

SEPTEMBER 28, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 28, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Dianne Leubert, Mayor Pro-tem
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
Mary Valenzuela, City Secretary
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
David Mason, Purchasing/IT Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Bill Donnell, Asst. Public Works Director
Tony Verdin, IT Specialist
Susan Ivy, Parks Manager
Willie Vera, Task Force Commander
Leo Alarcon, Tourism Director
Joey Reed, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Leubert called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum with four Commission members present. Mayor Fugate absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – August 24, 2015

Special Meeting – August 25, 2015

Regular Meeting – September 14, 2015

Special Meeting – September 15, 2015

Special Meeting – September 16, 2015

Special Meeting – September 21, 2015

Mayor Pro-tem Leubert asked for a motion to approve the minutes as presented.

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

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit and Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:02 p.m.

Mr. Tom Ginter, Director of Planning & Development Services, stated that this is an alcohol variance for the Javelina Mart located at 1202 N. Armstrong. This location comes within 1,000ft of two churches, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville Record on September 13, 2015. As of this

point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

Mayor Pro-tem Leubert announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:04 p.m.

2. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:04 p.m.

Mr. Ginter reported that this is an alcohol variance for the Double Seven Drive-thru located at 1414 N. 14th Street. This location comes within 1,000ft of two daycares and one church, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville Record on September 13, 2015. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

Mayor Pro-tem Leubert announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:05 p.m.

3. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:05 p.m.

Mr. Ginter reported that this is an alcohol variance for the Wingstop located at 1310 E. General Cavazos, Suite G. This location comes within 1,000ft of a school, therefore requiring an alcohol variance. All required notices have been sent to the property owners within 300ft of this location. A public hearing notice was published in the Kingsville Record on September 13, 2015. As of this point, staff has not received any negative feedback from the property owners or citizens that have been noticed.

Mayor Pro-tem Leubert announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:06 p.m.

4. Public Hearing regarding ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:06 p.m.

Mr. Ginter stated that is a request to change the zoning of this property from C2 to C4. This property will be used for a storage warehouse. During the Planning & Zoning Commission meeting fence requirements was discussed to which the property is aware of. The Planning & Zoning Commission approved with a vote of 5-0 with one abstaining, contingent upon Mr. Meadows purchasing the property.

Commissioner Garcia asked if the zoning contingent upon Mr. Meadows purchase.

Mr. Ginter responded that he believes that's how his contract is written.

Mr. Derral Meadows commented that if this is approved, he can make the purchase tomorrow.

Mr. Ginter further commented that this is a good location for this type of establishment.

Commissioner Garcia asked for the location of the new proposed storage in relation to the storage already in existence at this time.

Mr. Derral Meadows responded that it will be located on the West side of General Cavazos.

There being no further comments made by staff or the public, Mayor Pro-tem Leubert closed this public hearing at 6:11 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, **INVESTMENT 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."*

Mayor Pro-tem Leubert presented a proclamation to Jennifer Radcliffe and Ms. Gutierrez for National Domestic Violence Awareness Month.

Mrs. Alvarez reported that the next City Commission meeting is scheduled for Monday, October 12, 2015. Agenda items for this meeting and staff reports are due Thursday, October 1st. Alvarez further reported that since the Finance Director is out for the day, the Investment Report that was to be presented during tonight's meeting will done on Monday, October 12th.

Commissioner Pecos stated that during the TML Annual Conference, he had the opportunity to visit the Surplus Property what houses machinery that is for sale. He would like for staff to look into this for any possible purchases. Pecos further stated that he is very concern with businesses in Kingsville placing cardboard into their dumpsters. He would like for staff to look into purchasing containers for recycling or look into a recycling company that will place recycling bins and pickup recyclables, with any profit made, the company keep.

Mrs. Alvarez asked that what Commissioner Pecos is requesting is for staff to look into exploring a commercial program that has a drop off site or residential collection program.

Commissioner Pecos commented that he would like for staff to encourage residents and businesses to recycle their recyclables versus them being sent out to the landfill. He wants staff to look into placing recycle bins or possibly contracting with a recyclable company that can place recycle bins and pick up the recyclables.

Commissioner Garcia stated that he agrees with Commissioner Pecos, but he would like for staff to look into the sources that are able to recycle that and see if it's feasible for the City to contract with a company that is willing to do this type of work.

