the meeting at 5:47 p.m. and did not attend the executive session.

Mr. McLaughlin and Ms. Alvarez entered the executive session meeting at 5:47 p.m. and both came out of the executive session at 5:59 p.m. with the commission still in closed session. The City Commission exited the executive session at 6:17 p.m.

Mayor Fugate reconvened the meeting into an open session at 6:18 p.m.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:18 p.m.

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

**ATTEST:**

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

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



**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

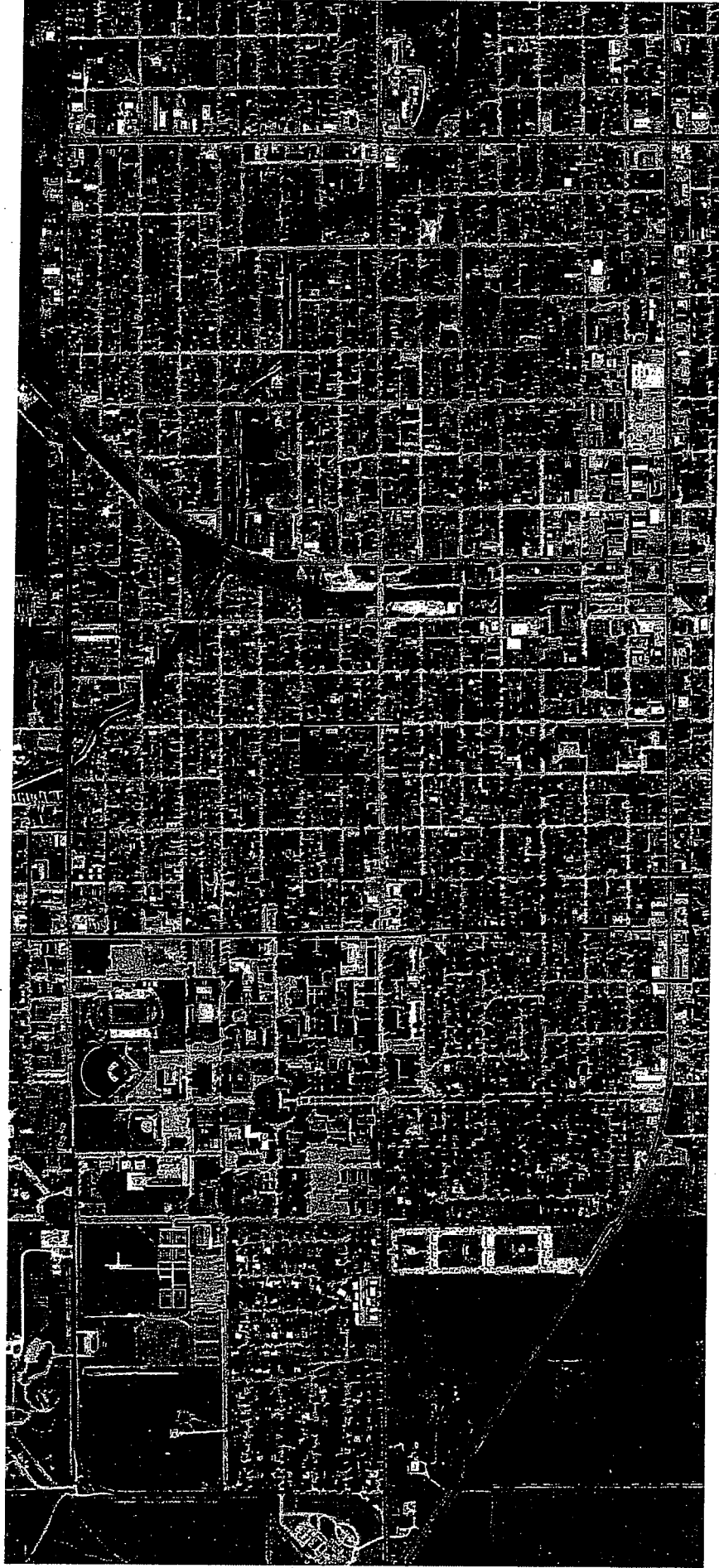


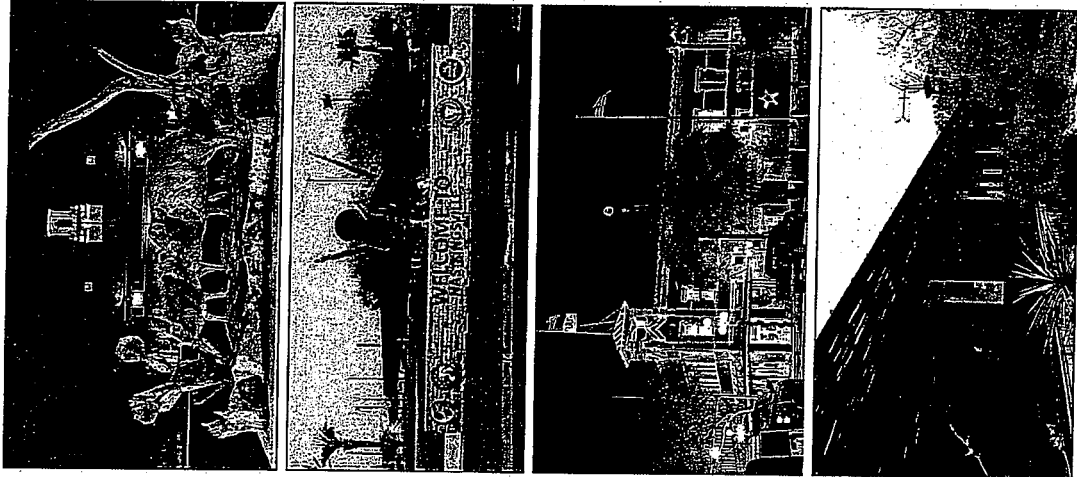
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**DISCLAIMER**

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.



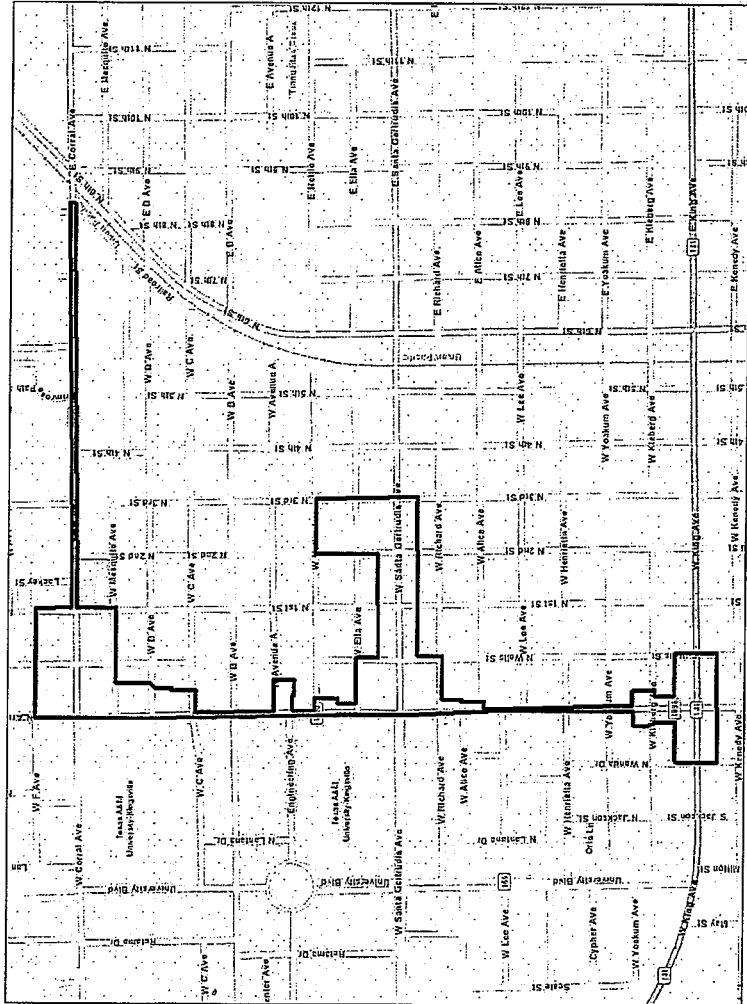
**Introduction**

**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 311.1 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.



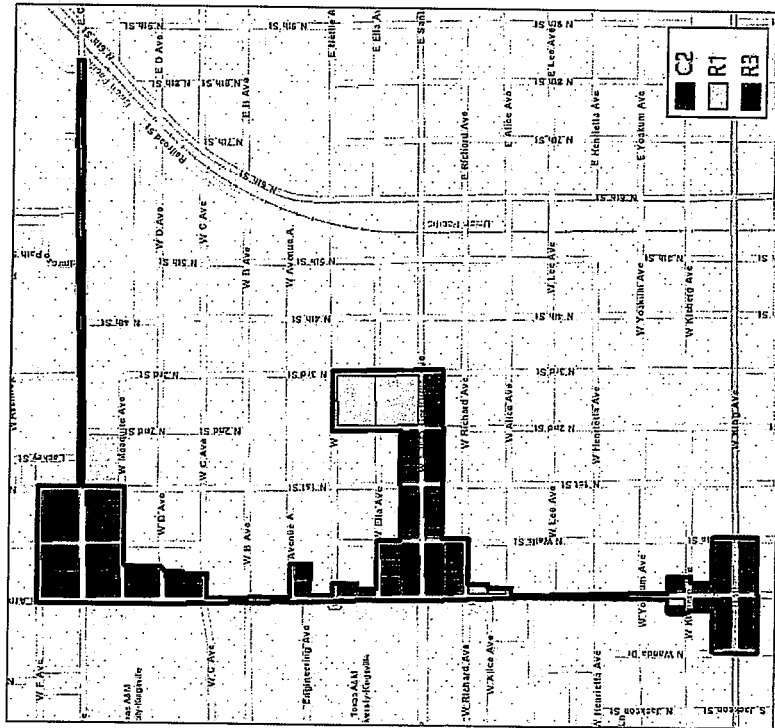
**Current Conditions**

**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), 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.



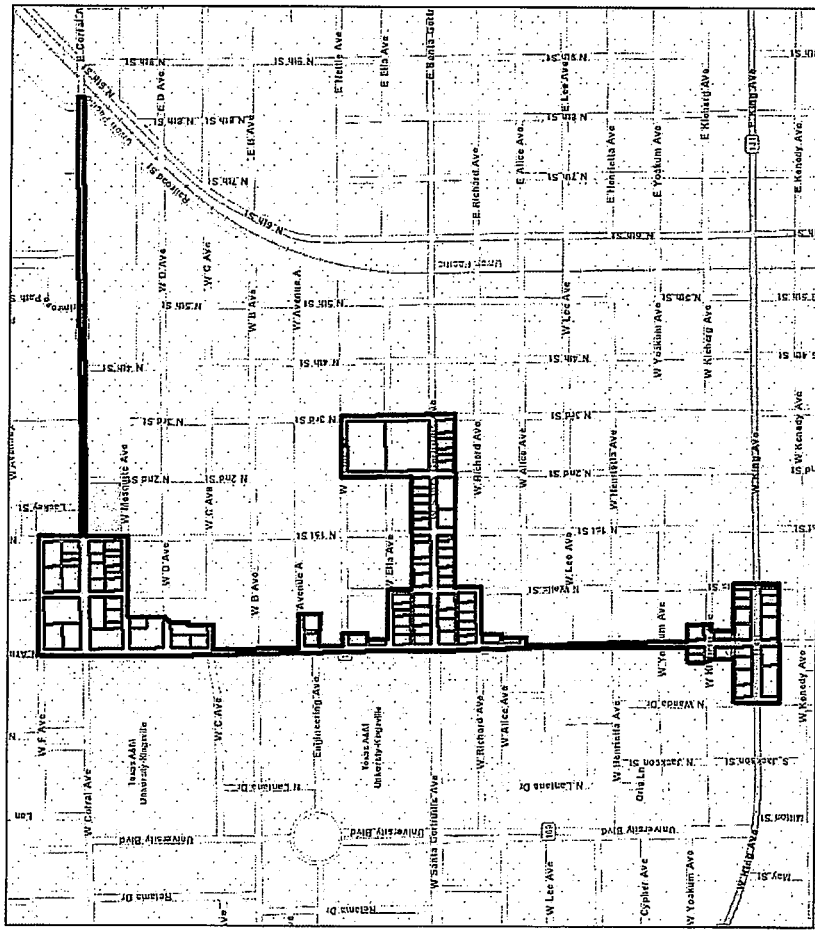
**Current Conditions**

**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	\$	3,300,000	\$	3,300,000
Multifamily	2026	60	\$	4,500,000	\$	-
Retail	2028	6,500	\$	1,300,000	\$	1,300,000
Retail	2029	3,500	\$	700,000	\$	700,000
Retail	2031	4,000	\$	800,000	\$	800,000
Retail	2032	8,000	\$	1,600,000	\$	1,600,000
Retail	2034	6,000	\$	1,200,000	\$	1,200,000
Retail	2035	10,000	\$	2,000,000	\$	2,000,000
Total				15,400,000	\$	10,900,000

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



**Project Costs**

**Project Costs of the Zone**

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

<b>Proposed Project Costs - TIRZ #2</b>		
<b>Public Utilities</b>	\$ 518,983	15%
<i>Water Facilities and Improvements; Sanitary Sewer Facilities and Improvements; Storm</i>		
<i>Water Facilities and Improvements</i>	\$ 518,983	15%
<b>Parking and Transit Improvements</b>	\$ 518,983	15%
<b>Pedestrian Enhancements</b>	\$ 415,186	12%
<i>Streetscape, lighting, public art, and other amenities that enhance the pedestrian experience</i>		
<b>Open Space, Park and Recreation Facilities and Improvements, Public Facilities and Improvements</b>	\$ 345,989	10%
<b>Economic Development Grants</b>	\$ 1,037,966	30%
<b>Administrative Costs</b>	\$ 103,797	3.0%
<b>Total</b>	\$ 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%
DISCOUNT RATE	6.00%

REAL PROPERTY TAX	PARTICIPATION
City of Kingsville	50%
Kleberg County	5%
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	0.00000000
Kleberg County	0.00000000
	0.00000000

Year	AREA SF/FUNTS	REAL PROPERTY TAX VALUE \$	PERSONAL PROPERTY TAX VALUE \$	TOTAL TAX VALUE \$	SALES \$	TAX VALUE \$
2025	16,500	200.00	3,900.00	4,100.00	200.00	3,900.00
2026	60	75,000.00	4,500.00	79,500.00	200.00	79,300.00
2028	6,500	200.00	4,300.00	4,500.00	200.00	4,300.00
2029	3,500	200.00	700.00	900.00	200.00	700.00
2031	4,000	200.00	800.00	1,000.00	200.00	800.00
2032	6,000	200.00	1,600.00	1,800.00	200.00	1,600.00
2034	6,000	200.00	1,200.00	1,400.00	200.00	1,200.00
2035	10,000	200.00	2,000.00	2,200.00	200.00	2,000.00
<b>TOTAL</b>		<b>15,400.00</b>				<b>10,900.00</b>

▶ OUTPUT

TOTAL TAX REVENUE	TOTAL REAL PROPERTY TAX VALUE \$	PERSONAL PROPERTY TAX VALUE \$	TOTAL TAX VALUE \$	SALES \$
City of Kingsville	\$ 11,935,379	\$ 5,098,700	\$ 17,034,079	\$ 8,896,670
Kleberg County	\$ 7,477,227	\$ 5,178,334	\$ 12,655,561	\$ 2,295,983
Kingsville ISD	\$ 9,462,144	\$ 8,462,114	\$ 17,924,258	\$ -
South Texas Water Authority	\$ 472,126	\$ 472,126	\$ 944,252	\$ -
	\$ 38,906,876	\$ 20,211,274	\$ 59,118,150	\$ 9,192,653
	100.0%	65.7%	0.0%	37.3%

TOTAL PARTICIPATION	TOTAL REAL PROPERTY TAX VALUE \$	PERSONAL PROPERTY TAX VALUE \$	TOTAL TAX VALUE \$	SALES \$
City of Kingsville	\$ 2,548,350	\$ 2,548,350	\$ 5,096,700	\$ -
Kleberg County	\$ -	\$ -	\$ -	\$ -
Kingsville ISD	\$ -	\$ -	\$ -	\$ -
South Texas Water Authority	\$ 2,548,350	\$ -	\$ 2,548,350	\$ -
	100.0%	100.0%	0.0%	0.0%

NET BENEFIT	TOTAL REAL PROPERTY TAX VALUE \$	PERSONAL PROPERTY TAX VALUE \$	TOTAL TAX VALUE \$	SALES \$
City of Kingsville	\$ 9,462,144	\$ 2,548,350	\$ 12,010,494	\$ 6,896,670
Kleberg County	\$ 7,477,227	\$ -	\$ 7,477,227	\$ 2,295,983
Kingsville ISD	\$ 9,462,144	\$ -	\$ 9,462,144	\$ -
South Texas Water Authority	\$ 472,126	\$ -	\$ 472,126	\$ -
	\$ 26,873,641	\$ 2,548,350	\$ 29,421,991	\$ 9,192,653
	100.0%	65.8%	0.0%	34.2%



Financial Feasibility Analysis - Anticipated TIRZ Revenue

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

REVENUE YEAR	TAMARIS EAST TIRZ GROWTH				TAMARIS WEST TIRZ GROWTH				TAMARIS SOUTH TIRZ GROWTH				TAMARIS NORTH TIRZ GROWTH				TAMARIS CENTRAL TIRZ GROWTH				TOTALS	
	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021		
TAMARIS VALUE	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
TAMARIS VALUE INCREMENT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TAMARIS VALUE GROWTH	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
TAMARIS VALUE GROWTH	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000





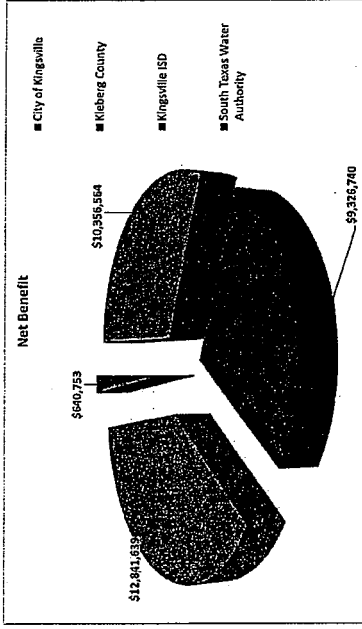
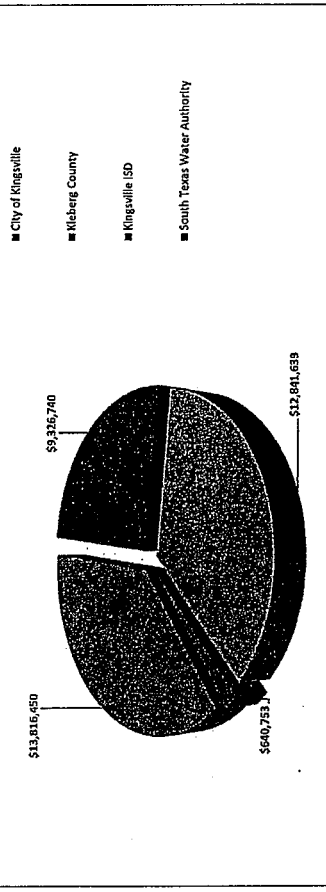
Financial Feasibility Analysis - Summary

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>\$36,625,663</b>	<b>\$3,459,886</b>	<b>\$33,165,697</b>

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

Total Taxes Generated



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	0.165532212
13303	AGZ LLC	HENRIETTA HGTS, BLOCK 2, LOT 4-6, (YOUNG'S PIZZA)	625 W SANTA GERTRUDIS	0.236374591
22816	AGZ LLC	CHAMB PL, BLOCK 10, LOT 24, 25, ACRES .0	620 W SANTA GERTRUDIS AVE	0.160696477
13620	AGZ LLC	CHAMB PL, BLOCK 10, LOT 21-23	600 W SANTA GERTRUDIS BLK	0.241043972
19082	ALI SANA LLC	BROOKS, BLOCK 8, LOT 11-16, (EZ SERVE)	809 W KING	0.482107783
12901	ALVARADO VICTOR	COLLEGE VIEW, BLOCK 2, LOT 17-19	602 W MESQUITE	0.2332923
15262	ALWAYS A WAY LLC	HENRIETTA HGTS, BLOCK 1, LOT 26, 27, E/2 28	724 W RICHARD	0.200870149
23232	BALBOA ABEL JR (LIFE EST)	CHAMB PL, BLOCK 11, LOT 8-10, E/2 11	721 W ELLA	0.281222165
25515	BAPTIST CHURCH	CHAMB PL, BLOCK 11, LOT 14-16, (EX E M P T)	720 N ARMSTRONG	0.241048215
18878	BENCZE WANDA GAIL	CHAMB PL, BLOCK 7, LOT E35' 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	0.205036969
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	0.688699584
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	0.160696927
23895	DE LA PAZ RAMON	COLLEGE VIEW, BLOCK 1, LOT 21-24	712 W MESQUITE	0.311087493
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	880 W KING	0.321395127
13572	GOFF FRANK JR	ORIG TOWN, BLOCK 2, LOT 1-3	431 W SANTA GERTRUDIS	0.241045069
23565	GONZALEZ ROEL	CHAMB PL, BLOCK 10, LOT 26-30	608 W SANTA GERTRUDIS AVE	0.401740333
10526	GUJARDO RENE	COLLEGE VIEW, BLOCK 2, LOT 10, 11, 12	611 W CORRAL	0.216081464
11936	HAKE 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	0.241043189
23341	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 29-32, (NANA'S LAUNDROMAT)	702, 704, 706 W SANTA GERTRUDIS	0.321393834
14195	KRUEGER MICHAEL J	CHAMB PL, BLOCK 11, LOT 26-28	714 W SANTA GERTRUDIS	0.241042915
21048	KRUEGER MICHAEL JAMES	CHAMB PL, BLOCK 11, LOT 23-25	716 W SANTA GERTRUDIS	0.241043405
12851	LEAL ARNOLD P	HENRIETTA HGTS, BLOCK 1, LOT 20-22	706 W RICHARD	0.24104397
24402	LIGHT RODNEY	COOPER 2, BLOCK 3, LOT 17, 18, (THE CROSS), (EX E M P T)	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	MARTELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 29-32, (APTS)	626 W MESQUITE	0.311064576
16851	MARTELLO FABRIZIO	COLLEGE VIEW, BLOCK 2, LOT 27, 28	600 W MESQUITE BLK	0.1555325
20218	MARTELLO FABRIZIO M	HENRIETTA HGTS, BLOCK 2, LOT 1-3, (APTS)	627 W SANTA GERTRUDIS	0.237211744
13752	NIELSEN RANDALE	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 IFIX/THE CENTER)	620 N ARMSTRONG	0.321397064
25418	PENA RUBEN	COLLEGE VIEW, BLOCK 1, LOT 25, 26	716 W MESQUITE	0.155530212
23515	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 6, 7, ACRES .0	419 W SANTA GERTRUDIS	0.160696052
22759	RAMIREZ JESSE ROEL SR	ORIG TOWN, BLOCK 2, LOT 4, 5	423 W SANTA GERTRUDIS	0.160696262
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	0.160699836
19953	REYNA TADEO	COOPER, BLOCK AA-1, LOT 17-19	117 N WELLS	0.241048935
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
42569	SAMADI LEILA M	HENRIETTA HEIGHTS ADDN, BLOCK 1, LOT 12A, (UNIVERSITY CTR, ETC)	709 W SANTA GERTRUDIS, SUITE A, B & C	0.401748633
25903	SC CONSTRUCTION LLC	COOPER 2, BLOCK 3, LOT 19-21	800 W KLEBERG	0.241
16097	SERNA CARLOS ROLANDO	COLLEGE VIEW, BLOCK 2, LOT 25, 26	618 W MESQUITE	0.155533011
24288	SHOLTIS JENNIFER	ORIG TOWN, BLOCK 2, LOT 8-10	415 W SANTA GERTRUDIS	0.241046122
18513	SOUTH TEXAS DISTRICT COUNCIL-ASSEMBLIES OF GOD, INC	COLLEGE VIEW, BLOCK 1, LOT 7-16, (EX E M P T)	717 W CORRAL AVE	0.720289678
22384	TAZ TEXAS HOLDEN LLC	COLLEGE VIEW, BLOCK 1, LOT 17-20, (APTS)	700 W MESQUITE	0.311056518
13309	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 2, LOT 1-3, (EX E M P T)	721 W AVE A	0.45
16706	TEXAS A & M UNIVERSITY SYSTEM	WOODLAWN PL, BLOCK 1, LOT LOT N/2, 4, 5, 6, (EX E M P T)	725 W AVE A	0.287
25284	TEXAS A & M UNIVERSITY SYSTEM	CHAMB PL, BLOCK 12, LOT 17, 18, (EX E M P T)	728 W ELLA	0.1607
16224	TXEP LLC	COOPER, BLOCK AA-1, LOT 28-32, (EZ PAVIN)	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)	500 W SANTA GERTRUDIS BLK	0.562443879
25572	YAKLIN DENNIS I	HENRIETTA HGTS, BLOCK 2, LOT E18' N87' OF 15, 16, (APTS)	729 W KING AVE	0.116901977
20336	YMG INVESTMENTS LLC	COLLEGE AC, BLOCK 12, LOT NW/4	619 N 1ST ST	0.705915235
11998	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 10, LOT 17-20, (EL TAPATIO)	1510 N ARMSTRONG	0.321388721
11514	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 5, LOT 1-32 & 1/2 OF W ELLA ST	630 W SANTA GERTRUDIS	2.884865143
18241	ZARAGOZA ALEJANDRO	CHAMB PL, BLOCK 6, LOT 1-32, (FLATO SCHOOL)	400 W NETTIE BLK	3.175747304

# **AGENDA ITEM #2**

B.A.

**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 Pettit 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.

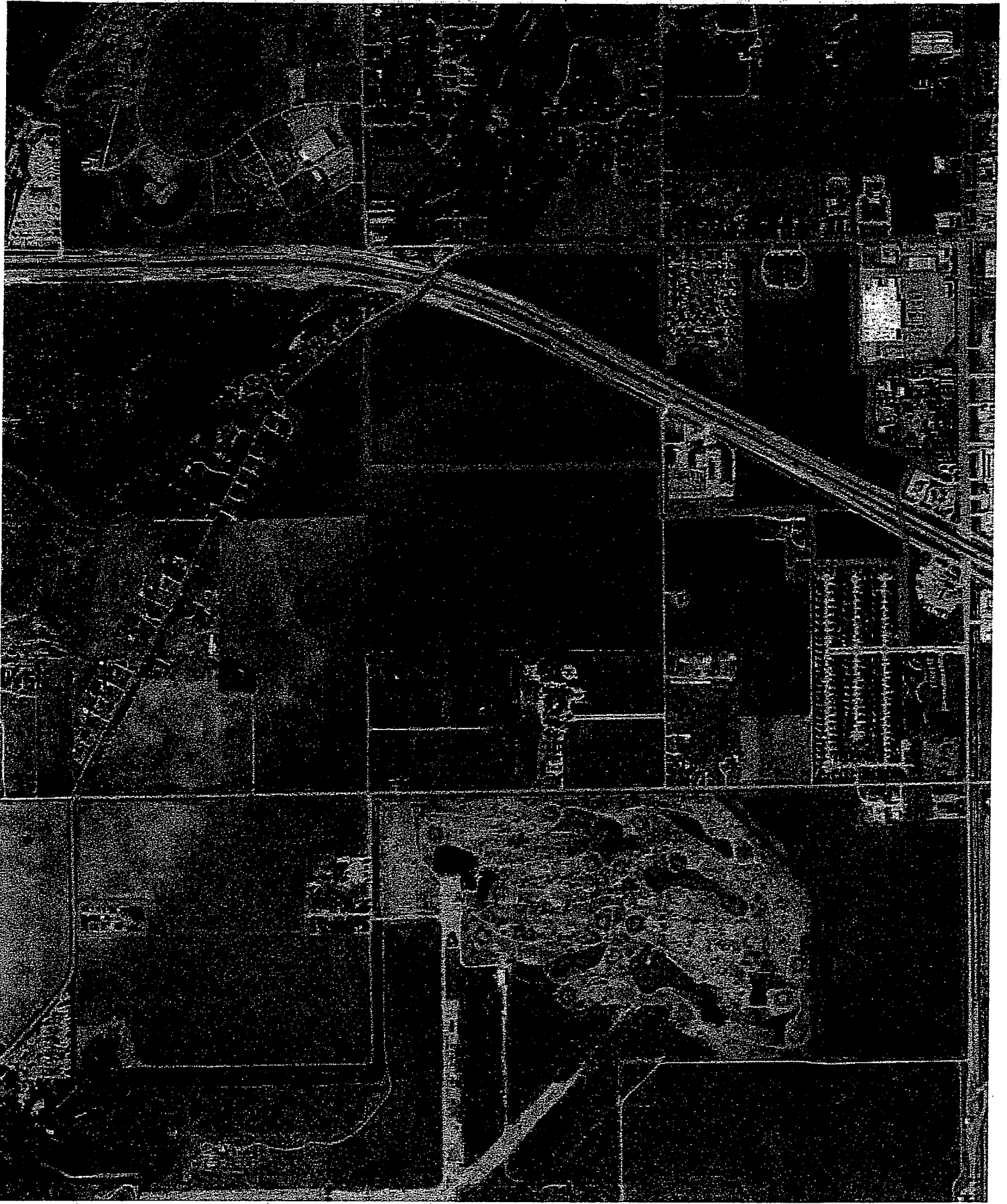
**FINANCIAL IMPACT:**

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.

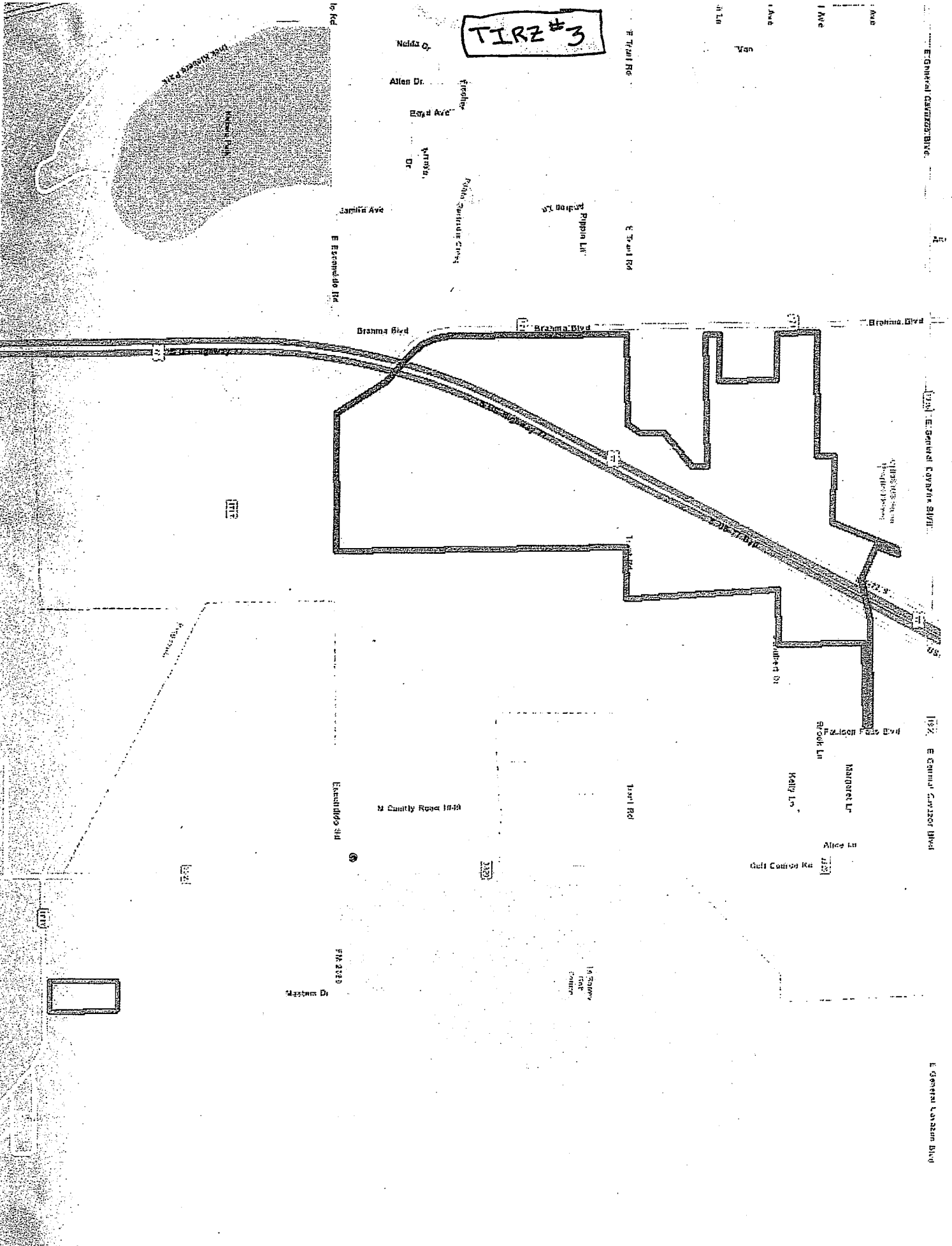
**RECOMMENDATION:**

The city commission: 1) authorize the services of the David Pettit 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



E General Cassin Blvd

E General Coville Blvd

E General Cassin Blvd

E General Constan Blvd

Ave

Ave

Ave

Ave

F Taul Rd

E Taul Rd

Pippin Ln

Pippin Ln

Robin Cassin Cross

Nichols Dr

Allen Dr

Edna Ave

Arthur Dr

Jarvis Ave

E Escanudo Rd

Brahma Blvd

Brahma Blvd

Brahma Blvd

Arthur Cassin

Robert Dr

Falcon Falls Blvd

Shook Ln

Margaret Ln

Kelly Ln

Alice Ln

Gulf Center Rd

N County Road 1048

Escanudo Rd

FM 2120

Mattam Dr

Taul Rd

14 Square Foot Center

New Specialty Wood

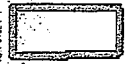
Arthur Cassin

1172

Arthur Cassin

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**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 1.0% 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,

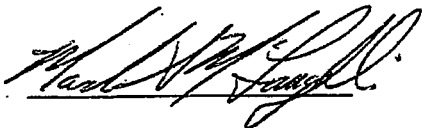


David Pettit  
Managing Member

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

**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>					
<b>Expenditures</b>					
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 #3**

**City of Kingsville  
Public Works**

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**TO:** Mayor and City Commissioners  
**CC:** Mark McLaughlin, City Manager  
**FROM:** William DQnnell, 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 #4**

Electrical

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-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 #5**



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 #6**

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:**

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

# **AGENDA ITEM #7**

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 #8**



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 #9**

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 #10**

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 #11**

Fire Code

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 #12**

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

**A RESOLUTION AUTHORIZING THE POLICE CHIEF TO ENTER AN OPERATING AGREEMENT BETWEEN NAVAL AIR STATION KINGSVILLE, TEXAS AND THE CITY OF KINGSVILLE, TEXAS POLICE DEPARTMENT FOR THE PROVISION OF LAW ENFORCEMENT SERVICES; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and Naval Air Station-Kingsville ("NASK") assist each other when able to do so;

**WHEREAS**, NASK is located on the southeast side of the City in the extra-territorial jurisdiction of the City;

**WHEREAS**, the Kingsville Police Department has had a longstanding working relationship with NASK and their security staff;

**WHEREAS**, this Operating Agreement between the City and NASK was last approved by the City Commission on March 27, 2017, so it is ready for an update;

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

I.

**THAT** the Kingsville Chief of Police is authorized and directed as an act of the City of Kingsville, Texas to enter an Operating Agreement Between Naval Air Station Kingsville (NASK) and the City of Kingsville Police for the Provision of Law Enforcement Services 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 28th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

NASK  
5000  
Ser N00/

KPD  
5000  
Ser N00/

**OPERATING AGREEMENT  
BETWEEN  
THE COMMANDING OFFICER, NAVAL AIR STATION KINGSVILLE  
KINGSVILLE, TEXAS 78363  
AND  
THE KINGSVILLE POLICE DEPARTMENT  
KINGSVILLE, TEXAS 78363**

Subj: OPERATING AGREEMENT BETWEEN NAVAL AIR STATION KINGSVILLE AND  
KINGSVILLE POLICE DEPARTMENT FOR THE PROVISION OF LAW  
ENFORCEMENT ASSISTANCE

This is an Operating Agreement (OA) between the Commanding Officer, Naval Air Station Kingsville, Texas, USA (hereinafter, "NASK") and the Kingsville Police Department, Kingsville, Texas, USA (hereinafter, "KPD"), for law enforcement assistance. When referred to collectively, NASK and KPD are referred to as the "Parties."

1. **PURPOSE:** To establish a law enforcement partnership between the Parties and to set terms and conditions between the Parties with respect to providing mutual support.
2. **SCOPE:** This Agreement is limited to various law enforcement activities wherein mutual support provides an avenue to best address specified issues/cases.
3. **AGREEMENT:** Now, therefore, pursuant to DoD FMR and in consideration of the mutual promises contained herein, the Parties agree as follows:
  - a. This Agreement does not limit or waive any right or operating authority under existing or future federal law.
  - b. KPD is a local law enforcement agency capable of providing support to NASK in the following matters:
    - (1) The investigation of offenses of potentially mutual interest;
    - (2) The reporting of certain types of offenses and injuries;
    - (3) Response to civil disturbances or criminal acts on or adjacent to NASK; and
    - (4) Other items of mutual law enforcement interest.
  - c. NASK will normally be responsible for the initial investigation of offenses committed onboard NASK; however, KPD's investigative resources may be requested to supplement Navy resources. The assistance of KPD will be requested and evaluated on a case-by-case basis.



Subj: OPERATING AGREEMENT BETWEEN NAVAL AIR STATION KINGSVILLE AND  
KINGSVILLE POLICE DEPARTMENT FOR THE PROVISION OF LAW  
ENFORCEMENT ASSISTANCE

d. KPD will normally be responsible for the initial investigation of offenses committed outside the jurisdiction of NASK; however, when it appears that a military member may be subject to prosecution, KPD will inform NASK and offer them the opportunity to enter into the investigation and prosecution.

e. Navy Security Force (NSF) personnel and/or Naval Criminal Investigative Service (NCIS) will establish on-scene command for incidents within the jurisdictional boundaries of NASK and will determine if assistance from KPD is needed.

f. NASK may request specialized assistance from KPD, such as Special Weapons and Tactics (SWAT), Explosive Ordnance Disposal (EOD), and Hazardous Material (HAZMAT), by the On-Scene Commander (OSC). Responding KPD personnel will report to the OSC for unification prior to task direction. Responding KPD personnel will advise the OSC on optimum employment of assets for safety and will conduct operations per their agency policy and procedures. NASK will maintain overall OSC responsibility of the incident.

g. In the event of an active threat onboard NASK, KPD may be requested to assist. NCIS will be the leading responsible agency for active threat incidents and will coordinate with the Federal Bureau of Investigations (FBI) for investigation assistance as needed.

h. In the event of a demonstration or protest onboard and within the jurisdiction of NASK, NSF will apprehend or detain demonstrators/protesters and contact KPD, as needed. For demonstrations/protests outside of NASK jurisdiction boundaries, KPD will be notified and will respond per KPD policies and procedures.

i. In the event of an airspace violation by a small unmanned aerial system (sUAS), NASK has the capability to detect and engage via non-kinetic means. Due to the wide range of counter sUAS responses available to NASK, KPD may be requested to assist in locating the sUAS or the operator/pilot in the vicinity of the installation, including when the sUAS is operating outside of NASK's jurisdiction.

j. Due to lack of patch control for secured radio channels between NASK and KPD when providing assistance to NASK, KPD will provide a Supervisor at the Incident Command Post (ICP), establishing a Unified Command Post (UCP), to maintain inter-agency control. Additionally, when feasible, responding KPD personnel may be intermingled with NASK NSF personnel for further command-and-control.

k. In the event of an emergency or immediate threat response situation, the NASK Commanding Officer may coordinate the provision of Military Working Dog (Explosive Detector) support to state and/or local law enforcement, resources and mission permitting. For coordination of Military Working Dog (Explosive Detector) support, KPD should contact NASK Security Department at (361) 438-7342. All requests must be approved by the NASK Commanding Officer.

l. DoD law enforcement personnel employed with NASK, to include Military Working Dog assets, may not be used by state or local law enforcement agencies in any manner that would violate the Posse Comitatus Act, 18 U.S.C. § 1385, including in the assistance of criminal investigations, narcotics, or patrols outside of NASK.

m. Civilian personnel, including military dependents, cannot be compelled to report to a designated place for the execution of a warrant. The Staff Judge Advocate (SJA) and NASK Security Department will assist KPD in the execution of any arrest warrants issued by the State of Texas, or for extraditable arrest warrants issued by other states, for civilians located onboard NASK.

Subj: OPERATING AGREEMENT BETWEEN NAVAL AIR STATION KINGSVILLE AND  
KINGSVILLE POLICE DEPARTMENT FOR THE PROVISION OF LAW  
ENFORCEMENT ASSISTANCE

n. Upon the arrest and processing of an active duty Service Member outside of NASK, it is requested that KPD notify the NASK Command Duty Officer at (361) 218-7182 as soon as practicable, for notification to be made to the Service Member's chain of command.

o. Entry onto NASK by KPD shall only be with the prior permission of the NASK Commanding Officer or designated representative.

p. KPD is highly encouraged to participate in NASK's Navy Security Operations Exercise Program (NSOXP) training evolutions when conducted onboard NASK to increase interagency interoperability. It is essential for NASK and KPD to develop this beneficial partnership to effectively integrate resources and capabilities and enhance mutual operational readiness during crisis operations.

4. REVIEW OF AGREEMENT: This agreement will be reviewed annually by both Parties, to determine if the terms and conditions are appropriate.

5. MODIFICATION OF AGREEMENT: This agreement may be modified or amended at any time by mutual consent, provided in writing, of both Parties.

6. TERMINATION OF AGREEMENT: This agreement may be terminated by either Party by giving at least 60 days written notice to the other Party. The term "Party" includes not only the signatories, but also their successors.

7. EFFECTIVE DATE: This agreement shall be effective upon signature of all Parties and will remain in effect for a period of ten years unless superseded, rescinded, or until such time as it is modified by written, mutual agreement of both Parties.

AGREED:

\_\_\_\_\_  
JOHN BLAIR  
Police Chief  
Kingsville Police Department  
Date: \_\_\_\_\_

\_\_\_\_\_  
M. D. BISHOP, CAPT, USN  
Commanding Officer  
Naval Air Station Kingsville  
Date: \_\_\_\_\_

# **REGULAR AGENDA**

# **AGENDA ITEM #13**

Donation

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



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

**To: Mark McLaughlin, City Manager**

**From: Susan Ivy, Parks Director**

**Date: October 18, 2024**

**Re: City Commission Agenda Request Receipt of Donations from Healthy Family Sponsors**

**Summary** – We are requesting Commission approve the receipt of donations for Parks Department Healthy Family Events and the corresponding budget amendment for those funds.

**History** – Parks Department started this initiative in 2015 to supplement the need for additional funds in our recreation programming budget due to increased involvement in festivals and special events and the need to offer more programming to our community that focuses on drug/alcohol/bully free and active lifestyles.

Our partners this year are: **Kleberg County Attorney's Specialized Crimes and Narcotics Task force - \$2,500.00**

**Christus Spohn Hospital Kleberg - \$2,500.00**

**L'Aiglon Foundation - \$2,500.00**

**Driscoll Health Plan - \$2,500.00**

**District Attorney John Hubert - \$500**

**King Ranch - \$1,500**

**KISD Education Foundation - \$1,000**

**Ultra Screen Printing - \$1,000.00**

**Tejas Nursery - \$250 TRADE FOR PLANTS AND EDUCATIONAL INSTRUCTION**

**Diva Association of Kingsville - \$250**

**Brookshire Foundation - is a named sponsor; money will come in later**

Total Donations are \$14,250.00 in cash.

**Financial Impact** – These Healthy Family donations will increase our recreational programming budget by \$14,250.00. We ask that \$7,000.00 be coded to special events 001-5-4513-31441, and \$7,250.00 be coded to Recreational programs 001-5-4513-31499.

**Recommendation** -- We ask that you approve the receipt of these donations, authorize the expenditure of these funds for the purpose for which they were donated, and approve the associated budget amendment.

# **AGENDA ITEM #14**

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



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

**To: Mark McLaughlin, City Manager**

**From: Susan Ivy, Parks Director**

**Date: October 18, 2024**

**Re: City Commission Agenda Request Receipt of Donations from Healthy Family Sponsors**

**Summary** – We are requesting Commission approve the receipt of donations for Parks Department Healthy Family Events and the corresponding budget amendment for those funds.

**History** – Parks Department started this initiative in 2015 to supplement the need for additional funds in our recreation programming budget due to increased involvement in festivals and special events and the need to offer more programming to our community that focuses on drug/alcohol/bully free and active lifestyles.

Our partners this year are: **Kleberg County Attorney’s Specialized Crimes and Narcotics Task force - \$2,500.00**

**Christus Spohn Hospital Kleberg - \$2,500.00**

**L’Aiglon Foundation - \$2,500.00**

**Driscoll Health Plan - \$2,500.00**

**District Attorney John Hubert - \$500**

**King Ranch - \$1,500**

**KISD Education Foundation - \$1,000**

**Ultra Screen Printing - \$1,000.00**

**Tejas Nursery - \$250 TRADE FOR PLANTS AND EDUCATIONAL INSTRUCTION**

**Diva Association of Kingsville - \$250**

**Brookshire Foundation - is a named sponsor; money will come in later**

Total Donations are \$14,250.00 in cash.

**Financial Impact** – These Healthy Family donations will increase our recreational programming budget by \$14,250.00. We ask that \$7,000.00 be coded to special events 001-5-4513-31441, and \$7,250.00 be coded to Recreational programs 001-5-4513-31499.

**Recommendation** -- We ask that you approve the receipt of these donations, authorize the expenditure of these funds for the purpose for which they were donated, and approve the associated budget amendment.

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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2024-2025 BUDGET TO ACCEPT AND EXPEND DONATIONS FOR THE PARKS DEPARTMENT HEALTHY FAMILY EVENTS.**

**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#3

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 001 – General Fund</b>					
<u>Revenues – 4</u>					
4513	Recreation	Donations	58003	\$14,250	
<u>Expenditures - 5</u>					
4513	Recreation	Special Events	31441	\$7,000	
4513	Recreation	Recreational Programs	31499	\$7,250	

[To amend the City of Kingsville FY 24-25 budget to appropriate, accept, and expend the donations for the Parks Department Healthy Family Events. Funding will come from the donations received for the stated purpose.]

II.

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

III.

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



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

IV.

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

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

**PASSED AND APPROVED** on this the 12th day of November 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 Parks & Recreation**

TO: Mayor and City Commissioners

CC: Mark McLaughlin, City Manager

FROM: Susan Ivy, Parks Director

DATE: October 17, 2024

SUBJECT: Resolution authorizing the submission of a Texas Parks & Wildlife Department grant application for the Community Outdoor Outreach Grant Program.

### **Summary:**

This item is to consider a resolution authorizing the submission of a Texas Parks & Wildlife Department grant application; and authorizing the City Manager to act as the executive officer and Parks Director as authorized representative in all matters pertaining to the participation in the Community Outdoor Outreach Grant Program. We also request the approval of the attached resolution authorizing the application.

### **Background:**

The City of Kingsville intends to apply for the Texas Parks & Wildlife Department grant under the Community Outdoor Outreach Grant Program. The application will be for up to \$65,000 of grant funds for training, staffing, program organization and implementation for Nature Based, family oriented, outdoor activities hosted at Dick Kleberg Park, local schools and in various Texas State Parks.

### **Financial Impact:**

Funding provided by this program is on a cost reimbursement basis. If awarded, the City must initiate the approved project with our own funds and be reimbursed 100% of qualified expenses after submitting documentation of expenses. There is no match for this grant.

### **Recommendation:**

City staff recommends that the City Commission approve the resolution for the submittal of a grant application to TPWD Community Outdoor Outreach Grant Program requesting \$65,000 in funding to be expensed in a reimbursement method upon approval of grant.,

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

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT'S COMMUNITY OUTDOOR OUTREACH GRANT PROGRAM FOR THE PURPOSE OF REQUESTING FUNDING FOR COMMUNITY NATURE BASED, FAMILY ORIENTED, RECREATIONAL PROGRAMMING WITH NO CASH MATCH REQUIRED; AUTHORIZING THE CITY MANAGER TO SUBMIT THE GRANT AND THE CITY PARKS DIRECTOR AS THE GRANT OFFICIAL TO ACT ON THE CITY'S BEHALF WITH SUCH GRANT PROGRAM.**

**WHEREAS**, the Texas Parks and Wildlife Department (hereinafter "Department") has a Community Outdoor Outreach Grant Program (hereinafter "Program") that can provide monetary assistance for community, nature based recreational programming; and

**WHEREAS**, the City of Kingsville strives to provide quality recreational programming to the citizens in our community; and

**WHEREAS**, the City's Dick Kleberg Park is home to an abundance of nature based opportunities such as birding, walking trail, wildlife identification, and our recently initiated "Outdoor Classroom"; and

**WHEREAS**, Dick Kleberg Park is a public park where the proposed public park and recreational uses would be located; and

**WHEREAS**, the City is fully eligible to receive assistance under the Program; and

**WHEREAS**, the City is desirous of authorizing the Parks Director, Susan Ivy, as the Grant Official to represent and act for the City in dealing with the Department concerning the Program; and

**WHEREAS**, the City of Kingsville would like to apply for approximately \$65,000.00 in funding for recreational programming through the Community Outdoor Outreach Program; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the City Manager as the Executive Officer to submit an application for the aforementioned grant and project and the City Parks Manager as the authorized representative/grant official to administer the grant and represent the City in this matter.

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

I.

**THAT** the City certifies it is eligible to receive assistance under the Program.

II.

**THAT** the City Manager is the executive officer hereby authorized and directed to sign and act on the City's behalf in all matters pertaining to the Texas Parks and Wildlife Department's Community Outdoor Outreach Grant Program, including any certifications, amendments or representations stipulated therein and that the City Parks Manager, as the authorized representative/grant official, to administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

III.

**THAT** the City the City specifically authorizes the official to make application to the Department concerning the site to be known as Dick Kleberg Park in the City of Kingsville, Texas or use as a park site and is hereby dedicated for public park and recreation purposes in perpetuity or for the lease term if legal control is through a lease. Projects with federal monies may have differing requirements.

IV.

**THAT** the City Commission approves the submission of the grant application to the Texas Parks and Wildlife Department's Community Outdoor Outreach Grant Program for the Kingsville Parks Department for training, staffing, program organization and implementation for nature based, family oriented, outdoor activities hosted at Dick Kleberg Park, local schools and in various Texas State Parks on the City's behalf with a grant request of up to \$65,000.00 with no anticipated cash match.

V.

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

VI.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 28th day of October, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM**

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

# **AGENDA ITEM #16**



**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Deborah Balli, Finance Director  
DATE: October 17, 2024  
SUBJECT: Irrigation Rate Change

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**Summary:**

When the utility rate changes were submitted and approved, changes to the 1-inch irrigation rate were not included. The current rate is \$39.31 and should be \$45.21. The current rate per 1,000 is \$4.28 and should be \$4.93.

Staff recommends the approval of the rate changes listed above.



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

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN CERTAIN IRRIGATION WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the cost to provide this service has increase substantially in the three years since the rates were last adjusted;

**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 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.**

(A) The following monthly rates shall be charged inside city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

<i>Minimum Monthly Bill Water Service</i>					
<i>Meter Allowance Size</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 - 3/4 inch	14.72	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4					

**Minimum Monthly Bill Water Service**

<b>Meter Allowance Size</b>	<b>Single-Family Residential</b>	<b>Multi-Family Residential*</b>	<b>Commercial**</b>	<b>Irrigation</b>	<b>Gallons</b>
inch	—	27.86	28.97	33.23	3,000
1 inch	30.12	33.88	36.63	<del>39.34</del> 45.21	5,000
1¼ inch	36.65	40.52	44.27	52.98	7,000
1½ inch	44.93	49.99	55.74	67.77	10,000
2 inch	65.50	68.95	78.66	97.42	16,000
3 inch	65.50	129.01	139.11	191.28	35,000
4 inch	65.50	208.04	214.50	314.77	60,000
6 inch	65.50	413.50	409.76	635.83	125,000
8 inch	65.50	413.50	781.29	635.83	200,000

\* Includes apartments of 3-4 units.

\*\* Includes hotels, motels, and apartments over 4 units.

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

**Minimum Monthly Bill Water Service**

<b>Meter Allowance Size</b>	<b>Single-Family Residential</b>	<b>Multi-Family Residential*</b>	<b>Commercial**</b>	<b>Irrigation</b>	<b>Gallons</b>
5/8 - 3/4 inch	16.91	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	32.05	33.32	38.18	3,000
1 inch	34.67	38.99	42.09	47.84	5,000
1¼ inch	37.47	46.59	50.90	60.28	7,000
1½ inch	51.63	57.48	64.07	77.94	10,000
2 inch	75.35	79.30	90.46	112.00	16,000
3 inch	75.35	148.37	159.97	219.95	35,000
4 inch	75.35	239.22	246.68	361.97	60,000
6 inch	75.35	475.49	471.21	731.20	125,000
8 inch	75.35	475.49	898.46	731.20	200,000

\* Includes apartments of 3-4 units.

\*\* Includes hotels, motels, and apartments over 4 units.

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	\$3.09	\$3.55
5,001 - 10,000 gallons	3.25	3.74
10,001 - 15,000 gallons	3.39	3.93
15,001 - 20,000 gallons	3.53	4.10
20,001 - 30,000 gallons	3.70	4.25
30,000 + gallons	4.77	5.50
Multi-family:	3.27	3.78
Commercial:	3.93	4.50

Irrigation	4.93	5.66
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(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at \$2.06/1,000 gallons.

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 28th day of October, 2024.

**PASSED AND APPROVED** on this the 12<sup>th</sup> day of November, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #17**

**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 Submitting an Intent to Apply and Detailed Application for First Time Wastewater Services for Sage Road Residents through the 2024-2025 Economically Distressed Areas Program (EDAP) for Funding by the Texas Water Development Board (TWDB).

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**Summary:**

On October 21, 2024, the City of Kingsville received an invitation and Intent to Apply for the 2024-2025 Economically Distressed Areas Program (EDAP). This application will focus on providing wastewater services for the first time to 21 homes built before 2005 along Sage Road between Armstrong (FM 1898) and Young Drive. Existing homes along this route can also connect to the wastewater service at their own expense. The estimated total cost for the project is \$5,351,251.

Preliminary calculations from the Texas Water Development Board (TWDB) indicate that the City is eligible for 50% grant funding, with the remaining balance financed by a 3.6% interest, 20-year loan. The annual repayment for this loan would be approximately ~~\$135,000~~<sup>\$193,000</sup>, with a maximum repayment term of 20 years. The detailed application is due by December 20, 2024.

As part of the TWDB loan terms, the recipient must establish an adequate revenue source or provide sufficient security to ensure repayment as the loan becomes due.

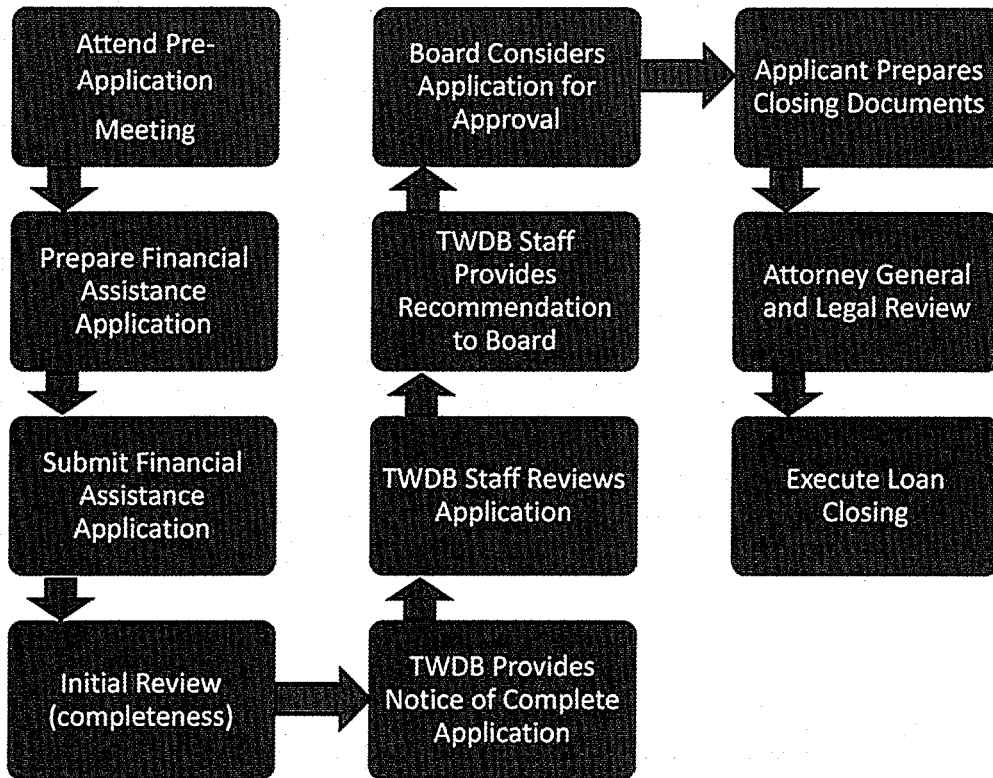
**Background:**

On May 14, 2024, the Water Finance Exchange submitted the Abridged Application (Step 1) to the TWDB for EDAP funding. After a thorough review, Kingsville ranked 8th among



**City of Kingsville  
Engineering Dept.**

TWDB, Kingsville ranked 8th on the Project Priority List in the Intended Use Plan (IUP) among 20 applicants. On October 17, 2024, the TWDB approved the Economically Distressed Areas Program Intended Use Plan. Step 2 is to submit a detailed application for funding. Below is the loan process.



**Financial Impact:**

Fund 51 – Utility Fund will be used to repay the 3.6% interest, 20-year loan with a maximum repayment amount of \$193,000 per year.

**Recommendation:**

Staff recommends approval for the Intent to Apply and proceed with Step 2 of the Economically Distressed Areas Program - Detailed Application.

**Attachments:**

- TWDB Intent to Apply
- TWDB 2024-2025 EDAP Application Invitation
- TWDB Estimated Interest Rates







P.O. Box 13231, 1700 N. Congress Ave.  
Austin, TX 78711-3231, www.twdb.texas.gov  
Phone (512) 463-7847, Fax (512) 475-2053

October 21, 2024

Mr. Rutilio "Rudy" Mora, Jr., P.E., CFM  
City Engineer  
City of Kingsville  
[rmora@cityofkingsville.com](mailto:rmora@cityofkingsville.com)

Re: **2024-2025 Economically Distressed Areas Program (EDAP) Application Invitation**  
**City of Kingsville – Abridged Application No. 16037**

Dear Mr. Mora:

Thank you for submitting an abridged application for financial assistance through the Economically Distressed Areas Program (EDAP). Pursuant to 31 Texas Administrative Code (TAC) §363.504, the Texas Water Development Board (TWDB) completed a prioritization of the projects as outlined in the adopted EDAP Intended Use Plan (IUP) and approved the Project Priority List (PPL) on October 17, 2024.

We are pleased to extend the City of Kingsville an invitation to submit a complete application for financial assistance through the EDAP program.

Your project is listed in the approved PPL as being eligible to receive funding as shown below:

Project Name	EDAP-Eligible Project Amount	Preliminary Grant Calculation
City of Kingsville Proposed Wastewater Utilities Near Sage Road	\$5,351,251	50%

**EDAP-Eligible Project Amount**

The EDAP-eligible project amount lists only the portion of requested funding determined to be EDAP-eligible during the project scope eligibility review process.

**Preliminary Grant Calculation**

EDAP funding commitments will consist of a combination of debt obligations and grants, with the grant percentage based on the issuance of a formal nuisance determination, as outlined in the EDAP IUP. The maximum amount of grant available will be 70 percent per project. However, the grant percentage for a project cannot exceed 50 percent unless a public health nuisance exists, as determined by either the TWDB or the Texas

Our Mission	:	Board Members
Leading the state's efforts	:	Brooke T. Paup, Chairwoman   L'Oreal Stepney, P.E., Board Member   Tonya R. Miller, Board Member
in ensuring a secure	:	
water future for Texas	:	Bryan McMath, Executive Administrator

Department of State Health Services (DSHS). The preliminary grant calculation shown above may be updated if a nuisance determination request is submitted with the full application and is issued by TWDB or DSHS prior to a funding commitment being made by the Board. The portion of the EDAP-eligible project amount not provided by a grant must be provided as an EDAP loan.

### **Funding Availability**

All EDAP funding commitments approved by the TWDB are subject to available funds and capacity limitations in the EDAP.

### **Required Documentation and Deadlines**

To be considered for funding under the EDAP, please follow the requirements stated below:

- (1) **You must submit your Intent to Apply form to [EDAP@twdb.texas.gov](mailto:EDAP@twdb.texas.gov) by 5:00 P.M. on Wednesday, November 20, 2024.** Failure to fully complete and submit the Intent to Apply Form will result in this project becoming ineligible for EDAP funding.
- (2) If you intend to apply, **your complete application must be received by TWDB no later than 5:00 P.M. on Friday, December 20, 2024.** Applications will not be accepted after the deadline. We encourage you to submit your application before the deadline, which will allow us to begin a review of your application earlier. Application materials, such as, submittal instructions, guidance documents, frequently asked questions, and a link to our online application portal may be found on our website at [www.twdb.texas.gov/financial/applications/](http://www.twdb.texas.gov/financial/applications/).
- (3) **A pre-application meeting is required** for all EDAP projects to ensure that the applicant and the corresponding TWDB staff discuss the project and ask initial questions prior to the application being submitted. If you submit an Intent to Apply, please contact William Alfaro, Regional Project Team 6 Manager, by phone at (512) 463-4741 or by e-mail at [William.Alfaro@twdb.texas.gov](mailto:William.Alfaro@twdb.texas.gov) to schedule your pre-application meeting. They will be able to assist you with scheduling a meeting prior to your submission of the application.

To assist you in being successful, please take note of the following tips and reminders which are based on TWDB's experience reviewing prior applications:

- Applicants will be selling bonds to the TWDB for the portion of funding not provided as an EDAP grant. As such, a financial advisor and bond counsel will be required. We highly encourage you to engage these consultants prior to submitting the application.
- Be sure any changes to the original project amount request are reflected in both the Intent to Apply Form and the application budget.
- Please round up any loan numbers in the application budget and confirm the dollar amounts with your TWDB project team before passing resolutions to minimize adjustment during the review period.

Please direct any questions or concerns regarding the application, commitment process, and closing processes to William Alfaro, Manager, Regional Project Team 6. Please contact

Mr. Rutilio "Rudy" Mora, Jr., P.E., CFM  
October 21, 2024  
Page 3

William to discuss your project in greater detail and to schedule a pre-application meeting if you have not already done so. If approved, William's team will work with you throughout the life of your project.

We look forward to working with the City of Kingsville on the next steps toward implementing this important project. Should you have any other questions or concerns, please contact Kimberly Rhodes, State Programs Coordinator, by email at [Kimberly.Rhodes@twdb.texas.gov](mailto:Kimberly.Rhodes@twdb.texas.gov) or by phone at (512) 463-7277.

Sincerely,

*Marvin Cole-Chaney*

Marvin Cole-Chaney  
Director, Program Administration and Reporting  
Water Supply and Infrastructure

Attachment: Intent to Apply Form

cc: William Alfaro, Regional Project Team 6 Manager,  
[William.Alfaro@twdb.texas.gov](mailto:William.Alfaro@twdb.texas.gov)  
[WSI-RWPD-Applications@twdb.texas.gov](mailto:WSI-RWPD-Applications@twdb.texas.gov)

## General Obligation Programs – Estimated Rates

<i>Type of Funds</i>	<i>Terms</i>	<i>Market<sup>1</sup></i>	<i>TWDB<sup>2</sup></i>	<i>Difference</i>
<i>Development Fund (Tax Exempt)</i>	20	4.06%	4.04%	0.01%
<i>Development Fund (Tax Exempt)</i>	30	4.47%	4.46%	0.01%
<i>Development Fund (Taxable)</i>	20	5.89%	5.81%	0.08%
<i>Agricultural Loans (Taxable)</i>	7	5.00%	4.19%	0.81%
<del><i>EDAP (Tax Exempt)</i></del>	<del>20</del>	4.06%	<del>3.60%</del>	0.46%
<i>EDAP (Taxable)</i>	20	5.89%	4.91%	0.98%

### Table Legend

1. Market GO rates are calculated from sample level debt service schedules using the BAA-rated MMD tax-exempt and taxable scales, as appropriate.
2. TWDB GO rates are calculated from sample level debt service schedules using TWDB-adopted rate scales.

**Economically Distressed Areas Program  
Intent to Apply**

**Instructions**

Please indicate your intention to apply for funding from the Economically Distressed Areas Program (EDAP) in the amount listed in the 2024-2025 EDAP Intended Use Plan (IUP), Project Priority List. **Deadline to submit is November, 20, 2024.** Submit this document as an attachment to [EDAP@TWDB.texas.gov](mailto:EDAP@TWDB.texas.gov).

Failure to return this form by the deadline will be considered as no intention to apply and your project will not be considered for funding.

**General Information**

Abridged Applications No.: 16037

Entity (Applicant) Name: City of Kingsville

Project Name: Proposed Wastewater Utilities Near Sage Road

**Intent to Apply**

Entity intends to submit an application for this project:  Yes  No

EDAP-eligible Project Amount in the 2024-2025 IUP, Project Priority List is confirmed:  Yes  No

If "No" to either question above, please explain in the space provided below. Please note that due to limited program capacity, only decreases in requested funding amount may be considered. As indicated in your Invitation Letter, funding commitments will consist of a combination of debt obligations, and grants calculated based on the issuance of a formal nuisance determination. TWDB staff may contact you to follow up on any requested adjustments:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Email Address and Phone Number

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

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD'S 2024-2025 ECONOMICALLY DISTRESSED AREAS PROGRAM (EDAP) FOR FIRST TIME WASTEWATER SERVICE RESIDENTS PROJECTS.**

**WHEREAS**, the City received an Application Invitation Letter and Intent to Apply for the 2024-2025 Economically Distressed Area Program (EDAP) on October 21, 2024;

**WHEREAS**, this application will focus on providing wastewater services for the first time to 21 homes built before 2005 along Sage Road between Armstrong (FM1898) and Young Drive;

**WHEREAS**, the Texas Water Development Board will be receiving Intent to Apply notices until November 20, 2024 and detailed applications until December 20, 2024 and has a program for 3.6% interest loans over a 20-year period and requirements for grant funding and the City desires to apply for wastewater infrastructure funding.

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

I.

**THAT** the City Manager is authorized to submit a grant application to the Texas Water Development Board for 2024-2025 Economically Distressed Area Program moneys for wastewater projects stated above.

II.

**THAT** all proceeds from said grant including any matching grant amount from the City of Kingsville shall be administered in conformity with the grant application, the Grant Award letter, and the approved Budget Summary.

III.

**THAT** the City Manager is hereby designated as the Authorized Official to accept, alter, or reject the grant.

IV.

**THAT** in the event of loss or misuse of funds, the City of Kingsville will return all funds to the Texas Water Development Board.

V.

**THAT** this Resolution shall be effective upon adoption.

**PASSED AND APPROVED by a majority vote of the City Commission the 28th day of October, 2024.**

---

Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

---

Courtney Alvarez, City Attorney

# **AGENDA ITEM #18**



**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 Request for Qualifications (RFQ 25-02) for Municipal Projects for WaterSMART Drought Response Grant Administered by the U.S. Bureau of Reclamation.

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**Summary:**

RFQ #25-02 for Professional Engineering Services was advertised on September 19 and September 26, 2024, in the local newspaper and on the City's website. Statements of Qualifications (SOQs) were received before the deadline of 4:00 p.m. on October 8, 2024. The following four firms submitted SOQs:

1. Collier Engineering & Design, Corpus Christi, Texas.
2. International Consulting Engineers (ICE), Corpus Christi, Texas.
3. Garver, Harlingen, Texas.
4. Hanson, Corpus Christi, Texas.

The evaluation committee, which included the City Manager, Capital Improvements Manager, Public Works Director, and City Engineer, reviewed all four submissions. The committee recommends awarding the RFQ to Garver. The next step is to negotiate a contract for professional engineering services.

**Background:**

The U.S. Bureau of Reclamation has announced the WaterSMART Drought Response Program for Fiscal Year 2025, offering grants ranging from \$25,000 to \$10,000,000. As a disadvantaged community, the City is eligible for this program, which provides 95% federal funding and requires a 5% city match. If awarded, the following projects are under consideration:

- Rehabilitation of well #20 with new equipment
- Rehabilitation of well #14 with new equipment
- Construction of a new Elevated Storage Tank (EST) at well #25
- Installation of a new water well at Dick Kleberg Park



**City of Kingsville  
Engineering Dept.**

- Rehabilitation of wells #22 and #24

These projects are crucial for maintaining and enhancing our water infrastructure, particularly during drought conditions. Water is essential for community consumption, fire protection, economic growth, social equity, and environmental sustainability.

**Financial Impact:**

There is no financial impact by awarding RFQ#25-02 for Professional Engineering Services. Once the negotiated contract is executed the project will be paid from contingent awarded grant funds.

**Recommendation:**

The Evaluation Committee recommends awarding RFQ#25-02 for Professional Engineering Services to Garver and to begin negotiating a contract.

**Attachments:**

None.



# **AGENDA ITEM #19**

**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 Approving Change Order No. 1 for Bid No. 23-09 for the General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Contract No. 22-082-016-D218 Project 2 – Manhole Rehabilitation Project

---

**Purpose:**

Consider approving General Land Office Change Order No. 1 (CO-1) will decrease the contract price while increasing the contract time to help closeout the contract as required by the grant. CO-1 decreases the contract price by \$4,800 and increases the contract time by 136 calendar days.

**Summary:**

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

Item	Description	Unit	Quantity	Unit Cost	Total
A3	Demo Ring and Cover 24"	EA	-3	\$500.00	(1,500.00)
A4	Ring and Cover 24"	EA	-3	\$1,100.00	(\$3,300.00)
<b>GLO Change Order No. 1 Total</b>					<b>(\$4,800.00)</b>

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

Description	Calendar Days
Additional Contract Time	136

**Final Contract Price and Time \$468,506.40 and 256 Calendar Days**

**Background:**

Awarding our third GLO CDBG-MIT 2016 Flood Mitigation Project 2 – Manhole Rehabilitation Project - Sanitary Sewer Improvements. Project includes rehabilitation of 74 existing



**City of Kingsville  
Engineering Dept.**

manholes, concrete collars, ring and covers, CIP liners and other related appurtenances. The project should be completed in 120 calendar days.

Sealed bids were received on August 28, 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. One (1) bid was received from Infrastructure Rehabilitation USA Inc, from Shreveport, Louisiana. The sole base bid received tabulated \$473,306.40. Since there was only one bidder, GLO considers the bid as non-competitive and GrantWorks submitted on behalf of the city a request for consideration to accept the single bid and allow the city to award the project. GLO was asked to approve this request prior to the 90 days of bid opening which was November 26, 2023. During the November 13, 2023, Commission meeting, we requested the City Commission award the project to Infrastructure Rehabilitation USA Inc. contingent on GLO approving our request. We received notice from the GLO that they accepted the lone bidder project shortly after the November 26<sup>th</sup> deadline. At a City Commission meeting on December 11, 2023, the bid was awarded to Infrastructure Rehabilitation USA Inc, from Shreveport, Louisiana for \$473,306.40. At a City Commission meeting on January 8, 2024, staff recommended and the City Commission approved the contract with the selected vendor.

**Financial Impact:**

Project 2 Change Order No. 1 contract price will decrease by \$4,800 from \$473,306.40 to \$468,506.40.

**Recommendation:**

Staff recommends approving Change Order No. 1 for CDBG-MIT GLO Contract No. 22-082-016-D218 – Project 2 – Manhole Rehabilitation Project -Sanitary Sewer Improvements for a final price of \$468,506.40 and contract time of 256 calendar days.

**Attachments:**

GLO Change Order No. 1







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

Contract Price with All Approved Change Orders:	468,506.40	Contract Time with All Approved Change Orders in Days:	256
Cumulative Percent Change in Contract Price (+/-):	-1.01%	Subrecipient Contract End Date:	1/31/2025
Construction Contract Start Date:	1/29/2024	Construction Contract End Date:	10/11/2024

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**

		<i>Noah Baker</i>
Subrecipient Signature	Engineer Signature	Contractor Signature
Subrecipient Name and Title (Printed)	JUAN CARLOS CARDENAS SENIOR ENGINEER	Noah Baker, CAO, Infrastructure Rehabilitation USA
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 #20**

**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 Approving Construction Contract with R.S. Parker Construction LLC 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

---

**Summary:**

Bid No. 24-19 for Project 2 was awarded at the last City Commission meeting on October 15, 2024. We are now requesting approval to award the construction contract in the amount of \$1,630,804.89. Contract time is 180 calendar days.

**Background:**

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, on October 15, 2024, staff recommended and City Commission approved awarding the contract to the lowest bidder, R.S. Parker Construction LLC, for the amount of \$1,630,804.89. The parties have negotiated a contract that now needs to be approved.

**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.

**Recommendation:**

Staff recommends:



**City of Kingsville  
Engineering Dept.**

1. Approving the construction contract between City and R.S. Parker Construction LLC in the amount of \$1,630,804.89.
2. Authorizing the City Manager to sign the Construction Contract.

**Attachments:**

Construction Contract



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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH R.S. PARKER CONSTRUCTION LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 2: N. 19<sup>TH</sup> STREET- STORM WATER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street- Storm Water Improvements Project and went out for bids via BID #24-19 which was advertised on August 22<sup>nd</sup> & 29<sup>th</sup>, 2024;

**WHEREAS**, three bids were received on September 17, 2024 responsive to BID #24-19 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was R.S. Parker Construction LLC, from Corpus Christi, Texas (vendor);

**WHEREAS**, the City awarded BID#24-19 to Vendor at a Commission meeting on October 15, 2024 for a total amount of \$1,630,804.89;

**WHEREAS**, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 2: N. 19<sup>th</sup> Street Storm Water Improvements Project and the parties both agreed to the terms of the proposed contract for a total amount of \$1,630,804.89 with a contract time of 180 calendar days;

**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 for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22--085-009-D237 Project 2: N. 19<sup>th</sup> Street -Storm Water Improvements Project between the City of Kingsville, Texas and R.S. Parker Construction LLC 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  
28th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# CONSTRUCTION CONTRACT

**THIS AGREEMENT** made this the 28<sup>TH</sup> day of OCTOBER, 2024, by and between R.S. PARKER CONSTRUCTION LLC (a corporation organized and existing under the laws of the State of TEXAS) hereinafter called the "Contractor", and City of Kingsville hereinafter called the "City".

**WITNESSETH**, that the Contractor and the City for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work.** The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the Project; namely, (GLO SW PROJECT 2 (N. 19<sup>TH</sup> ST) STORM WATER IMPROVEMENTS CDBG-MIT GLO CONTRACT NO. 22-085-009-D237) for the Community Development Block Grant – Mitigation (CDBG-MIT) project, all in strict accordance with the contract documents including all addenda thereto, numbered N/A, dated N/A and N/A, all as prepared by International Consulting Engineers (ICE) acting and in these contract documents preparation, referred to as the "Engineer".

**ARTICLE 2. The Contract Price.** The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in \$1,630,804.89 hereof.

**ARTICLE 3. The Contract.** The executed contract documents shall consist of the following components:

- |                              |  |
|------------------------------|--|
| a. This Agreement (pgs. 1-3) | f. General Conditions, Part I                                |
| b. Addenda                   | g. Special Conditions  |
| c. Invitation for Bids       | h. Technical Specifications                                  |
| d. Instructions to Bidders   | i. Drawings ( <i>as listed in the Schedule of Drawings</i> ) |
| e. Signed Copy of Bid        | j. [Add any applicable documents]                            |

**ARTICLE 4. Performance.** Work, in accordance with the Contract dated OCTOBER 28, 2024, shall commence on or before January 2, 2025, and Contractor shall complete the WORK within 180 consecutive calendar days thereafter. The date of completion of all WORK is therefore July 1, 2025,

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in *triplicate* original copies on the day and year first above written.

FOR CONTRACTOR:

R.S. PARKER CONSTRUCTION LLC.  
455 HEREFORD RD.  
CORPUS CHRISTI TX, 78408

By \_\_\_\_\_

Title Owner

FOR CITY:

City of Kingsville  
400 West King Ave.,  
Kingsville, TX 78363

P.O. Box 1458  
Kingsville, TX 78364

By Mark McLaughlin

Title City Manager

Corporate Certifications

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the corporation named as Contractor herein, that \_\_\_\_\_ who signed this Agreement on behalf of the Contractor, was then \_\_\_\_\_ of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate  
Seal

\_\_\_\_\_  
(Corporate Secretary)

# **AGENDA ITEM #21**



**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 Approving Construction Contract with R.S. Parker Construction LLC 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

---

**Summary:**

Bid No. 24-22 for Project 13 was awarded at the last City Commission meeting on October 15, 2024. We are now requesting approval to award the construction contract in the amount of \$611,624.49. Contract time is 150 calendar days.

**Background:**

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, on October 15, 2024, staff recommended and City Commission approved awarding the project to the lowest bidder, R.S. Parker Construction LLC, for the base bid amount of \$611,624.49. The parties have negotiated a contract that now needs approval.

**Recommendation:**

Staff recommends:

1. Approving the construction contract between City and R.S. Parker Construction LLC in the amount of \$611,624.49.
2. Authorizing the City Manager to sign the Construction Contract

**Attachments:**

Construction Contract



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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH R.S. PARKER CONSTRUCTION LLC FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 13: W. JOHNSTON AVE. STORM WATER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 13: W. Johnston Ave. Storm Water Improvements Project and went out for bids via BID #24-22 which was advertised on August 22<sup>nd</sup> & 29<sup>th</sup>, 2024;

**WHEREAS**, two bids were received on September 17, 2024 responsive to BID #24-22 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was R.S. Parker Construction LLC, from Corpus Christi, Texas (vendor);

**WHEREAS**, the City awarded BID#24-22 to Vendor at a Commission meeting on October 15, 2024 for a total amount of \$611,624.49;

**WHEREAS**, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 13: W. Johnston Ave. Storm Water Improvements Project and the parties both agreed to the terms of the proposed contract for a total amount of \$611,624.49 with a contract time of 150 calendar days;

**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 for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22--085-009-D237 Project 13: W. Johnston Ave. Storm Water Improvements Project between the City of Kingsville, Texas and R.S. Parker Construction LLC 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  
28th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# CONSTRUCTION CONTRACT

**THIS AGREEMENT** made this the 28<sup>TH</sup> day of OCTOBER, 2024, by and between R.S. PARKER CONSTRUCTION LLC (a corporation organized and existing under the laws of the State of TEXAS) hereinafter called the "Contractor", and City of Kingsville hereinafter called the "City".

**WITNESSETH**, that the Contractor and the City for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work.** The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the Project; namely, (GLO SW PROJECT 13 (W JOHNSTON AVE.) STORM WATER IMPROVEMENTS CDBG-MIT GLO CONTRACT NO. 22-085-009-D237) for the Community Development Block Grant – Mitigation (CDBG-MIT) project, all in strict accordance with the contract documents including all addenda thereto, numbered N/A, dated N/A and N/A, all as prepared by International Consulting Engineers (ICE) acting and in these contract documents preparation, referred to as the "Engineer".

**ARTICLE 2. The Contract Price.** The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in \$611,624.49 hereof.

**ARTICLE 3. The Contract.** The executed contract documents shall consist of the following components:

- |                              |  |
|------------------------------|--|
| a. This Agreement (pgs. 1-3) | f. General Conditions, Part I                                |
| b. Addenda                   | g. Special Conditions  |
| c. Invitation for Bids       | h. Technical Specifications                                  |
| d. Instructions to Bidders   | i. Drawings ( <i>as listed in the Schedule of Drawings</i> ) |
| e. Signed Copy of Bid        | j. [Add any applicable documents]                            |

**ARTICLE 4. Performance.** Work, in accordance with the Contract dated OCTOBER 28, 2024, shall commence on or before January 2, 2025, and Contractor shall complete the WORK within 150 consecutive calendar days thereafter. The date of completion of all WORK is therefore June 1, 2025.

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in *triplicate* original copies on the day and year first above written.

FOR CONTRACTOR:

R.S. PARKER CONSTRUCTION LLC.  
455 HEREFORD RD.  
CORPUS CHRISTI TX, 78408

By \_\_\_\_\_

Title Owner

FOR CITY:

City of Kingsville  
400 West King Ave.,  
Kingsville, TX 78363

P.O. Box 1458  
Kingsville, TX 78364

By Mark McLaughlin

Title City Manager

Corporate Certifications

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the corporation named as Contractor herein, that \_\_\_\_\_ who signed this Agreement on behalf of the Contractor, was then \_\_\_\_\_ of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate  
Seal

\_\_\_\_\_  
(Corporate Secretary)

# **AGENDA ITEM #22**

**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 Approving Construction Contract with Donald Hubert Construction Co. 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

---

**Summary:**

Bid No. 24-20 for Project 6 was awarded at the last City Commission meeting on October 15, 2024. We are now requesting approval to award the construction contract in the amount of \$149,124.00. Contract time is 120 calendar days.

**Background:**

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, on October 15, 2024, staff recommended and City Commission approved awarding the project to the lowest bidder, Donald Hubert Construction Co., for the base bid amount of \$149,124.00. The parties have negotiated a contract that now needs to be approved.

**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



**City of Kingsville  
Engineering Dept.**

**Recommendation:**

Staff recommends:

1. Approving the construction contract between City and Donald Hubert Construction Co. in the amount of \$149,124.00.
2. Authorizing the City Manager to sign the Construction Contract.

**Attachments:**

Construction Contract





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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONSTRUCTION CONTRACT WITH DONALD HUBERT CONSTRUCTION CO. FOR THE GLO CDBG-MIT CONTRACT 22-085-009-D237 PROJECT 6: CARLOS TRUAN BLVD. STORM WATER IMPROVEMENTS PROJECT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville (City) intends to make some sanitary sewer improvements through a General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22-085-009-D237 Project 6: Carlos Truan Blvd. Storm Water Improvements Project and went out for bids via BID #24-20 which was advertised on August 22<sup>nd</sup> & 29<sup>th</sup>, 2024;

**WHEREAS**, five bids were received on September 17, 2024 responsive to BID #24-20 and after reviewing the bid submittals staff and the outside engineer (ICE) recommended the bid be awarded to the low bidder, which was Donald Hubert Construction Co. from Kingsville, Texas (vendor);

**WHEREAS**, the City awarded BID#24-20 to Vendor at a Commission meeting on October 15, 2024 for a total amount of \$149,124.00;

**WHEREAS**, the City and Vendor worked to prepare a contract for GLO CDBG-MIT Contract No. 22-085-009-D237 Project 6: Carlos Truan Blvd. Storm Water Improvements Project and the parties both agreed to the terms of the proposed contract for a total amount of \$149,124.00 with a contract time of 120 calendar days;

**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 for General Land Office (GLO) Community Development Block Grant (CDBG) -Mitigation (MIT) program via Contract No. 22--085-009-D237 Project 6: Carlos Truan Blvd. Storm Water Improvements Project between the City of Kingsville, Texas and Donald Hubert Construction Co. 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  
28th day of October, 2024.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# CONSTRUCTION CONTRACT

**THIS AGREEMENT** made this the 28<sup>TH</sup> day of OCTOBER, 2024, by and between DONALD HUBERT CONSTRUCTION (a corporation organized and existing under the laws of the State of TEXAS) hereinafter called the "Contractor", and City of Kingsville hereinafter called the "City".

**WITNESSETH**, that the Contractor and the City for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work.** The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the Project; namely, ( GLO SW PROJECT 6 (E. CARLOS TRUAN BLVD.) STORM WATER IMPROVEMENTS CDBG-MIT GLO CONTRACT NO. 22-085-009-D237) for the Community Development Block Grant – Mitigation (CDBG-MIT) project, all in strict accordance with the contract documents including all addenda thereto, numbered N/A, dated N/A and N/A, all as prepared by International Consulting Engineers (ICE) acting and in these contract documents preparation, referred to as the "Engineer".

**ARTICLE 2. The Contract Price.** The City will pay the Contractor for the performance of the Contract in current funds, for the total quantities of work performed at the *unit prices* stipulated in the Bid for the several respective items of work completed subject to additions and deductions as provided in \$149,124.00 hereof.

**ARTICLE 3. The Contract.** The executed contract documents shall consist of the following components:

- |                              |   |
|------------------------------|---|
| a. This Agreement (pgs. 1-3) | f. General Conditions, Part I                       |
| b. Addenda                   | g. Special Conditions                               |
| c. Invitation for Bids       | h. Technical Specifications                         |
| d. Instructions to Bidders   | i. Drawings (as listed in the Schedule of Drawings) |
| e. Signed Copy of Bid        | j. [Add any applicable documents]                   |

**ARTICLE 4. Performance.** Work, in accordance with the Contract dated OCTOBER 28, 2024, shall commence on or before January 2, 2025, and Contractor shall complete the WORK within 120 consecutive calendar days thereafter. The date of completion of all WORK is therefore May 2, 2025.

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed in *triplicate* original copies on the day and year first above written.

FOR CONTRACTOR:

DONALD HUBERT CONSTRUCTION  
P.O. BOX 84  
KINGSVILLE TX, 78364

By \_\_\_\_\_

Title Owner

FOR CITY:

City of Kingsville  
400 West King Ave.,  
Kingsville, TX 78363

P.O. Box 1458  
Kingsville, TX 78364

By Mark McLaughlin

Title City Manager

Corporate Certifications

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the corporation named as Contractor herein, that \_\_\_\_\_ who signed this Agreement on behalf of the Contractor, was then \_\_\_\_\_ of said corporation; that said Agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Corporate  
Seal

\_\_\_\_\_  
(Corporate Secretary)

# **AGENDA ITEM #23**

Authorize  
Repairs

**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: October 21, 2024  
SUBJECT: Budget Amendment for Emergency Repairs to City Hall HVAC System

---

**Summary:**

This item authorizes the approval of a Budget Amendment in the amount of \$65,100.00 to cover emergency repairs to the chiller at City Hall Complex in the Facilities Line Item.

**Background:**

Facilities is requesting a budget amendment to cover emergency repairs to the HVAC chiller at City Hall Complex. The circuit #2 compressor started going out in August. Staff contacted Malek Inc. of Corpus Christi to work on it and they have kept the unit working until recently. The excessively hot summer and higher than normal September and October temperatures have put a strain on the HVAC system speeding up its decline. The compressor went out this month and will need to be replaced with coils and contactors. The total amount to replace both compressors, coils and contactors will be \$ 65,100.00, please see attached quote. It is vital to have a fully functioning HVAC system for City Hall, which houses critical staff, archives, and the network/computer system.

**Financial Impact:**

Staff is requesting that additional funds be transferred from fund 001-5-1030-86000 Budget Amendment Reserves to 1805 Facilities, Fund #51103 Building Maintenance City Hall Complex in the amount of \$65.100.00.

**Recommendation:**

It is recommended the City Commission approve: 1) the emergency repair to the HVAC System at City Hall, and 2) the Budget Amendment for emergency repairs to the City Hall HVAC system.



# MALEK•INC.

P.O. BOX 679 • 2521 ANTELOPE • CORPUS CHRISTI, TX 78403 • (361) 888-8281 • FAX (361) 888-7257

Harold Palmer, Responsible Master Plumber M-38271  
Regulated by Texas State Board of Plumbing Examiners  
PO Box 4200, Austin TX 78765  
512-936-5200  
SCR-U-2165315, RME-U-2165085 Underground Fire Sprinkler License

Regulated by the Texas Department of Licensing & Regulation, P.O. Box 12157, Austin, TX 78711, 1-800-803-9202 / 1-512-463-6599. License No. TECL30033 License No. TACLA66293C [www.tdlr.texas.gov](http://www.tdlr.texas.gov)

**Date: August 9, 2024**

**To: City of Kingsville**  
**Attn: Charlie Sosa**  
**Re: City Hall-Chiller Repair**

We are pleased to present our proposal for the above referenced project. We propose to furnish the necessary labor, material, and equipment to complete the HVAC/Mechanical scope of work per plans and specs, in accordance with the following:

## DRAWINGS:

## CLARIFICATIONS:

We include the following:

1. Replace two compressors in circuit #2
2. Replace two compressor contactors
3. Replace both condenser coils and refrigerant filter driers & new R410A refrigerant
4. Down time for this repair is 6 days, recommend having a temporary chiller or wait for cold weather.
5. Includes crane service and trucking.
6. Warranty will be 1 year on new coils, 3 years on new compressors, 90 days labor

## EXCLUSIONS:

Our proposal does not include the following:

1. Temporary chiller rental
2. Sales Tax.
3. Clean-up (we will clean up our own identifiable scrap).
4. Bid based on 40 hour work week, no overtime included.
5. Abatement, removal of any HAZMAT.





# **AGENDA ITEM #24**

**City of Kingsville  
Purchasing Department**

---

TO: Mayor and City Commissioners  
CC: Mark McLaughlin, City Manager  
FROM: Charlie Sosa Purchasing Manager  
DATE: October 21, 2024  
SUBJECT: Budget Amendment for Emergency Repairs to City Hall HVAC System

---

**Summary:**

This item authorizes the approval of a Budget Amendment in the amount of \$65,100.00 to cover emergency repairs to the chiller at City Hall Complex in the Facilities Line Item.

**Background:**

Facilities is requesting a budget amendment to cover emergency repairs to the HVAC chiller at City Hall Complex. The circuit #2 compressor started going out in August. Staff contacted Malek Inc. of Corpus Christi to work on it and they have kept the unit working until recently. The excessively hot summer and higher than normal September and October temperatures have put a strain on the HVAC system speeding up its decline. The compressor went out this month and will need to be replaced with coils and contactors. The total amount to replace both compressors, coils and contactors will be \$ 65,100.00, please see attached quote. It is vital to have a fully functioning HVAC system for City Hall, which houses critical staff, archives, and the network/computer system.

**Financial Impact:**

Staff is requesting that additional funds be transferred from fund 001-5-1030-86000 Budget Amendment Reserves to 1805 Facilities, Fund #51103 Building Maintenance City Hall Complex in the amount of \$65.100.00.

**Recommendation:**

It is recommended the City Commission approve: 1) the emergency repair to the HVAC System at City Hall, and 2) the Budget Amendment for emergency repairs to the City Hall HVAC system.

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# MALEK INC.

P.O. BOX 679 · 2521 ANTELOPE · CORPUS CHRISTI, TX 78403 · (361) 888-8281 · FAX (361) 888-7257

Harold Palmer, Responsible Master Plumber M-38271  
Regulated by Texas State Board of Plumbing Examiners  
PO Box 4200, Austin TX 78765  
512-936-5200  
SCR-U-2165315, RME-U-2165085 Underground Fire Sprinkler License

Regulated by the Texas Department of Licensing & Regulation, P.O. Box 12157, Austin, TX 78711, 1-800-803-9202 / 1-512-463-6599. License No. TECL30033 License No. TACLA66293C [www.tdlr.texas.gov](http://www.tdlr.texas.gov)

**Date: August 9, 2024**

**To: City of Kingsville**  
**Attn: Charlie Sosa**  
**Re: City Hall-Chiller Repair**

We are pleased to present our proposal for the above referenced project. We propose to furnish the necessary labor, material, and equipment to complete the HVAC/Mechanical scope of work per plans and specs, in accordance with the following:

## **DRAWINGS:**

## **CLARIFICATIONS:**

We include the following:

1. Replace two compressors in circuit #2
2. Replace two compressor contactors
3. Replace both condenser coils and refrigerant filter driers & new R410A refrigerant
4. Down time for this repair is 6 days, recommend having a temporary chiller or wait for cold weather.
5. Includes crane service and trucking.
6. Warranty will be 1 year on new coils, 3 years on new compressors, 90 days labor

## **EXCLUSIONS:**

Our proposal does not include the following:

1. Temporary chiller rental
2. Sales Tax.
3. Clean-up (we will clean up our own identifiable scrap).
4. Bid based on 40 hour work week, no overtime included.
5. Abatement, removal of any HAZMAT.



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

**AN ORDINANCE AMENDING THE FISCAL YEAR 2024-2025 BUDGET TO APPROPRIATE FUNDING FOR EMERGENCY REPAIRS ON THE CITY HALL AIR CONDITIONING UNIT.**

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

I.

**BE IT ORDAINED** by the City Commission of the City of Kingsville that the Fiscal Year 2024-2025 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT – BA#4

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 001 – General Fund</b>					
<u>Expenditures - 5</u>					
1030	City Special	Budget Amend Reserve	86000		\$65,100
1805	Facilities	Building Maintenance	51103	\$65,100	

[To amend the City of Kingsville FY 24-25 budget to appropriate funding for an emergency repair on the City Hall air conditioning unit. Funding will come from the Budget Amendment Reserve line item. Current funding available is \$300,000.]

II.

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

III.

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

IV.

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

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

**PASSED AND APPROVED** on this the 12th day of November 2024.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #25**

**CITY MANAGER EMPLOYMENT AGREEMENT**

**THIS EMPLOYMENT AGREEMENT** is made and entered into this the \_\_\_\_ day of October, 2024 ~~January, 2023~~, by and between the **CITY OF KINGSVILLE, TEXAS** (hereinafter referred to as the "City"), a Texas home-rule municipality, and **MARK A. MCLAUGHLIN** (hereinafter referred to as "Manager"), both of which parties hereto understand and agree as follows:

**WITNESSETH:**

**WHEREAS**, the Kingsville City Commission desires to employ **MARK A. MCLAUGHLIN** as City Manager for the City of Kingsville, Texas; and

**WHEREAS**, it is the desire of the City Commission to provide certain benefits, establish certain conditions of employment, and to set certain working conditions of said Manager; and

**WHEREAS**, City Commission and **MARK A. MCLAUGHLIN** entered into a City Manager Employment Agreement on or about October 28, 2019 for a start date of December 2, 2019, and renewed the contract on July 12, 2021 and the parties desire to amend and extend the most recent agreement; and

**WHEREAS**, the agreement was approved for a one-year extension on July 12, 2021 via Resolution #2021-45, which would have ended on December 1, 2023; however, an amend and extend to that agreement was done via Resolution #2023-03 on January 09, 2023; and

**WHEREAS**, the parties have worked on a new employment contract for this position that would include a two-year term starting December 2, 2024, have an automatic one-year renewal unless notified of an intent not to renew by October 1, 2026 and have a compensation increase starting October 1, 2024; and

**WHEREAS**, **MARK A. MCLAUGHLIN** desires to accept continued employment as Manager, and an officer, of said City on the terms outlined herein.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements herein contained, and hereinbefore stated, the parties hereto agree as follows:

**A. Duties and Responsibilities**

As City Manager, Manager agrees to perform all duties and responsibilities as described in the City Charter, the Municipal Code, the ordinances of the City, and as reasonably directed by the City Commission. It is specifically understood and agreed that the Manager must remain a Kingsville resident as long as he serves as Kingsville's City Manager.

**B. Salary**



The Manager will receive an annual salary of ~~\$180,000~~ ~~\$166,893~~ payable in equal installments on the same schedule as other City employees beginning in the fiscal year starting October 1, ~~2022~~ 2024. Thereafter, City agrees to consider increasing said salary and/or other benefits of Manager in such amounts and to such an extent as the City Commission may determine that is desirable to do so, on the basis of an annual performance evaluation and/or salary review of the Manager. The Manager agrees he will not receive any compensation from City (ie, anniversary step increases, longevity pay, COLA, or other incentives) not specifically mentioned herein.

**C. Automobile Allowance**

The City agrees to pay Manager an annual automobile allowance of \$4,800.00 payable in equal installments on the same schedule as other City officers or employees with automobile allowances. The automobile allowance shall be subject to review from time to time by the City Commission and accordingly modified, if deemed necessary. This automobile allowance shall cover all automobile-related expenses incurred by Manager, including expenses for automobile repair, maintenance, insurance, operation and replacement. Manager shall receive additional reimbursement for excess mileage outside the area as defined in the City of Kingsville "Travel Policy".

**D. Vacation Leave & Sick Leave**

Vacation and Sick leave shall be calculated in accordance with the City of Kingsville "Administrative Policies and Procedures Manual". The Manager shall accrue 120 hours of vacation leave annually earned at a rate of 4.62 hours bi-weekly. The Manager shall accrue 80 hours of sick leave annually earned at a rate of 3.07 hours bi-weekly.

**E. Health Insurance**

The Manager shall be eligible for coverage by the City's group medical insurance plan. The Manager may elect to have his/her eligible dependents covered under the health plan with the City contributing a percentage of the premiums as established by the City Commission. The fixed rate for the monthly premium for the Manager and his eligible dependents (spouse or family coverage), should he elect to pay for such coverage, shall be the same as that paid by other city employees for the same type of coverage.

**F. Life Insurance**

The City agrees to provide the Manager a basic life insurance plan equal to his annual salary for the term of this agreement. The City of Kingsville pays all premiums associated with this policy. The Manager may, at his option and at his cost, increase the basic life insurance plan amount, if such higher insurance is available under the City's life insurance plan.

**G. Moving and Relocation Allowance**

Not needed.

#### **H. Termination and Severance Pay**

In the event the City Commission decides to not renew the Manager's contract or terminates the Manager's employment during such time the Manager is willing and able to continue performing the duties of the City Manager, then the City agrees to pay a lump sum cash payment (less any TMRS & taxes) equal to six (6) months full salary (salary & automobile allowance only), plus the value of all vacation leave accrued by, or credited to, the Manager prior to the termination; provided, however, in the event that severance is paid to Manager, Manager agrees that he shall contemporaneously execute and deliver to the City a full release of any and all claims that he may have against the City. The failure to execute and deliver such release shall nullify any obligation by the City to pay severance.

In the event the City Commission terminates the Manager's employment because of the commission of an illegal act, including but not limited to, acts involving personal gain, corruption, misconduct or malfeasance in office, any felony, violation of the City Charter or the Administrative Policies and Procedures Manual or the City of Kingsville "Code of Ethics", then the City shall have no obligation whatsoever to pay any severance pay designated in this section.

#### **I. Texas Municipal Retirement System**

Contributions to Texas Municipal Retirement System (TMRS) are mandatory for all full-time employees. Contribution rates and other policies of the City's TMRS Plan are determined by the City Commission and are subject to change.

#### **J. Performance Evaluation**

It will be the responsibility of the Manager to work with the Mayor and develop performance criteria within six months of his renewal date. The Commission must approve the performance criteria developed by the Manager. The Commission shall review and evaluate the performance of the Manager at least once annually utilizing the performance criteria approved by the Commission. The review of the Manager's performance shall be in writing and in accordance with criteria and format approved by the Commission. The Commission shall provide the Manager a reasonable and adequate opportunity to discuss with the Commission and/or respond to the Manager's evaluation. The annual performance reviews and evaluations shall be reasonably related to the Manager's written job description and shall be based, in whole or in part, on the performance criteria jointly developed and adopted by the Commission and Manager. Adjustment of base salary, if any, is at the sole discretion of the City Commission.

#### **K. Business Equipment and Expenses**

The City shall provide the Manager with all necessary business equipment including personal computers and a cell phone with "smart phone technology." The Manager will be reimbursed for any other necessary business equipment or services not provided by the City according to City policy and guidelines.

**L. Starting Date and Notice of Resignation**

The Manager commenced employment with the City on December 2, 2019. The Manager agrees to provide the City Commission a minimum of 30 days written notice if he chooses to resign his position and terminate this agreement.

**M. Civic Activities**

The Manager is encouraged to participate in community and civic organizations and activities. Membership dues and participation costs will be paid by the City, subject to annual appropriation by the City Commission.

**N. Professional Dues, Education and Training**

The City agrees to reimburse membership dues in ICMA and TCMA, and for reasonable expenses incurred in the attendance at annual conferences and/or regional conferences. Such reasonable expenses shall be defined as including conference registration fees, coach/economy air fares, hotel accommodations and meals in accordance with the City's travel policy. In addition, the City agrees to reimburse reasonable expenses incurred in attendance at one other professional development conference or training opportunity as approved by the Mayor or his designee. Developing and maintaining professional association contacts and standing provide the City access to valuable resources, and the reasonable participation and related travel by the Manager. All dues, continuing education and travel expenses are subject to annual appropriation by the City Commission.

**O. Bonds**

The City shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

**P. Indemnification**

The City will defend, hold harmless, and indemnify Manager against any tort, professional liability claim or demand, or other civil legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the duties as City Manager, except for intentional acts or acts of gross negligence or other acts not covered by the City's insurance carrier policy. The City will compromise and settle any such covered claim or suit, at its sole option, and settle any such covered claim or suit and pay the amount of any settlement or judgment rendered thereon.

**Q. Term of Agreement**

This agreement shall be for a term of two (2) years from the start date of December 2, ~~2022~~ 2024, expiring on December 1, ~~2024~~ 2026. This agreement may be terminated in accordance with the provisions of Paragraph H and may be extended or renewed at any time during the term upon mutual agreement of the parties. If the City Commission takes no action regarding renewal of the Agreement prior to October 1, ~~2024~~ 2026, and the Manager elects to not enter severance, this Agreement automatically renews for an additional one (1) year term.

