

MAY 26, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, MAY 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:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
David Mason, Purchasing/IT Director  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Cynthia Martin, Downtown Manager  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/Engineer  
Melissa Perez, Risk Manager  
Willie Vera, Task Force Commander  
Ricardo Torres, Police Chief  
Tony Verdin, Information Systems Technician  
Deborah Balli, Finance Director  
Robert Rodriguez, Library Director  
Daniel Ramirez, Building Official  
Joey Reed, Fire Chief  
Jennifer Bernal, Community Appearance Supervisor

**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 four Commission members present, Pecos being absent.

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

Regular Meeting –May 11, 2015

Mayor Fugate called for a motion to approve the minutes of May 11, 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, Pena, Fugate voting "FOR". Pecos "ABSTAINED".**

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

**1. Public hearing regarding condemnation proceeding for structures located at 907 E. Ave. A, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:03 p.m.

Mayor Fugate 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.

Mr. Tom Ginter, Director of Planning & Development Services, reported that staff did not receive any phones regarding this address.

Mrs. Courtney Alvarez, Interim City Manager/City Attorney, asked that for the record, staff would need to describe some of the conditions that are noted under the Property Condition Report.

Mr. Ginter reported that this structure is an attractive nuisance to children, a harbor for vagrants, criminal and immoral people. It show evidence of roach, rat, mouse, or other vermin found within the property. This property also has an uncovered roof and graffiti. Building Official found the overall condition to be in a severe and hazardous state of disrepair. It is unsecured allowing for easy access for animals and/vagrants. This property has been without water service.

Mayor Fugate commented that the Building Official did a great job in documenting the conditions of this property.

Commissioner Garcia asked if this property is being occupied.

Mr. Ginter responded that staff believes that this property may be occupied.

Commissioner Pecos asked if this property was receiving any utility services.

Mr. Ginter responded that this property is receiving water services.

Mayor Fugate commented that he doesn't think this location has any power services, as pictures show that this property is out of code. Mayor Fugate asked how this property is receiving water services.

Mr. Daniel Ramirez, Building Official, reported that he believes that the owner of the property located in the back which is why this property still has water service. Water bill is being paid monthly. Ramirez further comments that nobody should be living in this property.

Mayor Fugate commented to staff that prior to demolishing this property, staff should knock on the door to make sure it is cleared out.

Commissioner Leubert asked if city staff had made contact with the property owner.

Mr. Ramirez responded that he has made contact with the property owner.

Commissioner Garcia asked if there is more than one water meter located at this property.

Mr. Ramirez responded that this property only has one water meter to which this property has been accessing water from.

Mayor Fugate commented that this property is one of those that need to come down as soon as possible as it is not safe.

Mayor Fugate closed this public hearing at 6:06 p.m.

**2. Public hearing regarding condemnation proceeding for structures located at 614 W. Ragland, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:06 p.m.

Mayor Fugate 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.

Mr. Ginter reported that this property has had no water service since November, 2013 and owe back taxes as far back as 2009. Building Official found the overall condition of the structure to be in a severe and hazardous state. The roof towards the rear of the home cannot hold the dead weight it is meant to sustain. The exterior walls have deteriorated and allow the elements to enter the home which has caused some damages to the interior structure. The foundation of the structure is severely rotted and the possibility of collapsing is evident.

Commissioner Garcia commented that pictures show that there is a meter on this structure.

Mr. Ramirez commented that the meter has been removed. Picture that shows meter is one taken in 2013.

Mayor Fugate commented that pictures show that some plumbing work was started in the structure. Fugate asked when the last time the Building Official had visited this property.

Mr. Ramirez commented that it is his believe that the property owner had a grant with the government or the City that was furnishing free sewer lines from sewer tap to the house.

Mayor Fugate asked Mrs. Alvarez that for evidentiary purposes, this photographs are submitted for the record so that if anyone questions the Commission's decision making they can see what the Commission is seeing and why they made that decision.

Mrs. Alvarez responded yes, it is always good for members of the viewing audience that don't have the opportunity to see a lot of the photos of the derelict tones to see the substandard electrical work that is depicted in the pictures and the substandard plumbing.

Mayor Fugate commented that this structure has no roof or shingles and the siding on it has completely rotted out. All plumbing and electrical is exposed, with extension wires running into the house which is a big hazard. Fugate further stated that if citizens were to see these pictures, they would agree that this structure needs to be condemned.

Mayor Fugate closed this public hearing at 6:11 p.m.

**3. Public hearing regarding condemnation proceeding for structures located at 315 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:11 p.m.

Mayor Fugate 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.

Mr. Ginter stated that he received a phone call today from the property owner Jose Gomez. Mr. Gomez is unable to make this meeting due to illness and is requesting additional time so he can attend the meeting to state his case.

Commissioner Pecos commented that the conditions of this house show that it is unrepairable.

Mayor Fugate asked Mr. Ramirez if these pictures were taken back in November, 2014, has staff revisited this property since then.

Mr. Ramirez commented that this no changes have been made to the structure.

Mrs. Alvarez commented that one photo shows clothing sipping through between the foundation and the exterior wall from the interior of the house.

Mayor Fugate commented that electrical is out of code and the exterior of the home is rotted.

Commissioner Leubert commented that the interior and exterior of the property is full of trash.

Mayor Fugate further commented that photos show that there are mattresses in the property to which vagrants may be staying in the house which calls for concern.

Mayor Fugate closed this public hearing at 6:14 p.m.

**4. Public hearing regarding condemnation proceeding for structures located at 324 E. Ailsie, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:14 p.m.

Mayor Fugate 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.

Mr. Ginter reported that staff has not received any phone calls regarding this property. Building Official has found the overall condition to be in a severe and hazardous state of disrepair. Structure is unsecured allowing for easy access for animals and/vagrants. This property has had no water service since September, 2008. Taxes have not been paid since 2008.

Commissioner Pena asked if there was any reason why staff did not get any pictures of the inside of the structure.

Mr. Ramirez responded that at that time, he was unable into the property.

Commissioner Pecos asked if property owner made contact with city staff.

Mr. Ginter's response was no, not to his knowledge.

Mr. John Grief, KPD Police Officer, commented that he strongly recommends the city condemning this property. Mr. Grief stated that this starts off with a divorce. This was two acres that were divided into four tracts. Mr. Grief was awarded three out of the four. Part of the divorce decree was that she gets the house and Lot 218. Lots being talked about are 217, 218, 219, and 220. She was awarded 218 and the house Grief was awarded 220, 219, and 217. Grief stated that he has sold Lot 217, to which a beautiful home was built that will bring in more tax income into the city. Grief stated that he is having a problem because part of the divorce decree was, if the house, garage, or fence sits on any of his property, he is not allowed to sell it or damage the property. Grief stated that he agreed with that. Grief stated that his ex-wife moved on with her life and left the house to which he tried to go the civil way and asked her to tear the house down due to it going downhill. Grief stated that he was not successful with his recommendation. Grief further stated that at this time, she owes around \$12,000 in back taxes. The house has been in his family for a very long time; however he and his family have all decided that condemning this property is the best thing to do.

Commissioner Leubert asked if the wife owns this property.

Mayor Fugate commented that the ex-wife owns the property.

Commissioner Leubert asked if staff will be dealing with her. Staff responded yes.

Mayor Fugate closed this public hearing at 6:19 p.m.

**III. 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."

Mrs. Alvarez announced that the next Commission meeting is scheduled for Monday, June 8<sup>th</sup> with agenda items for this meeting as well as staff reports is due on Friday, May 29<sup>th</sup>. Alvarez further announced that staff received a notification from Mr. Glen Jones of NAS Kingsville, organizing a commemoration of the 1942 Battle of Midway. This event will take place June 3<sup>rd</sup> at 10:00 a.m. onboard the U.S.S. Lexington in Corpus Christi. The public is free to attend this ceremony. Alvarez further announced that the next TML Region 11 Quarterly meeting is scheduled for Friday, June 5<sup>th</sup> in Corpus Christi. Mrs. Alvarez stated that there is notice that's gone out to employees and included in the staff report, that Entrust the City's health insurance third party administrator has is something called Enformed.com that will allow employees to login and access all claims filed.

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

There were no public comments made at this time.

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 item as presented.

**Motion made by Commissioner Pena to approve the consent agenda as presented, seconded by Commissioner Pecos. 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 City of Kingsville Code of Ordinances by amending Section 9-3-53, providing for an increase in the impoundment, daily boarding and vaccination fees. (Director of Health).**

##### REGULAR AGENDA

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

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

2. **Consider condemnation of structures located at 907 E. Ave. A, Kingsville, Texas. (Director of Planning & Development Services).**

**Motion made by Commissioner Pecos finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper,**

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

**3. Consider condemnation of structures located at 614 W. Ragland, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Pecos finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

**4. Consider condemnation of structures located at 315 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Pecos finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

**5. Consider condemnation of structures located at 324 E. Ailsie, Kingsville, Texas. (Director of Planning & Development Services).**

Motion made by Commissioner Pecos finding not able to repair building or structure is unsafe and present condition is a violation of ordinances and cannot be corrected without substantial reconstruction then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

**6. Consider potential cost sharing with Kleberg County for Library electrical repairs. (Director of Purchasing & Technology).**

Mayor Fugate commented that this sounds to him as a mute issue.

Mrs. Alvarez stated that based on the update that she received about the County Commissioners' Court meeting that was held earlier today, it is best asked that the City Commission take no action on this item at this time.

No action taken.

**7. Consider a resolution establishing Guidelines and Criteria for Economic Development Incentives within the City of Kingsville. (Director of Planning & Economic Development).**

Mr. Ginter stated that these guidelines are good for two years. These guidelines expired January, 2015. Mr. Ginter further stated that he has no suggestions, additions, or corrections for these guidelines as he hasn't had the opportunity to implement them.

Mayor Fugate asked if this was what was done last time.

Mr. Ginter responded yes.

Mayor Fugate asked Mrs. Alvarez if she had the opportunity to look over these guidelines.

Mrs. Alvarez responded that she has looked them over and is the exact same language as previous.

Commissioner Leubert asked if these guidelines are still needed as plenty of development is occurring within the City. Leubert further asked if there is any way that a quarterly report be submitted from those entities that are granted these incentives.

Mayor Fugate stated that this only sets the guidelines and each project would need City Commission approval.

Mr. Ginter stated that these guidelines are in place, should a project come along in the future. Ginter further stated that some monitoring wording could be included in the guidelines, should the Commission decide to do so.

Commissioner Leubert asked Mrs. Alvarez if the Commission chooses to do so, could some monitoring wording be implemented into these guidelines.

Mrs. Alvarez's response was that it could go within the guidelines or tailor the agreement with each Economic Incentive Agreement on a case by case basis.

Mr. Ginter stated that if tailored towards the agreement, it could be tailored for that specific project.

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

**8. Consider a resolution revising 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 the current Investment Policy was sent to the Government Treasury's Organization of Texas (GTOT) certification program and was awarded a Certificate of Distinction for a two year period which will end on March 6, 2017. When the certification was sent back to the City, it had some recommended changes to the policy which is incorporated into the policy being presented at tonight's meeting.

Commissioner Pecos asked who the designated individuals for this Investment Policy were.

Mrs. Balli's response was that it lists the same individuals that are already on the Investment Committee.

Commissioner Garcia asked about the criteria changes and her comments on each one.

Mrs. Balli responded that one of the changes was not to be so particular in a specific investment but more as a broader category for those types of investments. The other change was authorize investment for repurchase agreements, it broaden the language and had more details as to what a purchase agreement was to help explain what those types of investments were. Other changes made were to the Local Government Investment Pool that had specific languages which was taken out and replaced it with language that more representative what's in the PFIA which is the Public Funds Investment Act. The language that was changed is basically having it more reflect exactly what is in the Act.

**Motion made by Commissioner Garcia 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".**

**9. Consider a resolution revising the City of Kingsville Purchasing Card (P-Card) Policy for use of the City credit card. (Director of Finance).**

Mrs. Balli stated that she could never find whether an old P-Card Policy ever existed or not so staff drafted a new policy for P-Card use. This policy lays out the guidelines of what you can and cannot purchase with the P-Cards. This policy will be applied consistently across the board.

Commissioner Garcia asked if there have been any inconsistencies where prior acts did not comply with what the policy is today.

Mrs. Balli responded that because there weren't specific guidelines on what was acceptable and appropriate, there were some departments that were doing some things that were inconsistently applied, so this policy now sets forth those guidelines for everybody.

Mayor Fugate suggested that this be published to everyone who has a P-Card so that they have the rules on the use of P-Cards.

Mrs. Balli commented that staff has had several meetings with directors to get their input on what the policy should be. Once approved, copies will be sent to employees as well as schedule meetings with department employees so that they are made aware of what is expected of them.

Commissioner Garcia asked if staff has discovered any misuse or abuse in the P-Card system.

Mrs. Balli responded that there hasn't been any abuse, but there are some things that staff wants done differently, such as not having payments for celebrations and things of that nature. It was looked into as to what was being done with the P-Card and spoke with the Auditors that stated these types of purchases are no longer acceptable. Without a policy in place, it's hard to say what can and cannot be done.

**Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos.**

Mayor Fugate thanked all those who were involved in drafting this policy.

Mr. Mason commented that this is basically just tightening up the policy.

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

**10. Consider introduction of an ordinance amending the fiscal year 2014-2015 General Fund budget for computers and equipment for the City Manager's Office. (Director of Finance).**

Mrs. Balli reported that the computers in the City Manager's office need to be upgraded. Monies were available within the City Manager's budget, therefore staff is recommending funds to be moved to take care of the purchase of the equipment.

Commissioner Garcia asked what is wrong with the current City Manager's computer that is asking to be replaced.

Mr. Mason stated that this was a recommendation from the Interim City Manager who was using that particular computer and indicated that it didn't seem as though it was up to par with the rest of the equipment in the building. Mason further stated that the equipment may have been adequate for the previous City Manager, but inadequate for the Interim City Manager and for the incoming City Manager.

Mrs. Alvarez commented that it would be embarrassing for the new City Manager to come in and have to work off the old computer as the screen is low and small in size, keyboard has missing keys and computer is very slow. Mrs. Alvarez further commented that as well as purchasing a new computer for the City Manager, the City Secretary needed to be upgraded as the IT Department is changing out all older models to newer ones. As there were funds available in the City Manager's budget, all IT purchases need to come out of Technology.

Commissioner Pena commented that the Commission has received sufficient explanation as for the need to purchase new equipment.

Commissioner Garcia stated that this begs a question "was it sabotaged"?

Mr. Mason's response was no.

Introduction item.

**11. Consider accepting donation from the Texas A&M Student National Pharmacist Association in the amount of \$3,255.91 for Corral Park Improvement Project. (Parks and Recreation Manager).**

Mrs. Susan Ivy stated that this donation is from the Texas A&M Student National Pharmacist Association. The donation is to offset the cost of expenditures of the new equipment that is being placed at Corral Park.

**Motion made by Commissioner Garcia to accept the donation, seconded by Commissioner Pecos.**

Mayor Fugate commented that he feels that the Pharmacist Association does not get enough publicity for all that they do for our community.

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

**12. Consider accepting donation from the Brookshire Foundation in the amount of \$3,000 for Summer Track and Summer Swim Team Programs. (Parks and Recreation Manager).**

Mrs. Ivy reported that this donation is from Brookshire Foundation for assistance with funding the Summer Track and Summer Swim Team Programs.

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

**13. Consider introduction of an ordinance amending the fiscal year 2014-2015 General Fund budget to accept and expend donations made to the Kingsville Parks and Recreation Department. (Director of Finance).**

Introduction item.

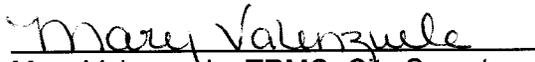
#### **VI. Adjournment.**

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