

JULY 27, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 27, 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
Arturo Pecos, Commissioner
Al Garcia, 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
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Willie Vera, Task Force Commander
Ken Starrs, Assistant Task Force Commander
Ricardo Torres, Police Chief
Robert Rodriguez, Library Director
Leo Alarcon, Tourism Director
Bill Donnell, Asst. Public Works Director
Tony Verdin, IT Specialist
Joey Reed, Fire Chief
Jennifer Bernal, Community Appearance Supervisor
Cynthia Martin, Downtown Manager
Melissa Perez, Risk Manager
Susan Ivy, Parks 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 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 – July 13, 2015

Mayor Fugate called for a motion to approve the minutes of July 13, 2015 as presented.

Motion made by Commissioner Pena to approve the July 13th 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).¹

1. Public hearing for a special use permit for a wrecking or salvage yard currently zoned as I1 (light Industrial) located at Corral, Block 2, Lot 23 also known as 1200 E. Corral by Eric J. Cantu, agent, for Daniel Rosas, owner.

Mayor Fugate announced and opened this public hearing at 6:02 p.m. Mayor Fugate commented that if there was anyone that would like to speak on behalf of this item, may do so at this time. There is a five (5) minute time limit to speak and cannot be extended by City Commission.

Mr. Tom Ginter, Director of Planning & Development Services, reported that this is a request for a special use permit for a impound lot at 1200 E. Corral Ave. Ginter further reported that there was a bit of confusion regarding how the property was going to be utilized. The Planning and Zoning Commission had a conference call with Mr. Cantu regarding the confusion and staff has received in writing that the property will only be used as an impound lot. There will be no salvaging of parts on any of the vehicles that they bring into the lot. In the ordinance being introduced tonight, there is some special conditions that need to be met. There are some special conditions that need to be followed; 1) property must be completely enclosed by a privacy fence around the

perimeter; 2) must obtain all necessary permits. Ginter further stated that after the conference call, the Planning and Zoning Commission voted 7-0 to approve the special use permit.

Commissioner Leubert asked if this was just an impoundment lot and will it have landscaping.

Mr. Ginter responded that it was stated during the conference call with the Planning and Zoning Commission they stated that they would be landscaping around the perimeter.

Commissioner Leubert further commented that it is a requirement under the code of ordinance.

Commissioner Garcia asked whether the fence enclosure needed to be of a certain type of material.

Mr. Ginter responded that it be sight obscuring but doesn't have to be of any specific material.

Commissioner Garcia further asked that with impound yards; there are usually vehicles that sit around for 30 to 90 days. Will these vehicles remain there longer than 90 days?

Mr. Eric Cantu owner of Lone Star Wrecker Service responded that vehicles will stay at the lot for only 45 days, which is the maximum time the state allows. After 45 days vehicles will be picked up by the entity that has a contract for the impoundment of vehicles.

Mayor Fugate asked Mrs. Alvarez if it was allowed to continue with questions, or should Commission wait until the item is introduced?

Mrs. Alvarez responded that it would be preferable to wait until the ordinance is introduced as this item is an introduction item only.

Mayor Fugate closed this public hearing at 6:07 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."

Mrs. Alvarez reported that the next scheduled City Commission meeting will be held on Monday, August 10th. Deadline to submit agenda items and staff report is Friday, July 31st. Staff meeting will be held on Wednesday, July 29th at 10:30 a.m. to discuss the draft travel policy as well as other regular staff meeting items. Alvarez further reported that staff received a call from the Texas Department of Transportation (TXDOT). TXDOT advised staff that they will begin contract work on 14th Street tonight. They will work from Corral Street down 14th Street and work their way South. TXDOT will be laying down a new overlay down 14th Street.

Mr. Tom Ginter and Jennifer Bernal made a presentation to the City Commission on abatements and demolitions.