IV. Public Comment on Agenda Items³

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

No public comments 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 Pena to approve the consent agenda as presented, seconded by Commissioner Garcia. The motion was approved by the following vote: Garcia, Pecos, Pena, Leubert voting "FOR".

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Utility Fund budget to cover increased utility costs. (Director of Finance).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 budget for deficit accounts at year end. (Director of Finance).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Javelina Mart located at 1202 N. Armstrong, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos to approve this alcohol variance for Javelina Mart, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Leubert voting "FOR".

5. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Double Seven Drive-Thru located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pena to approve this alcohol variance for Double Seven Drive-thru, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Pena, Garcia, Pecos, Leubert.

6. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit for the establishment known as Wingstop located at 1310 E. General Cavazos, Suite G, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Garcia to approve alcohol variance for Wingstop, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pecos, Pena, Leubert voting "FOR".

7. Consider a resolution authorizing the Mayor to enter into a one-year Water Supply Contract with the South Texas Water Authority. (City Attorney).

Mrs. Alvarez reported that last year, the City Commission approved a one year water supply contract with South Texas Water Authority. This resolution will approve a new one year contract under the exact same terms and conditions. The only difference is the start and end date. Staff is working with the Authority on a longer term water supply contract, but those items haven't been resolved yet and since the existing contract expires at the end of this month, it is important for both parties to have new one year contract in place. The only other item that has changed from last year's contract to this one is the amount of water the city would take under. The amount that the City purchases is still the same but they are looking at different volumes of water during different periods of time to help maintain a consistent flow of water throughout the line to make sure that the chloramine levels is good.

Commissioner Pecos asked if it will be the same volume and same price, but we purchase the water whenever they want to sale it to the City.

Mrs. Alvarez commented that it will be when the City needs it and also when they also prefer for us to take it.

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

8. Consider a resolution approving the City of Kingsville's 2015 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).

Mrs. Alvarez reported that the Tax Assessor-Collector submitted the 2015 Tax Roll for statements that will be going out in October. To the best of her knowledge and ability, the information is attached hereto and in the packet. Each year those numbers do change the City, according to the Tax Code is required to re-approve the roll before those statements go out.

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

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2 acres at Lot 3, Burris Acres, known as 700 General Cavazos from C2-Retail District to C4-Commercial District. (Director of Planning & Development Services).

Introduction item.

10. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 700 General Cavazos (2 acres at Lot 3, Burris Acres) for self-storage facility. (Director of Planning & Development Services).

Introduction item.

11. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1220 N. 14th Street (1.1534 acres at Lot 2, Block 6, McBryde acres) for storage warehouse. (Director of Planning & Development Services).

Mr. Ginter stated that in this particular case, the zoning was correct but it has to have a Special Use permit to operate. This has commercial businesses on both sides so the fence regulation that was stated by staff does not apply. Landscaping will be required and was approved by the Planning & Zoning Commission with a vote of 5-0 with one abstaining.

Commissioner Garcia asked if item #11 is connected with items # 9 and 10. Mr. Ginter responded that items 9 & 10 are not connected with this item.

Introduction item.

12. Consider a resolution authorizing the submission of a Texas Community Development Block Grant program application to the Texas Department of Agriculture for the Texas Capital Fund, and authorizing the City Manager to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant program for improvements in the downtown area. (Downtown Manager).

Mrs. Cynthia Martin reported that this is a resolution authorizing the submission of an application for funding under the Texas Community Block Grant Program, Texas Capital Fund. This grant is for the purpose of requesting grant funding for ADA improvements and sidewalk repairs in Kingsville's designated Main Street area in the amount of \$150,000. There is a minimum cash match of 10% or \$15,000.00 that is required. Additional match contributions of in-kind services may earn additional points in the scoring process. The application deadline for this grant is October 1, 2105. The grant application requires a passed/adopted local government resolution authorizing the submission of this application.

Commissioner Pecos asked if staff is applying for the \$150,000.00. Mrs. Martin responded that staff will be applying for the total amount.

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

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Pavilion and Bandstand areas. (Downtown Manager).

Mrs. Martin stated that this item is to establish fees for the use of the Pavilion and Bandstand areas. These fees are intended to cover the cost of electricity, trash services, any city staff time or other miscellaneous costs associated with providing the use of these facilities to parties for private or public events.

Commissioner Garcia asked if individuals who are congregating in any one of the locations, without it being an official event. Will they be required to cleanup and who will supervise this type of gathering?

Mrs. Alvarez commented that as responsible citizens we would hope that they cleanup after themselves.

Introduction item.

14. Consider a resolution revising the City of Kingsville Travel Policy. (Finance Director).

Mrs. Alvarez reported that there is no change to the amounts for per diem or mileage as it is based on the State and Federal Standards. The main change is when individuals are entitled for reimbursements for certain things; they are required to do a more full evaluation with regards to method of travel.

Commissioner's Leubert, Garcia, and Pena agree with the amended travel policy.

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

15. Discuss presentation on Street Improvement and Maintenance Program and street user fee. (City Engineer/Public Works Director).

Mr. Cardenas reported that the non-residential fee was given a 75% discount. The cost will be the based \$5.00 of the IT Trip generation for this type of business. This time staff went into an eight tier tapping system which is based on ERU and trip generator.

Commissioner Garcia asked for the definition of a lodge. Mr. Cardenas stated that a lodge would be considered a non-profit organization.

Commissioner Pecos asked how many are in each tier.

Mr. Cardenas stated that Tier 1 has 34; Tier 2 – 141; Tier 3 – 34; Tier 4 – 39; Tier 5 – 44; Tier 6 – 96; Tier 7 – 17; and Tier 8 – 65. Cardenas further stated that the bottom tiers such as 6, 7, and 8 will help pay in a reasonable way for this fee. In the end we will get \$1,047,759.00 yearly cost by doing this tier system. Cardenas further stated that the residential amount is \$620,979.00.

Commissioner Pecos asked if staff will receive the \$1.6 million they are looking to collect.

Mr. Cardenas responded no. With the yearly cost, the \$1.6 million is not only collected from residential. Collected from residential and non-residential we collect \$1,047,759.00. Allocated in the budget next year there is \$300,000.00 that has been budgeted.

Commissioner Leubert asked if staff has spoken to citizens. Mr. Cardenas stated that he has spoken to citizens, and they are very supportive with this idea. He further stated that he hasn't had any contact with businesses regarding the fee being proposed.

Mr. Cardenas stated that there will be a non-residential fee appeal process. Administrative review and approval is allowed for items excluded from the appeal process. A business owner changes type of establishment, which change the trip factor. A business owner changes the foot print of the establishment which changes the square footage of the business. The process to go through the appeal process is that a non-residential applicant fills out appeals application form either online or delivers to utility billing office. The appeals application is then processed by the Engineer's Assistant and present to the Appeals Board. The Appeal Board will meet once a month and is comprised of the Director of Public Works, Director of Finance, Director of Development Services and two Kingsville residents, which will be appointed by the City Manager. The Appeals Board can decide on action or non-action. Action on the appeals includes contacting the utility billing office for rate correction or fee dismissal. Non-action decision from the Appeals Board will result on no changes to the fee.

Mr. Cardenas further stated that ideally the date to enact the street improvement fee is scheduled for November 1, 2015. This will allow collection of revenue and allow a buildup

of funds to continue work. Web links will be added to the city's website linking to the GIS System where customers can review their Trip generation and classification.

Commissioner Garcia asked that if a business has a renegotiation concern, what is the lowest we can expect from their renegotiation. Mr. Cardenas responded that it's up to the Appeal Board to make that decision. Garcia asked if the fee could be lower than \$10.00 per month. Cardenas stated that the fee could not be lower than \$10.00 per month; the eight tier is the lowest you can go. The Appeal Board will make its decision on a case by case basis. Cardenas stated that staff is looking at implementing this fee on January 1, 2016.

Commissioner Garcia asked if this could be presented to the public as it stands now as a working copy, or will it be complicated if the City Commission decides not to approve this program.

Mrs. Alvarez responded that it could be confusing as it's only a proposal at this point.

Commissioner Pecos asked for staff to educate the public prior to implementing this fee.

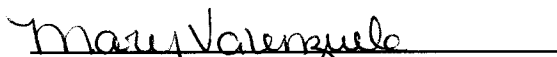
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:05 p.m.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRAC, City Secretary