

SEPTEMBER 23, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 23, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Noel Pena, Commissioner
Arturo Pecos, Commissioner
Al Garcia, Commissioner
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
James Bryson, Accounting Manager
Courtney Alvarez, City Attorney
Charlie Cardenas, Public Works Director/Engineer
Mark Rushing, Finance Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Melissa Perez, Risk Manager
Cynthia Martin, Downtown & Volunteer Manager
Joey Reed, Fire Chief
Willie Vera, Task Force Commander
Ricardo Torres, Chief of Police
Robert Isassi, Planning & Development Services Director
Rose Morrow, Municipal Court Supervisor
Diana Medina, Collections Manager
David Mason, Purchasing/IT Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. with all members of the City Commission present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – September 16, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented.

Motion made by Commissioner Pecos to approve minutes as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Fugate voting “FOR”. Garcia “ABSTAIN”.

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

1. Public Hearing to consider rezone of 0.17 acres out of Lot 1, Block 10, McBryde Addition Subdivision known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4-Business District, Horacio “Hoss” Castillo applicant, agent for business owner. (Director of Planning and Development Services).

Mayor Fugate announced and opened this public hearing at 6:02 p.m.

Mr. Robert Isassi, Director of Planning & Development Services reported that this request is from Hoss Castillo, agent for a business owner at 1012 E. Santa Gertrudis located directly behind El Dorado Restaurant. Mr. Castillo is requesting for property to be rezoned from R-3 Multi-Family District to C-4 Commercial District for the purpose of extending the parking lot for his business at 704 N. 14th Street which is El Dorado Restaurant. This request was approved by the Planning & Zoning Commission on September 18, 2013 by a vote of 7-0.

Commissioner Garcia asked if there was a structure located on this property. Mr. Isassi stated that there is a house and a storage unit located on this property. The house will be moved and the storage structure will be demolished. Commissioner Garcia had some concerns with regards to water and gas utilities. Mr. Isassi stated that all utilities will be turned off and capped.

Mayor Fugate closed this public hearing at 6:05 p.m.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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 & Investment Information, 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,. No formal action can be taken on these items at this time."

Mayor Fugate announced that Trash off day has been rescheduled to Saturday, September 28, 2013 from 8:00 a.m. to 12:00 p.m.

IV. Public Comment on Agenda Items³

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)

Mayor Fugate asked for a motion to approve the consent agenda as presented.

Motion made by Commissioner Pecos to approve the consent agenda item as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate, voting "FOR".

1. Motion to approve a resolution authorizing the City Manager to enter into an engagement letter agreement between the City of Kingsville, Texas and John Womack & CO., P.C. for the 2012-2013 Fiscal Year Audit. (Finance Director).
2. Motion to appoint Norma Sue Adrian to the City/County Health Board for a three year term to fill a vacant position. (Health Director).
3. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair (for employees and eligible dependents). (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider a resolution approving the City of Kingsville's 2013 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).

Mr. Mark Rushing, Finance Director reported that the Net Taxable value certified in July, 2013 was \$714,248,395 and the Actual Levy \$6,021,113.62 as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(E).

Motion made by Commissioner Garcia, to approve the City of Kingsville's 2013 Tax Roll as submitted by Kleberg County Tax Assessor-Collector, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Pena, Fugate voting "FOR".

5. Consider approval of preliminary plat entitled Oak Tree Apartment Tract, Block 1, Lots 1 and 2 being 35.40 acres out of Lot 15, Section 17, Kleberg Town and Improvement Co. (Director of Planning and Development Services).

Mr. Isassi reported that this is for approval of a preliminary plat for Oak Tree Apartments which is a 35 acre plat. The preliminary plat was conditionally approved by the Planning & Zoning Commission on September 18, 2013. He further reported that recommends conditional approval of this request until a final plat with the updated conditions is submitted: 1) The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2 will be further reviewed when re-platted or when construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch. The crossing should include roadway safety elements to cross the ditch; 2) The Golf Course Rd. (FM 3320) drainage ditch within the south easement of Lot 2 will be further reviewed when re-platted or once construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch. The crossing should include roadway safety elements to cross the ditch; 3) Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations; 4) City shall ensure that Kingsville-Kleberg County Joint Airport Zoning Board (JAZB) construction requirements such as downward facing lighting, wall soundproofing, and non-bird attractants are followed.

Mr. Isassi further reported that if approved as a preliminary plat and conditions are met, it will then be proposed as a final plat to the City Commission.

Commissioner Garcia asked if on the preliminary plat there would be egress and access points. Mr. Isassi stated that this has been addressed with the sub-divider already. Commissioner Garcia also stated that his concerns were that with 192 units being built, there is only one entrance and one exit to the apartment complex which could be of concern if there should ever be an emergency. Mr. Isassi stated that this is not any different than any other apartment complexes that are already built in the City.

Motion made by Commissioner Leubert to approve the preliminary plat entitled Oak Tree Apartment Tract, Block 1, Lots 1 and 2, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Garcia, Pena, Pecos, Fugate voting "FOR".

6. Consider approval of final plat entitled Oak Tree Apartment Tract, Block 1, Lots 1 and 2 being 35.40 acres out of Lot 15, Section 17, Kleberg Town and Improvement Co. (Director of Planning and Development Services).

Mr. Isassi stated that this is the same as the above item but with notes added.

Mayor Fugate asked Mr. Isassi that if Commission approves this item, the developer understands that they will have to re-plat this and come back with details that are normally seen in a plat. Mr. Isassi responded yes, but only for lot #2.

Motion made by Commissioner Leubert to approve the final plat, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.17 acres out of Lot 1, Block 10, McBryde Addition Subdivision known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4-Business District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning and Development Services).

Introduction Item.

8. Consider reimbursement of sewer fees charges for property located at 1800 N. 14th Street, Kingsville, Texas. (Finance Director).

Mr. Rushing stated that the City has received a request from Mr. Ray Leeson for reimbursement of sewer fees paid on the property he owns located at 1800 N. 14th. The property was purchase in 2008 and the customer believed the property was connected to the sewer system in which it was not. The City billed the customer for sewer service since his ownership of the property, although the property had its own septic tank. Mr. Rushing stated that Mr. Leeson has paid the City \$315.00 for the sewer fee connection since learning that the property was not connected to the City's system. Mr. Leeson is requesting for reimbursement of sewer fees totaling \$1,534.41.

Motion made by Commissioner Leubert to reimburse sewer fees totaling \$1,534.41 which have been billed since 2008, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resources Director).

Ms. Diana Gonzales, Human Resources Director reported that the City of Kingsville Classification and Compensation Plan for FY 2013-2014 ordinance is presented for consideration. The item reflects a 1.5% increase in the non-exempt hourly rate chart to correspond with the approved budget. The document also reflects three title correction and/or changes as follows: Job titles in Range 20 of Landfill Foreman, Meter Reader Foreman, Wastewater Construction Foreman and Wastewater Plant Foreman are shortened to "Foreman". Management Level 1 position of Public Works Directory/City Engineer changed to "City Engineer/Public Works Director". Management Level 4 position of Engineering Technician changed to "Engineer's Assistant".

Introduction item.

10. Consider approving location for historical mural in downtown area. (Downtown & Volunteer Manager).

Mrs. Cynthia Martin, Downtown & Volunteer Manager stated that Tourism is suggesting the side of the Fuentes building located on 7th Street, which was the original site that was identified by the Kingsville Convention & Visitor's Bureau.

Commissioner Leubert asked if Pat Allison, Lisa Nealey, and Glen Jones had made some changes to the mural, specifically the change from the Javelina's statue to the Texas A&M University-Kingsville signage. Mrs. Martin responded that this change was made due to space considerations.

Commissioner Garcia asked if the City has a release from the University or the King Ranch to use their symbol/signage. Mrs. Martin responded that there is a release from the King Ranch but not the University.

Mayor Fugate asked for an opinion from City Attorney, Courtney Alvarez regarding the symbol and signage. Mrs. Alvarez responded that it would be best to check with the University as they may have a licensing agreement. She also recommended for staff to review the agreement the City has with the King Ranch regarding their trademark.

Mayor Fugate stated that he would like for staff to also receive something in writing from Mr. Fuentes regarding the installation of the mural on their building.

Commissioner Garcia asked who will be responsible of the mural. Mrs. Martin stated that the City of Kingsville will be responsible for the up keep of the mural.

Mayor Fugate recommended Commission not to take action on this item until agreements are reviewed and received from Texas A&M University-Kingsville, King Ranch, and Mr. Fuentes. No objections were made by the City Commission.

No action taken.

11. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for fire station exhaust removal systems on behalf of the Kingsville Fire Department with an anticipated \$10,000 cash match. (Fire Chief).

Mr. Joey Reed, Fire Chief reported that this is a request to submit an application to FEMA to receive funds for Fire Station Exhaust Removal Systems. The system for both fire stations will cost \$100,000. FEMA requires that local governments share the cost of these grants by paying 10% of the total cost of the equipment. The National Fire Protection Agency standard 1500, section 9.1.6 recommends exhaust removal systems within fire stations as a matter of life and safety.

Commissioner Leubert asked how this will be funded. Mr. Capell responded that this will be expended from FY 2013 budget savings.

Motion made by Commission Pecos to approve this resolution, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Pena, Fugate voting "FOR".

12. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for a fire engine on behalf of the Kingsville Fire Department with an anticipated \$55,000 cash match. (Fire Chief).

Chief Reed reported that this is a request to submit an application to FEMA to receive funds for a new fire engine. This will replace Engine 2 which is 20 years old and will need increasing maintenance and parts replacements which will cost approximately \$550,000. FEMA requires that local government's share the cost of these grants by paying 10% of the total cost of the equipment which will be allocated from the FY 2013 budget savings. Chief Reed stated that if the City receives this grant, the City is not allowed to keep old fire engine. The old fire engine would need to be dismembered, junked, or given away.

Motion made by Commissioner Leubert to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Garcia, Pena, Pecos, Fugate voting "FOR".

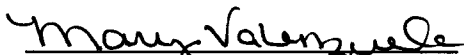
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary