

JANUARY 26, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 26, 2015 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:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing/IT Director
Tony Verdin, Information Systems Technician
Deborah Balli, Finance Director
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Joey Reed, Fire Chief
Willie Vera, Task Force Commander
Cynthia Martin, Downtown Manager
Joey Reed, Fire Chief
Robert Rodriguez, Library Director
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/Engineer

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 - January 12, 2015.

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

Public Hearing - (Required by Law).¹

1. Public hearing for an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1- Neighborhood Service District to R2- Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan, Isaac & Norma Torres owners. (Director of Planning and Development Services).

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

Mayor Fugate reported that this is a public hearing and anyone who would like to comment on this item can do so at this time with a five minute time limit.

Mr. Tom Ginter, Director of Planning and Development Services, reported that property owners were notified. Staff received one phone call from a property owner who was in favor of the rezoning. No calls were received against the rezoning. The Planning & Zoning Commission met and approved the rezoning by a unanimous vote of 4-0 in favor of the rezoning.

Mayor Fugate closed this public hearing at 6:04 p.m.

II. 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.”

Mr. Ginter reported that the notice to proceed with the construction of the new City Hall was given and started Monday, January 5, 2015. Meetings will be scheduled monthly regarding construction issues and administrative issues.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for Monday, February 9, 2015 with agenda items due on Friday, January 30th.

Commissioner Pena asked for an update on the past water breaks that occurred in the last few weeks.

Mr. Charlie Cardenas, Public Works/Engineer commented that the two major breaks that occurred in the past few weeks have been repaired. The water line near NAS Kingsville has had three breaks in the past. These breaks are the same breaks that have been previously repaired about 20 years ago. Cardenas further commented that breaks are happening on the weak points of the line. The most recent breaks were located by Tranquitas Creek and by the Tourism Office. The break by Tranquitas Creek has been permanently repaired. The break by the Tourism Office has been repaired with a clamp which is a permanent clamp steel welded. This leak is a very slow leak and releasing an estimate of 500 gallons per day. Clamp has been ordered which should arrive in a couple of weeks at which time the entire repair to be done on the leak by Tourism Office.

Commissioner Pena asked if residents are or will be affected by this break.

Mr. Cardenas responded that residents near the Tourism Office are receiving water services. Notification has been sent out to the residents making them aware of this issue. Cardenas further commented that once the pipe is fabricated and begin the permanent fix, it will require some shut down of water services for a few hours. Before this work is done, residents and business will be notified days prior to the shutdown.

Commissioner Leubert commented that any contracts brought to the City Commission for approval is given to the Commission few days prior to the meeting. This will allow the Commission a few days to review the contract.

Mayor Fugate presented “Because You Care Award” to Ms. Natalie Arispe for her hard work to the Poetry Garden located at the Library.

Mayor Fugate reported that he was notified by Texas A&M University-Kingsville that they would like to honor the City of Kingsville at the Legacy Ball for all the support the city has given to the University.

III. Public Comment on Agenda Items.³

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

No comments made from the public at this time.

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 Leubert to approve the consent agenda as presented, seconded by Commissioner Pecos and Commissioner Pena. 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 Tourism Fund to provide funding to the Façade Grant Program. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1, General Business Regulations, adopting Sections 2 & 3- Miscellaneous Health Department inspection fees and foster home/group home inspections. (Director of Health).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Service Establishments, Sections 17 & 18, providing for changes for user fees, permit fees, and length of licenses and adding a re-inspection fee. (Director of Health).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, providing for three alternate Board of Adjustment members. (Director of Planning and Development Services).
5. Motion to approve a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Communities in Schools for a drug and alcohol prevention program. (Task Force Commander).
6. Motion to approve the re-appointment of Karen Tallant to the Health Board for a three-year term. (Director of Health).
7. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2015 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider approval of preliminary plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing. (Director of Planning and Development Services).

Mr. Ginter reported that late last week, after reviewing the code, staff came across language that may need to be looked into further. Ginter further commented that the way the property is platted there is no room to build a garage. Section 15-6-107(b), Special Off-Street Regulation, states that parking in R-1 and R-2 districts shall be provided only in areas properly located for future garage. Ginter commented that this section has been in the code since 2003. Mr. Ginter stated that he has been in contact with Mr. Mark Dizdar and made him aware of this language. After reviewing the plat, the only solution that staff sees is if he minimize the footprint of the house or reduce the number of units per acre. Mr. Ginter suggested to the Commission not to take any action on this item tonight, until Mr. Dizdar has the opportunity to speak with staff.

