

# City of Kingsville, Texas

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## AGENDA CITY COMMISSION

TUESDAY, FEBRUARY 12, 2019  
SPECIAL JOINT MEETING  
WITH  
KLEBERG COUNTY COMMISSIONERS' COURT  
AT  
CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M.

### I. Preliminary Proceedings.

#### OPEN MEETING



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Jesus A. Garza  
City Manager

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

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

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

### III.

#### 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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 calling a Special Election for a Venue Project Election in accordance with Chapter 334, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (City Manager).

2. Motion to approve final passage of an ordinance calling a Special Election to be held on May 4, 2019 in the City of Kingsville, Texas, on the question of the sale of City park land and other matters related thereto. (City Manager).

## REGULAR AGENDA

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

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

3. Presentation and discussion on Economic Development Strategic Plan from consultants and staff of the Greater Area Kingsville Economic Development Council. (City Manager).

#### V. Adjournment.

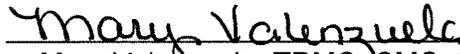
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

#### NOTICE

This City of Kingsville and Community Room 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 located at City Hall, 400 West King Ave, of the City of 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:

February 8, 2019 at 10:30 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.



Mary Valenzuela, TRMC, CMC, 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

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**ORDINANCE #2019-\_\_\_\_\_**

**ORDINANCE CALLING A SPECIAL ELECTION FOR A VENUE PROJECT  
ELECTION IN ACCORDANCE WITH CHAPTER 334, LOCAL GOVERNMENT  
CODE, TO BE HELD IN THE CITY OF KINGSVILLE, TEXAS AND OTHER  
MATTERS RELATED THERETO**

WHEREAS, the City Commission of the City of Kingsville, Texas (the "Commission") hereby finds and determines that an election should be held to determine whether the Commission of the City of Kingsville, Texas (the "City") shall be authorized to establish a certain sports and community venue project in accordance with the provisions of Chapter 334, Texas Local Government Code (the "Act") and other applicable law and for the purposes hereinafter identified;

WHEREAS, the Commission adopted a resolution on January 14, 2019 (the "Comptroller's Resolution") to provide for the planning, acquisition, establishment, development, construction, and renovation of a certain venue project as provided herein in accordance with the provisions of the Act;

WHEREAS, the Commission has followed the procedures prescribed by the Act to obtain the determination from the Comptroller of Public Accounts of the State of Texas (the "Comptroller") that the implementation of the Comptroller's Resolution will not have a significant negative fiscal impact on revenues of the State of Texas (the "State") by sending a copy of the Comptroller's Resolution to the Comptroller;

WHEREAS, the Comptroller by letter dated January 17, 2019, has determined that the approval and implementation of the Comptroller's Resolution will not have a significant negative fiscal impact on State revenue;

WHEREAS, the Commission now desires to proceed with the submission of the approval and implementation of the Comptroller's Resolution and this ordinance (this "Ordinance") as provided by the Act;

WHEREAS, the Commission has determined to call an election for the purposes of approving and implementing the Comptroller's Resolution for the renovation, planning, acquisition, development, construction, equipment, and expansion of the multipurpose J.K. Northway Exposition Center (the "Exposition Center") and any related infrastructure or adjacent support facilities (collectively, the "Project");

WHEREAS, the Commission finds that the proposed Exposition Center and Project will each be a facility used or planned for use for one or more community events, promotional events, and other civic or charitable events;

WHEREAS, the Commission finds that the Project will provide a significant positive economic development and tourism impact to the City, including the business community and various civic and commercial organizations throughout the City;

WHEREAS, by this ordinance it is in the intention of the City to provide for conducting the election; and

WHEREAS, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City;

NOW, THEREFORE, be it ordained by the City Commission of the City of Kingsville, Texas, that:

**Section 1. Election Ordered; Proposition.** An election shall be held on the 4th day of May, 2019 (the “Election Day”), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, for the purpose of submitting the following proposition to the qualified voters of the City in accordance with law:

PROPOSITION 1

“Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the J.K. Northway Exposition Center and any related infrastructure, a sports and community venue project of the type described and defined in Chapter 334, Texas Local Government Code (the “Venue Project”), and described generally as a community event center with public restrooms, parking, concessions, receiving areas, dressing room facilities, break out rooms, multi-use event space, and/or other type of area or facility that is planned for use for one or more civic, charitable, or community events, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project.”

**Section 2. Persons Qualified to Vote.** All resident, qualified electors of the City shall be eligible to vote at the Election.

**Section 3. Election.** The City shall have six election polling places on Election Day comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
1	23 & 24
2	22, 32, & 44
3	21, 43, & 45
4	14, 41, & 42
5	13
6	11, 12, & 31

The election shall be held between 7:00 A.M. and 7:00 P.M. at the following places in said City.

Polling Place #1	McRoberts Elementary School, 400 West Corral
Polling Place #2	City Hall, Helen Kleberg Groves Community Room, 400 W. King Street
Polling Place #3	Kleberg County Annex Bldg., 720 E. King & 12th Street
Polling Place #4	Gillett Intermediate School, 1007 North 17th Street
Polling Place #5	Harvey Elementary School, 1301 East Kenedy
Polling Place #6	H.M. King High School, 2210 S. Brahma Blvd

The method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System, and be processed through the M100 Paper Ballot Tabulator for the results.

The City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held at City Hall, 400 W. King Avenue in the Helen Kleberg Groves Community Room and said place of early voting shall remain open on weekdays between the hours of 8:00 A.M. and 5:00 P.M., April 22, 2019 through April 26, 2019; and continuing from 7:00 A.M. to 7:00 P.M. on Monday, April 29, 2019 and terminating on Tuesday, April 30, 2019 after voting occurs between the hours of 7:00 A.M. and 7:00 P.M.

**Section 4. Ballots.** The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION 1

"Authorizing the City Commission of the City of Kingsville, Texas to provide for the renovation, planning, acquisition, development, construction, equipment, expansion, and financing of new and existing facilities at the J.K. Northway Exposition Center and any related infrastructure, a sports and community venue project of the type described and defined in Chapter 334, Texas Local Government Code (the "Venue Project"), and described generally as a community event center with public restrooms, parking, concessions, receiving areas, dressing room facilities, break out rooms, multi-use event space, and/or other type of area or facility that is planned for use for one or more civic, charitable, or community events, and to impose the following tax to pay the costs of the venue project and to secure the payment of revenue bonds of the City issued to pay the costs of the venue project: a hotel occupancy tax on the use or possession of a room that is in a hotel located within the City, at a maximum rate of 2% of the price paid for such room; and if approved, the maximum hotel occupancy tax rate imposed from all sources in the City would be 15% of the price paid for a room in a hotel, for the purpose of financing the Venue Project."

**Section 5.** The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**Section 6. Notice.** Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, one time not earlier than the 30th day nor later than the 10th day prior to the date set for the Election, in a newspaper published in the City; and (ii) posting a copy of this Ordinance in English and Spanish on the bulletin board used for posting notices of meetings of the City Commission, and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City's website, prominently and together with the notice of the election and the contents of the Election, not later than the twenty-first (21st) day prior to the date set for the election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place, not later than the (21<sup>st</sup>) day prior to the date set for the Election.

**Section 7. Corrections.** The Mayor and City Secretary and bond counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments

authorized by this Ordinance necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**Section 8. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

**Section 9. Ordinance Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

**Section 10. Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 11. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 12. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

**Section 13. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

INTRODUCED on this the 11<sup>th</sup> day of February, 2019.

PASSED AND APPROVED, by majority vote of the City Commission of the City of Kingsville, Texas, this the 12 day of February, 2019.

CITY OF KINGSVILLE, TEXAS

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Sam R. Fugate  
Mayor

ATTEST:

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Mary Valenzuela  
City Secretary

(CITY SEAL)

# **AGENDA ITEM #2**

**ORDINANCE #2019-\_\_\_\_\_**

**ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2019 IN THE CITY OF KINGSVILLE, TEXAS, ON THE QUESTION OF THE SALE OF CITY PARK LAND AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City Commission (the "Commission") of the City of Kingsville, Texas (the "City") hereby finds and determines that an election should be held to determine whether the Commission shall be authorized to sell certain City land, heretofore acquired and now owned, held, and claimed as municipal parks, in accordance with the provisions of Chapter 253, Texas Local Government Code (the "Act") and other applicable law and for the purposes hereinafter identified;

**WHEREAS**, the City of Kingsville desires to decommission certain real property that it owns and is designated as park land; and,

**WHEREAS**, the City went through the process of doing a Parks Master Plan, which was adopted via Ordinance #2017-16 on March 27, 2017 and amended via Ordinance #2017-46 on October 9, 2017; and,

**WHEREAS**, the Parks Master Plan identified Kenedy Park as a location that was not needed as a park property given the proximity of other neighborhood parks that have amenities in them to service the area; and,

**WHEREAS**, staff has learned of two "pocket parks" that are small areas of land in residential areas (corners of Richard at Lantana and Richard at Alice) abutting single family homes and the spaces are not feasible for use as a park space due to their size but were dedicated as such to the City in 1937; and,

**WHEREAS**, the City acquired and holds public park lands of such size and character as to make any use or development of the park lands impractical; and,

**WHEREAS**, the City desires to sell or otherwise dispose of such park lands; and,

**WHEREAS**, prior to the use or taking of park land for non-park purposes Chapter 26 of the Texas Parks and Wildlife Code and Chapter 253 of the Texas Local Government Code will be met; and,

**WHEREAS**, the Commission now desires to proceed with the process of decommissioning of the City lands and this ordinance (this "Ordinance") as provided by the Act; and,

**WHEREAS**, the Commission has determined to call an election for the purposes of approving the sale of certain City land, heretofore acquired and now owned, held, and claimed as municipal parks, such land being identified as: (collectively, the "Land") Kenedy Park (1.4141 ac.), Corner of Lantana and Richard Ave. (9,176.5 sq. ft.), and Corner of Alice and Richard Ave. (3,120.92 sq. ft.); and,

**WHEREAS**, the Commission finds that there is no feasible and prudent alternative to the use or taking of these park lands; and,

**WHEREAS**, the Commission finds that reasonable measures will be taken to minimize harm to the park lands due to the proposed use and takings; and,

**WHEREAS**, by this ordinance it is in the intention of the City to provide for conducting the election; and,

**WHEREAS**, the Commission hereby finds and determines that this action is in the best interests of the citizens of the City; and,

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Kingsville, Texas, that:

**Section 1. Election Ordered; Proposition.** An election shall be held on the 4th day of May, 2019 (the "Election Day"), a uniform election date, in the CITY OF KINGSVILLE, TEXAS, for the purpose of submitting the following proposition to the qualified voters of the City in accordance with law:

PROPOSITION 2

"Authorizing the City Commission of the City of Kingsville, Texas, to provide for the sale of the following city park land, the proceeds from which may only be used to acquire and improve city park land in accordance with section 253.001, Texas Local Government Code:

- Kenedy Park (1.4141 ac.)
- Corner of Lantana and Richard Ave. (9,176.5 sq. ft.)
- Corner of Alice and Richard Ave. (3,120.92 sq. ft.)."

**Section 2. Persons Qualified to Vote.** All resident, qualified electors of the City shall be eligible to vote at the Election.

**Section 3. Election.** The City shall have six election polling places on Election Day comprised of the following voting precincts.

<u>CITY POLLING PLACE</u>	<u>COUNTY VOTING PRECINCT</u>
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The election shall be held between 7:00 A.M. and 7:00 P.M. at the following places in said City.

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Polling Place #6	H.M. King High School, 2210 S. Brahma Blvd

The method of voting for Early Voting by personal appearance and by mail and voting on Election day will be by use of paper ballot and Direct Recording Electronic (DRE) Voting System, and be processed through the M100 Paper Ballot Tabulator for the results.

The City Secretary Mary Valenzuela or designated person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held at City Hall, 400 W. King Avenue in the Helen Kleberg Groves Community Room and said place of early voting shall remain open on weekdays between the hours of 8:00 A.M. and 5:00 P.M., April 22, 2019 through April 26, 2019; and continuing from 7:00 A.M. to 7:00 P.M. on Monday, April 29, 2019 and terminating on Tuesday, April 30, 2019 after voting occurs between the hours of 7:00 A.M. and 7:00 P.M.

**Section 4. Ballots.** The official ballots shall be prepared in accordance with the Election Code so as to permit qualified voters to vote “FOR” or “AGAINST” the aforesaid propositions which shall appear on the ballot substantially as follows:

PROPOSITION 2

“Authorizing the City Commission of the City of Kingsville, Texas, to provide for the sale of the following city park land, the proceeds from which may only be used to acquire and improve city park land in accordance with section 253.001, Texas Local Government Code:

- Kenedy Park (1.4141 ac.)
- Corner of Lantana and Richard Ave. (9,176.5 sq. ft.)
- Corner of Alice and Richard Ave. (3,120.92 sq. ft.)”

**Section 5.** The City Secretary Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that the City Secretary Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

**Section 6. Notice.** Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, one time not earlier than the

30th day nor later than the 10th day prior to the date set for the Election, in a newspaper published in the City; and (ii) posting a copy of this Ordinance in English and Spanish on the bulletin board used for posting notices of meetings of the City Commission, and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City's website, prominently and together with the notice of the election and the contents of the Election, not later than the twenty-first (21st) day prior to the date set for the election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place, not later than the (21<sup>st</sup>) day prior to the date set for the Election.

**Section 7. Corrections.** The Mayor and City Secretary and City Attorney are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized by this Ordinance necessary in order to (i) correct any ambiguity, mistake, or omission, or (ii) to comply with the requirements of the Texas Election Code or any other applicable law.

**Section 8. Incorporation of Recitals.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Commission.

**Section 9. Ordinance Controls.** All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordered herein.

**Section 10. Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 11. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Commission hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 12. Open Meetings.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

**Section 13. Effective Date.** This Ordinance shall be in force and effect from and after the date of its adoption, and it is so ordained.

**BE IT FINALLY RESOLVED** that in accordance with the order of this governing body, the City Secretary Mary Valenzuela posted written notice of the date, place and subject

of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

**INTRODUCED** on this the 11<sup>th</sup> day of February, 2019.

**PASSED AND APPROVED**, by majority vote of the City Commission of the City of Kingsville, Texas, this the 12 day of February, 2019.

CITY OF KINGSVILLE, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM:

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

# **REGULAR AGENDA**

# **AGENDA ITEM #3**