Mr. Ginter stated that this information is based on abatements and demolitions done with the past 12 months from June 2014 to June 2015. Within this period of time, the Community Appearance has mowed and/or cleared debris of 350 properties. Of that, 70 properties have been addressed more than once. The total amount billed to customers including administrative fees is \$77,100, and approximately 24% of that amount has been paid by the property owner. At this time, no liens have been reported. Ginter continued to report that the analysis of the abatement is what it is to be expected. This function is being handled by two operators who also mow city owned properties such as the monument sign on the bypass and around the caboose to the west.

Mr. Ginter continued with his presentation of demolitions. He stated that there are two types of demolitions, one being voluntary demolition and Commission approved

demolitions. A total of 33 structures have been demolished in the last 12 months. Commission has approved 11 demolitions and 22 have been voluntary demolitions. The 22 structures that have been demolished have a total cost of \$53,022 to the property owner. Of that \$53,022, 48% has been paid or is in good standing with a payment plan. With the 11 Commission approved demolitions, all 11 properties have been placed on liens; with a total cost to the City for condemnations is \$23,764. The total cost of demolishing 33 structures by the City in the last 12 months has been \$76,786. The average cost per structure is \$2,376.87. Of the \$76,786.81, 28% has been paid to the City with the remaining 72% either outstanding or will be placed as liens on the property.

Commissioner Leubert thanked staff for all their hard work on this presentation. Leubert also asked that if there is anything staff can do to encourage property owners to pay what they owe, such as hold off on providing water services if bills aren't paid. Leubert also commented that she is aware that some of these property owners owe back taxes, and she feels that it is time on foreclosing on some of these properties.

Mrs. Alvarez responded that if they meet certain requirements that are in the Tax Codes in order to do such a foreclosure, then the Commission within the last 12 months has contracted with Linebarger Firm to proceed with that.

Commissioner Garcia asked that with regards to the agreements that are reached for paying the fees, is there any interest rate connected to that fee.

Ms. Bernal responded that not on the demos until there is a lien placed.

Mrs. Alvarez also responded that once the lien is placed, there is a certain interest rate that is connected to the fee.

Commissioner Garcia further asked what the interest rate is. Mrs. Alvarez responded that she would need to check the state statute but believes it may be around 7%.

Commissioner Pena asked how this affects the landfill with all debris from these demolitions.

Mrs. Alvarez commented that the city can only charge what the state statute allows to charge. Generally this is the actual cost for the demolition and the disposal and then the interest for unpaid fees.

Commissioner Pena stated that his concern is the landfill and the tonnage that is being dumped.

Commissioner Leubert commented that they are still working on a permit to expand it. She further stated that you can separate construction debris into another area that was for a while being separated from regular garbage. She further asked Mr. Bill Donnell Assistant Public Works Director which area of the permit for the landfill they are working on. Leubert further asked Mrs. Alvarez if this discussion was going a little off subject.

Mrs. Alvarez responded that this is only a presentation item only. The discussion is starting to get stretched, but with regards to that, we can only do what the state statute allows.

Commissioner Leubert commented that Mr. Donnell can answer Commissioner Pena's question.

Mr. Donnell responded that for Commissioner Leubert's question, we do have a Type 4 and a Type 1. The Type 4 is to capacity, so we are only going into the Type 1 section.

Commissioner Leubert further asked if all construction debris is going into the Type 1. Mr. Donnell responded yes. Leubert further asked which permit they are working on. Mr. Donnell responded that they are working on Type 1.

Mayor Fugate commented that Ms. Bernal and her department do a great job. Fugate asked where staff stands on the old hospital and are we looking to doing something with this structure. Fugate further stated that in previous staff reports the 10 worst properties were listed and he would like to see this included on the Staff Report again.

Mr. Ginter responded that he attended a Brownfields workshop last week and feels that there is an opportunity in Brownfields.

IV. Public Comment on Agenda Items.³

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

Mr. Ken Starrs, works for the City of Kingsville and wife Karen. Mr. Starrs commented that he and his wife starting a journey 2 ½ years ago when their house burned down that almost caused the life of Mrs. Starrs. He further stated that he and his wife were trying to figure out a way to thank everyone that helped them through this time. The family decided to make a coin with a picture of Mrs. Starrs during her recovery with a thank you note on it. Mr. Starrs stated that he and his wife would like to present the City of Kingsville with a plaque as a thank you to the City for all their support.