**R. General Provisions**

1. **Severability.** In the event any one or more of the sections, provisions or clauses contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.
2. **Entire Agreement.** This Agreement incorporates all the agreements, covenants and understandings between the City and the Manager concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged onto this written Agreement. No other prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
3. **Amendment.** This Agreement shall not be modified or amended except by a written instrument executed by the Manager and the duly authorized representative of the Commission.

**IN WITNESS WHEREOF**, the City of Kingsville, Texas, has caused this Employment Agreement to be signed and executed on its behalf by its Mayor after being authorized to do so at a regular and duly posted meeting of the Kingsville City Commission, and the Manager has signed and executed this Agreement.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF KINGSVILLE, TEXAS**

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

**ACCEPTED:**

---

Mark A. McLaughlin

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY MANAGER WITH MARK MCLAUGHLIN; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the chief administrator for the City of Kingsville ("City") is the City Manager and that position is currently filled by Mark McLaughlin under a City Manager's employment agreement that was approved for a one-year extension on July 12, 2021 via Resolution #2021-45, which would have ended on December 1, 2023; however, an amend and extend to that agreement was done via Resolution #2023-03 on January 09, 2023; and

**WHEREAS**, the most current agreement is in an extension period and the parties desire to amend and extend that agreement; and

**WHEREAS**, the City Commission is charged with filling the position of City Manager and has decided to continue a contract with Mark McLaughlin as City Manager; and

**WHEREAS**, the parties have worked on a new employment contract for this position that would include a two-year term starting December 2, 2024, have an automatic one-year renewal unless notified of an intent not to renew by October 1, 2026 and have a compensation increase starting October 1, 2024; and

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

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Employment Agreement for the position of City Manager with Mark McLaughlin 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 28th day of October, 2024.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney

**CITY MANAGER EMPLOYMENT AGREEMENT**

**THIS EMPLOYMENT AGREEMENT** is made and entered into this the \_\_\_\_\_ day of October, 2024, by and between the **CITY OF KINGSVILLE, TEXAS** (hereinafter referred to as the “City”), a Texas home-rule municipality, and **MARK A. MCLAUGHLIN** (hereinafter referred to as “Manager”), both of which parties hereto understand and agree as follows:

**WITNESSETH:**

**WHEREAS**, the Kingsville City Commission desires to employ **MARK A. MCLAUGHLIN** as City Manager for the City of Kingsville, Texas; and

**WHEREAS**, it is the desire of the City Commission to provide certain benefits, establish certain conditions of employment, and to set certain working conditions of said Manager; and

**WHEREAS**, City Commission and **MARK A. MCLAUGHLIN** entered into a City Manager Employment Agreement on or about October 28, 2019 for a start date of December 2, 2019, and renewed the contract on July 12, 2021 and the parties desire to amend and extend the most recent agreement; and

**WHEREAS**, the agreement was approved for a one-year extension on July 12, 2021 via Resolution #2021-45, which would have ended on December 1, 2023; however, an amend and extend to that agreement was done via Resolution #2023-03 on January 09, 2023; and

**WHEREAS**, the parties have worked on a new employment contract for this position that would include a two-year term starting December 2, 2024, have an automatic one-year renewal unless notified of an intent not to renew by October 1, 2026 and have a compensation increase starting October 1, 2024; and

**WHEREAS**, **MARK A. MCLAUGHLIN** desires to accept continued employment as Manager, and an officer, of said City on the terms outlined herein.

**NOW, THEREFORE**, for and in consideration of the mutual covenants and agreements herein contained, and hereinbefore stated, the parties hereto agree as follows:

**A. Duties and Responsibilities**

As City Manager, Manager agrees to perform all duties and responsibilities as described in the City Charter, the Municipal Code, the ordinances of the City, and as reasonably directed by the City Commission. It is specifically understood and agreed that the Manager must remain a Kingsville resident as long as he serves as Kingsville’s City Manager.

**B. Salary**



The Manager will receive an annual salary of \$180,000 payable in equal installments on the same schedule as other City employees beginning in the fiscal year starting October 1, 2024. Thereafter, City agrees to consider increasing said salary and/or other benefits of Manager in such amounts and to such an extent as the City Commission may determine that is desirable to do so, on the basis of an annual performance evaluation and/or salary review of the Manager. The Manager agrees he will not receive any compensation from City (ie, anniversary step increases, longevity pay, COLA, or other incentives) not specifically mentioned herein.

**C. Automobile Allowance**

The City agrees to pay Manager an annual automobile allowance of \$4,800.00 payable in equal installments on the same schedule as other City officers or employees with automobile allowances. The automobile allowance shall be subject to review from time to time by the City Commission and accordingly modified, if deemed necessary. This automobile allowance shall cover all automobile-related expenses incurred by Manager, including expenses for automobile repair, maintenance, insurance, operation and replacement. Manager shall receive additional reimbursement for excess mileage outside the area as defined in the City of Kingsville "Travel Policy".

**D. Vacation Leave & Sick Leave**

Vacation and Sick leave shall be calculated in accordance with the City of Kingsville "Administrative Policies and Procedures Manual". The Manager shall accrue 120 hours of vacation leave annually earned at a rate of 4.62 hours bi-weekly. The Manager shall accrue 80 hours of sick leave annually earned at a rate of 3.07 hours bi-weekly.

**E. Health Insurance**

The Manager shall be eligible for coverage by the City's group medical insurance plan. The Manager may elect to have his/her eligible dependents covered under the health plan with the City contributing a percentage of the premiums as established by the City Commission. The fixed rate for the monthly premium for the Manager and his eligible dependents (spouse or family coverage), should he elect to pay for such coverage, shall be the same as that paid by other city employees for the same type of coverage.

**F. Life Insurance**

The City agrees to provide the Manager a basic life insurance plan equal to his annual salary for the term of this agreement. The City of Kingsville pays all premiums associated with this policy. The Manager may, at his option and at his cost, increase the basic life insurance plan amount, if such higher insurance is available under the City's life insurance plan.

**G. Moving and Relocation Allowance**

Not needed.

#### **H. Termination and Severance Pay**

In the event the City Commission decides to not renew the Manager's contract or terminates the Manager's employment during such time the Manager is willing and able to continue performing the duties of the City Manager, then the City agrees to pay a lump sum cash payment (less any TMRS & taxes) equal to six (6) months full salary (salary & automobile allowance only), plus the value of all vacation leave accrued by, or credited to, the Manager prior to the termination; provided, however, in the event that severance is paid to Manager, Manager agrees that he shall contemporaneously execute and deliver to the City a full release of any and all claims that he may have against the City. The failure to execute and deliver such release shall nullify any obligation by the City to pay severance.

In the event the City Commission terminates the Manager's employment because of the commission of an illegal act, including but not limited to, acts involving personal gain, corruption, misconduct or malfeasance in office, any felony, violation of the City Charter or the Administrative Policies and Procedures Manual or the City of Kingsville "Code of Ethics", then the City shall have no obligation whatsoever to pay any severance pay designated in this section.

#### **I. Texas Municipal Retirement System**

Contributions to Texas Municipal Retirement System (TMRS) are mandatory for all full-time employees. Contribution rates and other policies of the City's TMRS Plan are determined by the City Commission and are subject to change.

#### **J. Performance Evaluation**

It will be the responsibility of the Manager to work with the Mayor and develop performance criteria within six months of his renewal date. The Commission must approve the performance criteria developed by the Manager. The Commission shall review and evaluate the performance of the Manager at least once annually utilizing the performance criteria approved by the Commission. The review of the Manager's performance shall be in writing and in accordance with criteria and format approved by the Commission. The Commission shall provide the Manager a reasonable and adequate opportunity to discuss with the Commission and/or respond to the Manager's evaluation. The annual performance reviews and evaluations shall be reasonably related to the Manager's written job description and shall be based, in whole or in part, on the performance criteria jointly developed and adopted by the Commission and Manager. Adjustment of base salary, if any, is at the sole discretion of the City Commission.

#### **K. Business Equipment and Expenses**

The City shall provide the Manager with all necessary business equipment including personal computers and a cell phone with "smart phone technology." The Manager will be reimbursed for any other necessary business equipment or services not provided by the City according to City policy and guidelines.

**L. Starting Date and Notice of Resignation**

The Manager commenced employment with the City on December 2, 2019. The Manager agrees to provide the City Commission a minimum of 30 days written notice if he chooses to resign his position and terminate this agreement.

**M. Civic Activities**

The Manager is encouraged to participate in community and civic organizations and activities. Membership dues and participation costs will be paid by the City, subject to annual appropriation by the City Commission.

**N. Professional Dues, Education and Training**

The City agrees to reimburse membership dues in ICMA and TCMA, and for reasonable expenses incurred in the attendance at annual conferences and/or regional conferences. Such reasonable expenses shall be defined as including conference registration fees, coach/economy air fares, hotel accommodations and meals in accordance with the City's travel policy. In addition, the City agrees to reimburse reasonable expenses incurred in attendance at one other professional development conference or training opportunity as approved by the Mayor or his designee. Developing and maintaining professional association contacts and standing provide the City access to valuable resources, and the reasonable participation and related travel by the Manager. All dues, continuing education and travel expenses are subject to annual appropriation by the City Commission.

**O. Bonds**

The City shall bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

**P. Indemnification**

The City will defend, hold harmless, and indemnify Manager against any tort, professional liability claim or demand, or other civil legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the duties as City Manager, except for intentional acts or acts of gross negligence or other acts not covered by the City's insurance carrier policy. The City will compromise and settle any such covered claim or suit, at its sole option, and settle any such covered claim or suit and pay the amount of any settlement or judgment rendered thereon.

**Q. Term of Agreement**

This agreement shall be for a term of two (2) years from the start date of December 2, 2024, expiring on December 1, 2026. This agreement may be terminated in accordance with the provisions of Paragraph H and may be extended or renewed at any time during the term upon mutual agreement of the parties. If the City Commission takes no action regarding renewal of the Agreement prior to October 1, 2026, and the Manager elects to not enter severance, this Agreement automatically renews for an additional one (1) year term.

**R. General Provisions**

1. **Severability.** In the event any one or more of the sections, provisions or clauses contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.
2. **Entire Agreement.** This Agreement incorporates all the agreements, covenants and understandings between the City and the Manager concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged onto this written Agreement. No other prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.
3. **Amendment.** This Agreement shall not be modified or amended except by a written instrument executed by the Manager and the duly authorized representative of the Commission.

**IN WITNESS WHEREOF**, the City of Kingsville, Texas, has caused this Employment Agreement to be signed and executed on its behalf by its Mayor after being authorized to do so at a regular and duly posted meeting of the Kingsville City Commission, and the Manager has signed and executed this Agreement.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF KINGSVILLE, TEXAS**

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

**ACCEPTED:**

---

Mark A. McLaughlin

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# **AGENDA ITEM #26**

# **AGENDA ITEM #27**

# **AGENDA ITEM #28**



**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: October 21, 2024  
SUBJECT: Authorize the Sale of Real Estate

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**Summary:**

This item authorizes the sale of real property located at 400 E. Caesar (Old Hospital Storage) owned by the City of Kingsville.

**Background:**

Staff was authorized the sale of property located at the 400 E Caesar, Legal Description, (9<sup>th</sup> Block 24, lots All, (S. Closed Ragland St.) (Old Hospital Storage), approved on June 24, 2024 commission meeting.

**Financial Impact:**

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

**Recommendation:**

It is recommended the City Commission approves the sale of real property located at 400 E. Caesar (9<sup>th</sup> Block 24, lots All, (S. Closed Ragland St.) (Old Hospital Storage) owned by the City of Kingsville.



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

**A RESOLUTION AUTHORIZING STAFF TO ACCEPT THE OFFER FOR THE SALE OF THE CITY'S 3.030 ACRES OF LAND LOCATED ON THE NORTH SIDE OF THE 400 BLOCK OF EAST CAESAR AVE. (9TH, BLOCK 24, LOT ALL, S/2 CLOSED RAGLAND ST.), ALSO KNOWN AS OLD HOSPITAL SITE, IN KINGSVILLE, TEXAS.**

**WHEREAS**, the City of Kingsville owns 3.030 acres of land on the north side of the 400 Block of East Caesar Ave. at 9<sup>th</sup>, Block 24, Lots All and S/2 closed Ragland St., also known as the Old Hospital site, in Kingsville, Texas;

**WHEREAS**, the land is undeveloped and the City has no future plans for the land;

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the 3.030 acres of city-owned land on the north side of the 400 Block of East Caesar Ave. at 9<sup>th</sup>, Block 24, Lots All and S/2 closed Ragland St., also known as the Old Hospital site, in Kingsville, Texas, be placed for sale as authorized by the Texas Local Government Code; and

**WHEREAS**, the City believes that placing the land for sale would place the property back on the tax roll and may allow for future development of the property; and

**WHEREAS**, pursuant to the Texas Local Government Code, real property owned by the City can be sold via public auction, sealed bids, or through a broker, unless an exception is met;

**WHEREAS**, the City finds the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001; and, as the City is a home-rule city, staff recommends the property be sold via a broker as allowed by Texas Local Government Code Section 253.014 with the best offer coming back before the Commission for approval of the sale;

**WHEREAS**, on June 24, 2024 the City Commission via Resolution #2024-63 found that the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001, and authorized staff to proceed with placing the property for sale sold via a broker as allowed by Texas Local Government Code Section 253.014 with the best offer coming back before the Commission for approval of the sale;

**WHEREAS**, the City previously approved Resolution #2024-67 on July 22, 2024 to enter into a Texas Realtors "Commercial Listing Agreement Termination" with the exclusive right to sell with a local broker Nichole Saenz of eXp Realty, LLC, in order to list the property through a multiple-listing service pursuant to state law;

**WHEREAS**, the property was listed by the real estate broker on a multiple-listing service for at least 30 days;

**WHEREAS**, an offer has been received by the broker using the multiple-listing service from a ready, willing, and able buyer (R.D.Dunn, Jr.) who submitted the highest cash offer;

**WHEREAS**, the City Manager now needs authority from the City Commission to execute a contract to complete the sale of this real property and to take any other actions necessary to sell the identified property.

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

I.

**THAT** the City Commission of the City of Kingsville authorizes and directs the City Manager as an act of the City of Kingsville, Texas to take actions necessary to complete the real property sale in compliance with the Texas Local Government Code for the City-owned property located at the north side of the 400 Block of East Caesar Ave., Kingsville, Texas also known as 9<sup>th</sup>, Block 24, Lots ALL and S/2 of closed Ragland St. also known as the old hospital site.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission the 28th day of October, 2024.

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Sam Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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Courtney Alvarez, City Attorney