Mayor Fugate asked that since agenda item #9 is affiliated with agenda #8, it also have no action taken during tonight's meeting. He further asked if agenda #10 would still be heard.

Mr. Ginter stated that he recommends no action taken on agenda item #8 & 9 but would like to continue with agenda #10 as it is a discussion item at this point.

No action taken

9. Consider approval of final plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing, subject to conditions. (Director of Planning and Development Services).

No action taken.

10. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from C1-Neighborhood Service District to R2- Two Family

Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

11. Consider a resolution supporting the proposed Cayetano Villas of Kingsville Apartments located at 500 Block of General Cavazos Blvd., Kingsville, TX. (Director of Planning and Development Services).

Mr. Ginter reported that after a presentation made by Mr. Matt Long at a previous Commission meeting, staff is recommending approval of this resolution.

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

12. Consider a resolution authorizing the City Manager to enter into a Master Service Agreement by and between Foremost Telecommunications and the City of Kingsville. (Director of Purchasing and Technology).

Mr. David Mason, Director of Purchasing and Technology, reported that this is Master Services Agreement which is an umbrella contract for any and all recurring telecommunications services to be provided by Foremost Telecommunications. Staff is seeking approval for entering into this specific service agreement for Foremost to provide fiber connectivity for the New City Hall. In addition, they will be providing 2 POTS lines as backup to the VOIP phone system to be used in case of fiber based internet failure. Mason further stated that the City Attorney has worked diligently with Foremost Counsel in drafting up this agreement. A 50 megabyte line will be located at City Hall for \$13.95 per month with additional capability of bringing in an additional 50 megabyte line to be used for other departments. Mason further stated that due to some confidentiality information within the agreement, it has not been included into the agenda packet.

Mayor Fugate stated that he understands the confidentiality aspect of the agreement, but he also agrees that this should have been provided to the Commission days prior to the meeting.

Commissioner Leubert asked if staff is guaranteeing that if this will take us into the future and will it be enough for what is needed to be done.

Mr. Tony Verdin, Information Specialist Technician, responded that he is happy with this agreement and the services that will be provided.

Commissioner Garcia asked how far the connecting point to the building is for fiber service and asked what is PRI service.

Mr. Todd Evans of Foremost Telecommunications responded that PRI stands for Primary Rate. Mr. Evans further commented that there is one line used as a channel line that allows more access. The circuit enables functions to record and does anything that we may want to do that ordinarily can't be done with a phone line. Each individual would have their own primary line whether they need it or not. One circuit can give you 100-200 phone numbers that can be programmed to each individual. The lines are fully monitored by Foremost.

Commissioner Garcia asked about the security measures Foremost has in place.

Mr. Evans responded that Foremost has their own switch and is not being piggy-backed by anyone else.

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

13. Consider awarding bid #15-02 for concrete paving improvements Phase 5 to sole bidder E-Tech Construction, as per staff recommendation. (Director of Purchasing and Technology).

Mr. Mason reported that E-Tech Construction has previously done Phase 3 & 4 and will do phase 5 for curb and gutter.

Motion made by Commissioner Pena to approve this contract, seconded by Commissioner Pecos.

Commissioner Garcia asked if this particular item has been budgeted. Mr. Mason responded that this is out of the street project CO, 068-5-305.0-531.00 which had \$165,000 budgeted with bid coming in at \$152,105, which is within budget.

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

14. Consider awarding the contract for the pump house and ground storage tank for Water Well #25 to sole bidder, as per contract engineer and staff recommendation. (Director of Purchasing and Technology).

Mr. Mason reported that this completes the water well #25 construction project. Bids were advertised in the Kingsville Record on July 27, 2014 and August 3, 2014. A prebid meeting was held August 6, 2014 at 10:30 a.m. in the City of Kingsville Commission Chambers with site visitation. Bid opening was August 23, 2014 at 1:30 p.m. with one responsive bid for tank construction, that of Hubert Construction. This will expend \$572,730.00 which is budgeted under Ordinance No. 2014-70 which was passed and approved by Commission on December 1, 2014.

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

15. Consider accepting a donation of \$4,385.75 from Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. (Parks and Recreations Manager).

Ms. Susan Ivy, Parks and Recreation Manager reported that this last fall Kleberg Kenedy County 4H hosted their Annual 4K Philanthropic Walk in Dick Kleberg Park to raise funds for community organizations. This year they chose Parks & Recreation as the recipient of these funds. Ivy further stated that earlier this year, a check was received in the amount of \$4,385-75 from that benefit. Funds will be used for painting, new restroom partitions, tables and possibly a screen for presentations are planned to give new life to the aging Recreation Center. Work is scheduled to be included in the TAMUK Bigger Event February 28th with the majority of the work done by Parks Staff. Staff is asking that these funds be accepted as a donation to the Parks & Recreation Department.

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

16. 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 \$36,272 cash match. (Fire Chief).

Mr. Joey Reed, Fire Chief, stated that the Kingsville Fire Department is asking the City to provide matching funds to support a FEMA grant for a new fire engine. The grant is being requested to replace engine 2 which is over 23 years old. A FEMA grant application was previously submitted last year but didn't get awarded. A grant is being requested in the amount of \$390,000 with the city's matching amount of \$36,272. If the grant is awarded, the city's funding is recommended to come from fiscal year 2015 excess general fund balance surplus account.

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

17. Consider matching a previously accepted \$4,000 donation for Keep Kingsville Beautiful for purchase of benches and trash/recycling receptacles in the downtown area. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager, reported that on November, 2014, the La Posada de Kingsville donated \$4,000 to the City of Kingsville for the purchase of benches and trash receptacles for the downtown area. Martin further stated that she would like for the City to match this dollar amount.

Mayor Fugate asked if the \$4,000 will be for new benches and trash receptacles or for those that we already have in place.

Mrs. Martin stated that this money will be for the purchase of additional benches and trash receptacles.

Motion made by Commissioner Garcia to match the \$4,000, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

18. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for the Community Appearance Division of the Planning and Development Services Department for the purpose of providing matching funds for street furnishings. (Director of Finance).

Mrs. Deborah Balli, Finance Director, stated that this is a budget amendment for the \$4,000 donation.

Introduction item.

19. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add, change and reclassify positions and correct clerical error to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).

Ms. Diana Gonzales, Human Resources Director, reported that this item addresses the proposed changes for the 2014-2015 compensation plan. Under the Exempt Level Salary Plan there is a request to add two positions which is just to create the positions of Economic Development Director and Parks and Recreation Director. This will only create the positions in step 1. Funding methods will be brought up at a later meeting should the City Manager decide to fill these positions. In the Non-Exempt/Non-Civil Service Classification Plan there is one title change from Help Desk to Help Desk Coordinator. This change will have no monetary impact to the compensation plan. There is one reduction of a classification position of the Fire Telecommunications Operators. These positions were created for the first time in 2014 for this fiscal year. Gonzales further reported that upon further review and discussion with the Fire Chief, the positions are requested to be downgraded from Class 14 to Class 11. These positions are new to City and after review the positions will not require training and licensing mandated by the City for the Police Telecommunication Operators. The change will have a monetary impact but the actual amount will not be realized until the positions are filled. Ms. Gonzales stated that the last item is a clerical correction. This for classes TF and TFS which are the Task Force non-exempt positions. The Task Force positions were moved to their own classification codes for fiscal year 2014-2015. When the change occurred the formula dealing with the 1.5% COLA failed to be incorporated correctly in the TF and TFS classes. This is a clerical correction with no monetary impact to the City. The Finance Department utilized the correct numbers for budget preparation as well as for payroll processing.

Commissioner Garcia requested to pull the Economic Development Director management position salary plan and Parks & Recreation Director Management Level 2 from this proposed ordinance. Garcia further stated that he would like further clarification.

Mayor Fugate stated that he would like to further discuss this item when the City Manager is present at the next Commission meeting. Mayor Fugate further stated that he doesn't feel that request by Commissioner Garcia needs to be done at this time, since this is only an introduction item.

Ms. Gonzales commented that this is only to create the positions which cannot be filled until there is funding budgeted.

Commissioner Garcia commented that he fully understands this.

Introduction item.

20. Consider a resolution authorizing the City Manager to enter into a consultant contract with CK Consulting Firm, LLC for planning, zoning, and development related issues. (Director of Planning and Development Services).

Mayor Fugate commented that upon a request made by Commissioner Leubert not to address agenda item 20, as she and himself have some questions regarding this item.

21. Consider a resolution authorizing the Chief of Police to enter into an Interlocal Cooperation Agreement between the Harris County District Attorney's Office and the City of Kingsville Police Department. (Chief of Police).

Mr. Ricardo Torres, Chief of Police reported that this is an agreement with Harris County District Attorney's office. Torres further stated that due to the high intensity drug trafficking area, there is a lot of currency and drugs passing through our area based out of Houston. There may be some situation where we have cases where the City may get involved with in Harris County.

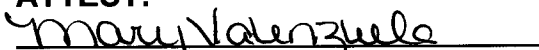
Motion made by Commissioner Garcia and Commissioner Leubert, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary