

OCTOBER 27, 2014

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 27, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
 Mary Valenzuela, City Secretary  
 Courtney Alvarez, City Attorney  
 David Mason, Purchasing/IT Director  
 Deborah Balli, Finance Director  
 Tom Ginter, Director of Planning & Development Services  
 Leo Alarcon, Tourism Director  
 Emilio Garcia, Health Director  
 Diana Gonzales, Human Resources Director  
 Joey Reed, Fire Chief  
 Willie Vera, Task Force Commander  
 Cynthia Martin, Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

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

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

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Regular Meeting –October 13, 2014

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

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

1. **Public hearing to consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lot 1, Brentwood Subdivision, known as 1106 North Armstrong from R3 Multi-family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviation from the existing comprehensive plan; applicant Yolanda Zapata. (Director of Planning and Development Services).**

Mayor Fugate announced and opened this public hearing at 6:02 P.M.

Ms. Yolanda Zapata, 1923 Rettye Drive, Kingsville, TX, commented that she is the owner of this property and has a potential renter. The renter would like to open an Indian Cuisine Restaurant to be known as Café 5. The property is located across from Texas A&M University-Kingsville.

Commissioner Garcia asked for some clarification from staff regarding the memo submitted for the agenda packet regarding this item. The memo stated that the Planning & Zoning Commission voted 0-0.

Mr. Tom Ginter, Director of Planning & Development Services commented that the Planning & Zoning Commission approved the item 5-0. Due to the agenda being posted prior to the Planning & Zoning Commission meeting, a draft memo was provided to staff.

Commissioner Leubert asked how many tables and parking spaces will be provided at this location.

Mr. Ginter commented that the applicant has stated that there will be five to six tables which will require one parking space per table. It is stated that there will be about twenty parking spaces at this location. Fifteen parking spaces at the rear of the restaurant with five located in the front.

Mayor Fugate commented that his concern is that if the City Commission approves the rezone and when it comes to purchasing the permits from the City, they may have a hard time due to the tight area for parking. Mayor Fugate further asked Ms. Zapata if she understood what he was stating regarding the parking since it does look like a tight location.

Ms. Zapata stated that she understood and this is why she is stating that there will be fifteen parking spaces in the back with five located in the front of the location. She further commented that she also owns the property located next door.

Commissioner Leubert asked if this would not block the alley. Ms. Zapata responded by stating no.

Commissioner Pecos stated that the majority of the customers that will be at this restaurant will probably be students of Texas A&M University-Kingsville. He further commented that most students don't own vehicles. This location will have more walking traffic than driving traffic.

Commissioner Garcia asked if the parking area will be resurfaced.

Ms. Zapata responded that whatever the City requires will be done. Zapata further stated that the Planning & Zoning Commission is requiring a privacy fence between the business and the neighboring property. Ms. Zapata further stated that this will be a five year lease the renter will be signing.

## **II. Reports from Commission & Staff.<sup>2</sup> (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."*

Mr. Vince Capell, City Manager, reported that the City will be hosting a tailgate event for city employees and their families on Saturday, November 1<sup>st</sup>. Food will be served from 4:30 p.m. to 6:30 p.m. with game at 7:00 p.m. Mr. Capell further stated that Mrs. Cynthia Martin is available to make a presentation on the Historic Research Survey Report.

Mrs. Martin reported that the Historic Research Survey Report is now completed and has been accepted by the Texas Historical Commission. A copy of this report has been provided to the City Commission for their review. She further stated that this information is very useful and will provide a great guide for development boards. The GIS map will be available on the City website for all to view. Mrs. Martin further commented that she would like to thank the students from Texas A&M University-Kingsville for all their assistance in gathering some of the information.

Commissioner Leubert thanked everyone involved in gathering information for this report.

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission meeting is scheduled for Monday, November 10<sup>th</sup>, with agenda items due on Friday, October 31<sup>st</sup>. Alvarez further reported that the City of Kingsville will be hosting their Annual Downtown Fall Festival Friday, October 31<sup>st</sup> from 4:00 p.m. to 5:45 p.m. in the 200-300 block of Kleberg Avenue. Alvarez further reported that since the agenda was posted last Tuesday, which was a day prior to the Planning & Zoning Commission meeting, staff had the body of the rezoning ordinance ready and had not had the Planning & Zoning Commission meeting to know what the vote might have been. She further stated that an updated ordinance for signing will be provided to the City Secretary for the next scheduled City Commission meeting, if approved.

Commissioner Garcia asked if it is required for the City Commission to accept the Historic Research Survey Report in order to make it official.

Mr. Capell responded that it is not required, but City Commission comments would be appreciated.

Commissioner Leubert stated that she had the pleasure presenting a proclamation for Red Ribbon Week today and thanked Chief Torres for his presentation to the kids on Synthetic Marijuana and how bad it is for anyone to use.

Commissioner Pena asked for an update from Mrs. Alvarez regarding the no texting and talking ordinance which was approved back in March, 2014. Mrs. Alvarez stated that she has seen a few come through Municipal Court to which several of them have pleaded guilty and a few pleading not guilty. The fine for the first conviction is \$316.00 and with a second conviction being slight higher amount.

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

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

No comments were made.

### **IV.**

#### **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 Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the fiscal year 2014-2015 budget for the General Fund to provide funding for building improvements to the city property at 2211 South Brahma Blvd. (Director of Finance).
2. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville (Police Chief).
3. Motion to approve the appointment of Mr. Alonzo Lopez, Jr. to the Civil Service Commission to serve a three (3) year term. (Director of Human Resources).

#### **REGULAR AGENDA**

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

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

4. Consider authorizing the purchase of a John Deere backhoe for the Water Construction Department via BuyBoard, as per staff recommendation. (Director of Purchasing and Technology).

Mr. David Mason, Director of Purchasing and Technology, reported that this item is a budgeted capital improvement item for the Water Construction Department. This a very timely purchase as the Kamotsu backhoe is no longer functioning and needs to be replaced so Water Construction may continue with their daily duties. Mason further commented that the best value for the City is a John Deere 310K from Doggett Heavy Machinery Services in Corpus Christi. The backhoe is complete with cab, front counterweight, 24" and 18" buckets, extended hoe arm, 1.13 cu. yd. loader bucket and 48" forks to assist in the unloading and unloading of pipe and other materials. This action will expend \$81,314.49 from account 001-054-600.1-712.00

Mayor Fugate asked how long the City has owned the Kamotsu. Mr. Mason stated that he does not have this information at this time.

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

**5. Consider awarding bid (#15-01) for commercial base limestone to be purchased as needed for the Street Department, as per staff recommendation. (Director of Purchasing and Technology).**

Mr. Mason reported that the City advertised for sealed bids on September 28<sup>th</sup> and October 5, 2014 and proposals were accepted until 1:30 p.m. on October 14, 2014. Only one potential bidder responded that of Vulcan Materials. It is recommended the contract be awarded to Vulcan Materials at their bid price of \$23.00 per ton delivered and \$15.50 picked up per ton at their plant. Our current price is \$22.70 per ton delivered. This action will not, in and of itself, expend any City funds, but rather is to award a contract under Local Government Code 252.021 as the City anticipates spending more than \$50,000 on this commodity in Fiscal Year 2015.

**Motion made by Commissioner Pena to approve award bid #15-01 as per staff's recommendation, seconded by Commissioner Leubert and Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

**6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lot 1, Brentwood Subdivision, known as 1106 North Armstrong from R3 Multi-family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviation from the existing comprehensive plan. (Director of Planning and Development Services).**

Introduction item.

**7. Consider a resolution establishing the City of Kingsville Investment Policy and Investment Strategies, designating the City Manager, Director of Finance, and City Accounting Manager as the authorized city representatives with full authority for investment purposes, and providing for disclosure of financial interest. (Director of Finance).**

Mrs. Deborah Balli, Finance Director, reported that this is basic housekeeping by changing names due to position changes in the Finance Department.

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

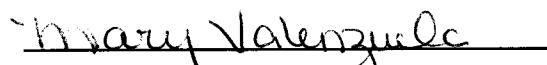
**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 P.M.



Sam R. Fugate, Mayor

**ATTEST:**


  
 Mary Valenzuela, City Secretary