

DECEMBER 17, 2019

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 17, 2019 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
 Hector Hinojosa, Commissioner
 Dianne Leubert, Commissioner
 Arturo Pecos, Commissioner (Arrives at 5:01 p.m.)

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
 Mary Valenzuela, City Secretary
 Kyle Benson, IT Manager
 Deborah Balli, Finance Director
 Emilio Garcia, Health Director
 Bill Donnell, Public Works Director
 Cynthia Martin, Downtown Manager
 Rudy Mora, City Engineer
 Charlie Sosa, Purchasing Director
 Courtney Alvarez, City Attorney
 Adrian Garcia, Fire Chief
 Ron Lee, Fire Marshall
 Joe Casillas, Water Production Supervisor
 Diana Gonzales, HR Director
 David Solis, Risk Manager
 Janine Reyes, Tourism Director
 Jennifer Bernal, Parks Manager

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all four Commission members present. Pecos arriving at 5:01 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- December 9, 2019

Motion made by Commissioner Lopez to approve the minutes of December 9, 2019 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

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

1. None.

III. Reports from Commission & Staff.²

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

Mr. Mark McLaughlin, City Manager reported that he attended the Kingsville Police Department Swearing-in of new police officer as well as the graduation of the civilian academy on Monday, December 16th.

Commissioner Hinojosa commented that the Commission was not invited to the swearing-in of police officers. He stated that he would have liked for the Commission to have been invited.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for Monday, January 13, 2020. The deadline for staff to submit items for this agenda is Friday, January 3rd. She further announced the residential garbage schedule for the holidays.

IV. Public Comment on Agenda Items.³

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

Susan Ivy, Director of Parks & Recreation announced upcoming events that will be occurring the next couple of weeks.

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

1. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Building Code and removing Section 15-1-3. (Interim Director of Planning & Development Services).**
2. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, adopting the 2018 Edition of the International Existing Building Code. (Interim Director of Planning & Development Services).**
3. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, Article 5, Fire Prevention and Protection, adopting the 2018 Edition of the International Fire Code and revising the Permit Fee Schedule. (Interim Director of Planning & Development Services).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 3rd, Block 20, Lot W/2 18, 19 also known as 828 E. Alice, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Interim Director of Planning & Development Services).**

Mrs. Alvarez stated that she would like to remind the Commission, that based on the City of Kingsville Code of Ordinances, Section 15-6-4(a)(b)(2), because the item was not approved by the Planning & Zoning Commission, it will require a three-fourths vote from the City Commission to approve a recommendation that was overruled by the Planning & Zoning Commission.

Commissioner Lopez asked if this is spot zoning?

Commissioner Pecos commented that he understood from the previous meeting that the owner was going to be providing a map to the Commission to show the parking and asked if that individual was present at this meeting.

The response from staff was no.

Mr. McLaughlin commented that to answer the questions posed by Commission Lopez, yes this is spot zoning, in his opinion. He further commented several things are occurring with this; 1) we are deviating from the Master Plan by changing the zoning in this area, from what it already is, which is not supposed to be done; 2) it is deviating from what is already zoned in that area, which would carve out some of that area that is not zoned anywhere else within this area; 3) what's in it for the City, which is nothing. What is being done is what the law says shouldn't be done. City Manager further stated that this doesn't mean that the property owner cannot build a residential unit, but he cannot build a duplex within this area. He further stated that it is his recommendation to the Commission to not approve this item.

Mayor Fugate asked for a motion to approve this final passage.

Mrs. Alvarez mentioned Deny. Mayor Fugate commented that he was going to ask for a motion three times and see if anyone would motion the item for approval, if no motion made, item would die. Mrs. Alvarez commented that this is a third option, approve, deny, or call for a motion and receive no motion.

Mayor Fugate asked for a motion to deny the final passage of this ordinance.

Motion made by Commissioner Leubert to DENY the passage of this ordinance, seconded by Commissioner Hinojosa and Commissioner Lopez. The motion to DENY this ordinance was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR"

5. Discussion on Parks regarding youth baseball and softball league. (Parks Director).

Mrs. Ivy read her memo which stated the following. History, last three years the League has been run by two different organizations. Both had inefficient financial records, insufficient communication with coaches, board members, and parents unresolved complaints and too much social media drama. Parks Advisory Board met with both leagues offering recommendations for improvements of the operation of the league. All recommendations were ignored. Parks Advisory Board has voted to recommend that the Parks Department, with the assistance of two Advisory Board Members (Ruben Canty and D.J. Flores) serve as Executive Board along with volunteer board members for two branches, one baseball and one softball to create Kingsville Parks Baseball and Softball League. The Board will select Officers, create Bylaws and run the operation of the league including All Star Play and tournaments. Note, Ruben Cantu has been involved with youth baseball and D.J. Flores is a past Board Member of Brush Country Girls Softball. The Parks Department will coordinate and handle all registration with funds going into a fund separated from the City's General Fund to hold all registrations, sponsorships, donations and any other revenue and pay all bills. Any additional funds will be used to pay expenses to field maintenance, improvements to baseball and softball fields, grant matches for fields and purchase of equipment. This will require approval by City Commission, and we plan to present this in detail at the first meeting in January. We need to begin registration immediately following that meeting. Parks Director, Susan Ivy, Parks Manager Jennifer Bernal and Advisory Board member D.J. Flores met on Monday, December 9th with the Regional Directors of Pony Baseball and Softball to get information on getting league setup. Information was exchanged and they were excited for our involvement and our plan. We are talking to some possible Corporate Sponsors to assist with "startup funds" to get the sanctioning paid and any equipment and supplies needed to get the league going. We would like to be able to announce immediately that we will be hosting this league so that local parents will know that a new option for youth sports will be available in our community. They are currently unaware that this might happen and are reviewing options from other communities. Ivy further commented that there is a big meeting on January 4th of the State Pony Directors which she will be attending.

Commissioner Lopez thanked staff for taking this back as it was a mess.

6. Consider a resolution authorizing the Mayor to enter into a Water Supply Contract between the City of Kingsville and Texas A&M University-Kingsville, (renewal). (City Attorney).

Motion made by Commissioner Pecos to approve the resolution authorizing the Mayor to enter into a Water Supply Contract between the City of Kingsville and Texas A&M University-Kingsville, (renewal), seconded by Commissioner Leubert.

Commissioner Hinojosa commented that after looking at the contract, the point of entry, page 2 section 4 of the contract, there is two point of entries and there are three backflow preventers. He asked for staff to explain this to him.

Mrs. Alvarez commented that the initial agreement with the University only had two points of entry and two backflow preventers. Since that point in time, an additional point of entry was added which required the additional backflow preventer. She further stated that a correction would need to be made stating three.

Commissioner Leubert asked if the motion previously made would need to be amended as the contract would need to be corrected.

Mrs. Alvarez responded that the motion could be amended to add the correction.

Commissioner Hinojosa further asked that on the size of the meter, it wasn't stated in the contract what size of meter it would be.

Mr. Bill Donnell responded that it is a six-inch meter.

Commissioner Hinojosa asked if this was stated in the contract. Mrs. Alvarez responded that this would not necessarily be in the contract, but whenever we have them listed as a customer that they get invoiced under, it should be listed in their billing information; as they are already an existing customer. Commissioner Hinojosa stated that maybe the size of the meter should be included.

Mayor Fugate asked Commission Pecos if he would like to amend his motion.

Commissioner Pecos responded yes, he would like to include the correction as presented by the City Attorney, seconded by Commissioner Leubert.

Commissioner Leubert asked if this would fall under commercial in the water bill service. Mr. Donnell responded yes.

City Secretary Mary Valenzuela asked for clarification of the motion for the record.

Mrs. Alvarez stated that, as was stated by Commission Pecos, with the motion to amend as per the recommendation of the City Attorney with regards to page 2, section 4(a), line 3, add Seale and Avenue B in the line that reads located at Avenue B and Armstrong and add Santa Gertrudis and Armstrong.

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

7. **Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).**

Mayor Fugate announced the Executive Session and convened the meeting into closed session at 5:19 p.m.

Mayor Fugate reconvened the meeting into open session at 5:51 p.m.

8. **Discuss and consider an Agreement for Water Resource Management and Infrastructure Investment for the City of Kingsville. (Mayor Fugate).**

Mayor Fugate commented that based on the opinions of outside counsel and City Attorney to not accept this agreement in its present form.

Mayor Fugate asked for a motion.

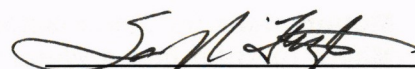
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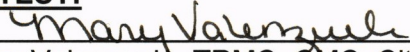
Item dies for a lack of a motion.

VI. Adjournment.

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


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, EMC, City Secretary