Lance Hamm, 912 S. Creek, stated that he would like to speak about highway safety on US 77 Bypass and FM Rd 1717 intersection. Hamm requested for the City Commission to submit a resolution on behalf of the citizens of Kingsville to TXDOT asking for a mandatory speed limit reduction to 55mph. Hamm stated that the emails he has received from TXDOT, state that they will be doing rumble strips, flashing lights, intersection ahead signs and a plaque stating 55mph, but only as an advisory. Hamm stated that he doesn't feel this is good enough and feels that it needs a mandatory speed limit reduction to 55mph which can be enforced. Hamm stated that he respectfully request that the City of Kingsville Commission submit a resolution requesting the speed limit reduction and submit it immediately to TXDOT so it can be placed on the books. Mr. Hamm stated that the other thing he would like to discuss is the enforcement. He stated that he spoke to Terry Pance, Traffic Safety of TXDOT, who provided Mr. Hamm with Stephanie Kristina's information who works for TXDOT in Corpus Christi. Ms. Kristina is in charge of Selective Traffic Enforcement Program (STEP) Grants. The city can ask for a grant from TXDOT. Hamm further stated that there have been five fatalities within this area and other accidents. This grant is to cover overtime for law enforcement. Hamm stated that the traffic study that was done a couple of weeks ago shows that the southbound traffic at this intersection is going 75 mph. The northbound traffic is going 71mph, based on the 85 percentile rule. This means that 15% of drivers out there are going above 75mph. Hamm further commented that with law enforcement enforcing the speed limits within this area, they can ticket those that are going over 10 mph. If law enforcement can get the speed limit down to 65mph, then TXDOT legally by their 85 percentile can lower it to 55mph. Hamm stated that the citizens really need the Commission to sign a resolution and get it to TXDOT so that we have something in the books.

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 items as presented.

Motion made by Commissioner Pena to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, 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 2014-2015 Fiscal Year Audit. (Finance Director).**
- 2. Motion to approve the Historical Development Board decision on an application for a sign permit for a new hanging sign at 306 E. Kleberg Avenue, which was unanimously approved by the board. (Downtown Manager).**
- 3. Motion to approve the Historical Development Board decision on an application for a building permit for a new garage at 321 E. Fordyce, which was unanimously approved by the board. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1200 E. Corral Avenue (Corral, Block 2, Lot 23) for automobile storage/impound lot. (Director of Planning & Development Services).

Commissioner Leubert asked what is the size of this impound lot. Mr. Cantu responded that he believes it is one acre. Mr. Ginter responded that he believed it was 90x200.

Mr. Cantu commented that they will landscape the property and they look into employing around 200 individuals and have about \$300,000 worth of equipment at this impound lot. Cantu further commented that after speaking with law enforcement, he is aware that there has been some issues with towing companies and the time it takes them to arrive after being called out.

Commissioner Pena asked if Mr. Cantu will be leasing from Mr. Rosas or is he part of the business. Mr. Cantu responded that they will be leasing with intent to purchase the property at a later time.

Mayor Fugate asked what type of fencing they will be installing. Mr. Cantu responded that at this time there is a chain-link fence. Mayor Fugate asked Mr. Ginter how this is going to work. Mr. Ginter responded that they will be installing a cedar fence slats that are overlapped so that you can't see through.

Commissioner Pecos asked if this property is located next to the city yard. Mr. Ginter responded that this property is located further down near the welding shop.

Mayor Fugate commented that his location is an entry way to the city and after allowing a recycling company to come into the area, he would not like to see another business to come in and not maintain their property.

Mr. Cantu commented that he can reassure the City Commission that the property will be well maintained.

Commissioner Garcia asked if they will be placing a portable building at this location. Mr. Cantu responded that there is already a portable building at this location.

Introduction item.

5. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to cover unanticipated departmental group health insurance costs. (Director of Finance).

Mrs. Deborah Balli, Finance Director, reported that this item will help cover additional health care cost, since open enrollment occurred after the budget was adopted. These expenditures were not known during the Fiscal Year 2014-2015, staff is requesting a budget amendment in the amount of \$19,065. Balli further commented that this is due to personnel changes or changes in coverage resulting in increased Group Health Insurance expenditures.

Introduction item.

6. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to cover excess audit fees. (Director of Finance).

Mrs. Balli reported that the audit fees have been the difference between what budget according to the engagement letter staff received according to what we get billed at the end. It has been decreasing every year, and as staff gets caught up, these audit fees will be coming down every year.

Introduction item.

7. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to cover increased communication fees. (Director of Finance).

Mrs. Balli reported that amendment is to cover increased communication fees in the Municipal Building and Police Department Communications Department. Due to recent changes with communication providers, the cost of phone services has increased. These are lines that cannot be absorbed by any other line item within the Police Department budget.

Introduction item.

8. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget to cover additional FEMA Grant cash match for Fire Department. (Director of Finance).

Mrs. Balli reported that this amendment is to cover the grant revenues and expenditures associated with the recently approved Resolution #2015-38 authorizing the City to request approval to utilize the remaining funding for vehicle intercom communication system from the FEMA Assistance to Firefighters Grant with a \$1,000 cash match.

Introduction item.

9. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for Parks Department recreational programs. (Director of Finance).

Introduction item.

10. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for a Kleberg County Airport grant cash match. (Director of Finance).

Introduction item.

11. Consider approval of a resolution authorizing the City Manager to execute an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments. (Interim City Manager).

Mrs. Alvarez stated that the Commission on State Emergency Communications has a requirement that began in 2009, that a new interlocal agreement be executed between the local COG and the participating local agency. In this case it would be the Coastal Bend Council of Governments with the city to which an interlocal has to be renewed every two years. Alvarez stated that we first started this in October 26, 2009 and renewed on August 22, 2011 and again on July 22, 2013. It is time again for its two year renewal.

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

12. Consider approval of a resolution authorizing the City Manager to enter into a Cooperative Purchasing Agreement between the City of Kingsville and Western States Contracting Alliance for all allowable purchases including but not limited to participating addendum for data communications products and services 14-19. (Director of Purchasing & Technology).

Mr. David Mason, Director of Purchasing & Technology stated that to our current participation agreement with the Western State Cooperative Alliance (WSCA), this allows for the purchase of the Shoretel phone system previously authorized by the City Commission. This will allow us to contract through them with the actual vendor. This has been done before through the AutoZone Contract, which also went through WSCA.

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

13. Consider approval of a resolution authorizing the City Manager to enter into an Interlocal Participation Agreement for the Goodbuy Purchasing Cooperative. (Director of Purchasing & Technology).

Mr. Mason stated that the Goodbuy Purchasing Cooperative is operated by the service center in Corpus Christi, ESC2, and they want the City of Kingsville to part of their purchasing cooperative. This will help the City tap in to more local area sources which covers some of the counties that the COG covers. There is no financial obligation; this is just another cooperative alliance that the City can become members.

Commissioner Garcia asked if there was an advantage to doing this. Mr. Mason responded that it is always good to become a member, but there isn't a particular product that he is interested in purchasing at this time.

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

14. Consider authorizing wireless network installation project to enhance security and reliability of the City's network infrastructure. (Director of Purchasing & Technology).


At the request of staff, item #14 was heard before item #13, as it is related to item #12.

Mr. Mason stated that in order to provide a more secure and reliable network for multiple city buildings, wireless network infrastructure was budgeted under Capital Outlay for the New City Hall. This will be done with two separate PO's. One to Aruba Wireless Hardware for \$44,639.52 and the other to CDWG for managed services for \$111,275.49 under the DIR Contract and WSCA as well.

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

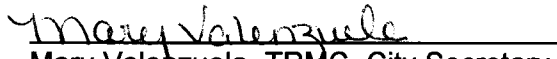
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:42 p.m.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary