

NOVEMBER 14, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 14, 2016 IN THE CITY HALL COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
David Solis, Risk Manager
David Mason, Director of Purchasing
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Leo Alarcon, Tourism Director
Cynthia Martin, Downtown Manager
Kyle Benson, IT Manager
Adrian Garcia, Fire Chief
Ricardo Torres, Chief of Police
Susan Ivy, Parks Manager
Richard Flores, Golf Course Manager
Robert Rodriguez, Library Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 24, 2016

Special Meeting- October 31, 2016

Motion made by Commissioner Pena to approve the minutes of October 24th and October 31, 2016 as presented, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting “FOR”.

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

1. Public Hearing on an ordinance changing the zoning map in reference to Bass, Block 2, Lot 17-22, also known as 1100 W. Kenedy Block from C4-Commercial District to R3-Multi-Family District, MRSL Investments LLC, owner and Mike Ewers, agent. (Director of Planning and Economic Development).

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

Mr. Tom Ginter, Director of Planning and Economic Development reported that Mr. Michael Ewers is requesting a rezoning of the property from a C4 Commercial to R3 Multifamily. Research shows that this property in 1970 was rezoned to a Class B Business District. After reviewing the researched documentation and consulting with the City of Kingsville City Attorney, staff is moving forward with that zoning. In the city's current zoning structure an R3 development is not allowed in a C4 zone. Planning and Zoning Commission has met on November 2, 2016 where they voted 5-0 to recommend approval of the rezoning request.

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

There being no further comments made, Mayor Fugate closed this public hearing at 6:06 P.M.

III. Reports from Commission & Staff.²

*“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, Quarterly Budget 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 and **Golf Course**. No formal action can be taken on these items at this time.”*

Senator Eddie Lucio made a presentation of gifts to the City Commission. The gift consisted of a Texas Flag and a proclamation for each individual. Senator Lucio congratulated the City Commission and staff for the restoration of the new City Hall.

Mr. Jesús A. Garza, City Manager made a presentation of the Employee of the Month for September to Mr. Eddie Barrientes employee of the Parks Department.

Mr. Barrientes thanked Mrs. Susan Ivy and Mr. Garza for their support as well as thanked the City Commission.

Mrs. Courtney Alvarez, City Attorney, announced that the next regularly scheduled City Commission meeting will be on November 28th with the deadline to submit items for the agenda on November 16, 2016. She further announced that as per Section 15-6-126(b)(3) of the City Code of Ordinances, all political signs must be removed 10 days after the election, making the deadline November 18, 2016.

Mr. Garza announced that there will be a groundbreaking of the Cottage Building at 8:30 A.M. on November 15, 2016 which will be converted into the Planning and Economic Development Services Offices.

Mr. Richard Flores, Golf Course Manager gave an update on the Golf Course. Staff is maintaining the Golf Course consistently and trimming trees. At this time staff is looking for a contractor to replace bridge. The fountain will be relocated near the Club House. Fence on Golf Course Road will be replaced soon. The Club House has received some new furniture and will be getting some minor renovations. Flores gave an update on the TABC License. The license should be received in 40 days. Flores will be making contact with several distributors within the next two weeks. The driving range received some dirt to allow mounting to have better control on golf balls. The meeting room located inside the club house has been utilized by Texas A&M University-Kingsville where they have held several meetings.

Commissioner Pena commented that he has seen some improvements to the Golf Course.

IV. Public Comment on Agenda Items.³

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

No public comments were 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 Lopez. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

1. **ORDINANCE NO. 2016-59. Motion to consider final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include additional capital projects not completed in Fiscal Year 2015-2016. (Director of Finance).**
2. **Motion to accept donations from Texas Recreation & Parks Society (TRAPS) sponsors for hosting the annual Regional Maintenance Rodeo. (Parks Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **Consider introduction of an ordinance changing the zoning map in reference to Bass, Block 2, Lot 17-22, also known as 1100 W. Kenedy Block from C4-Commercial District to R3-Multi-Family District. (Director of Planning and Economic Development).**

Introduction item.

4. **Consider awarding bid for contract to renovate the historic pump house as per recommendation of outside architect and staff. (Director of Purchasing).**

Mr. David Mason, Director of Purchasing stated that in conjunction with Killis Almond Architect we advertised for bids on September 28th and October 5, 2016. A copy of the architectural plan was available at City Hall and could be downloaded from Killis Almond. Two potential contractors visited the site during the pre-bid held October 11, 2016. Three bids were received and opened on Tuesday, October 25, 2016 at 1:30 P.M. Bid tab shows the following Maltby Builders, \$457,625.00; Barcom Construction, \$596,156.00; Stoddard Construction \$608,500.00. Mason further stated that funding is available through 054-5-620.1-720.20 of which \$515,562.00 is available. Letter was received from Killis Almond Architects, PC stating the following, upon reviewing the three different bids received on October 27, 2016, we take no exception for the contract to be awarded to Maltby Builders Inc. for the Pump Station renovation project.

Motion made by Commissioner Garcia to award bid for contract to renovate the historic pump house as per recommendation of outside architect and staff, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

5. **Consider awarding contract for fuel services for FY2016-2017. (Director of Purchasing).**

Mr. Mason stated that the City advertised the proposal in the Kingsville Record on October 2nd and October 9, 2016 as well as posting on the City of Kingsville website. Two potential vendors responded by the 1:30 P.M. deadline on October 18, 2016. The actual amount to be used in Fiscal Year 2016-2017 is unknown as it depends on the amount of gas needed throughout the year. For historical purposes, Fiscal Year 2015-2016 purchases of fuel approximated just over \$400,000.00 and staff believes sufficient funds have been budgeted this fiscal year. It is staff's recommendation that the City award the bid to Sunoco Energy Services, LLC, 555 Airtex Dr., Houston, TX with all deliveries from the Corpus Christi Office, 4525 Ayers Street, Corpus Christi.

Commissioner Pena asked what the difference was from year to year. Mr. Mason responded that from the rack plus prices, this is an increase from last year of which overload was .03 over rack and small was .06, so this is a bit more from the rack plus prices.

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

6. **RESOLUTION NO. 2016- 78. Consider a resolution authorizing the City Manager to enter into an Arbitrage Rebate Compliance Services Agreement between the City of Kingsville and First Southwest Asset Management, LLC. (Director of Finance).**

Mrs. Deborah Balli, Finance Director, stated that the City of Kingsville is required to perform arbitrage calculations to determine if there are any arbitrage fees due to the federal government for investment revenue earned on bond sale funds. The last time the calculation was done was in 2010 and it resulted in arbitrage fees due to the interest rate climate at that time. Balli further stated that it is staff's recommendation in enlisting the services of FirstSouthwest Asset Management, LLC to perform the arbitrage calculation.

Mayor Fugate asked how often does this need to be done. Mrs. Balli responded that this needs to be done every five years. The last time it was done was in 2010.

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

7. RESOLUTION NO. 2016-79. Consider a resolution revising the City of Kingsville Administrative Policy No. 640.01-Safety Incentive Award Program. (Director of Human Resources).

Mrs. Diana Gonzales, Director of Human Resources, stated that this resolution will update Policy 640.01 to Safety Incentive Award Program and having the program pertain only to non-civil service field personnel where most of the City's incidents occur. This updated policy monetarily rewards field personnel who remain accident/injury free for each 12-month period. The policy was addressed during the budget workshops for Fiscal Year 2016-2017 and prospective financial savings incorporated into the budget. The difference of the current program and the proposed program is approximately \$7,058.

Commissioner Garcia asked staff why this change was being made. Mr. Garza explained that during the budget process staff was looking for efficiencies. This is where staff found some efficiencies and the monetary should only be for those employees that work in the field. He further stated that office personnel will be losing the monetary award but will keep the eight-hour day off.

Commissioner Lopez asked if all employees will keep their eight-hour day off. Mr. Garza responded yes. Commissioner Lopez further commented that she doesn't see the big savings by removing the monetary award from the employees. Lopez further commented that she is against the change and would not support the change.

Mayor Fugate asked what other cities do. Mrs. Gonzales commented that some cities don't do monetary awards.

Commissioner Pecos commented that he is in favor of the change. Monetary awards should only be for those working out in the field as they have the higher risk of accidents or injuries. Pecos further commented that an inside employee is only at risk of getting a paper cut.

Commissioner Garcia asked what is the largest amount for the monetary award. Mrs. Gonzales responded that for the first year employees will receive \$50.00, second year \$75.00 and third year and subsequent years \$100.00. Monetary incentives are subject to federal withholding and may vary based on budget allocations. By saying this, the city picks up the federal withholdings so that the employee receives the flat rate of \$50, \$75 or \$100.

Commissioner Lopez commented that working in an office is prone for accidents, as she has been hurt herself while working in an office.

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

8. RESOLUTION NO. 2016-80. Consider a resolution adopting the City of Kingsville Administrative Policy No. 731-Flex Leave. (Director of Human Resources).

Mrs. Gonzales stated that this is a new policy to add eight hours of flex leave to be available to all non-civil service employees. This flex leave replaces safety leave removed from policy 640.01 Safety Incentive Award Program. Flex leave provides employees with the ability to use paid time off to meet personal needs. The flex leave would expire if not used by October 31st of each year and is not able to be cashed out upon separation of employment nor is it available to civil service employees or temporary or seasonal workers.

Commissioner Lopez asked if this eight-hour flex leave would be made all exempt and non-exempt employees. Mrs. Gonzales responded that it would be available to all except for civil service employees or temporary or seasonal workers.

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

9. RESOLUTION NO. 2016-81. Consider a resolution revising the Historic District Façade Grant Program Guidelines, and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager stated that the façade grant guidelines are three years old and are due for some updates. Major points of the program guidelines as amended are: Up to \$20,000 of well-designed property improvements; 50% - 50% reimbursement; match may not be in-kind; Business owners can apply to the program with written approval from property owner; Projects must be completed within six months from

date of grant approval; At least three years has elapsed since the property was the recipient of a grant and the property is in need of further improvement to be eligible; For signage, tenant must have at least two (or three) years left on lease; Grant recipient agrees to maintain building in good repair for five years; Applicants agree not to change or alter property improvements within three years; Not intended to cover maintenance; Work already done or in progress not eligible; Project must pass building inspection before money disbursed; Certain façade grants may be considered for a reduction in the percent of match required from the grant recipient, subject to the availability of funds, for projects that significantly accelerate private investment in the historic downtown or are so significant and meaningful from a historical perspective that it would justify a higher level of public expenditure.

Commissioner Garcia asked if property owners have approached the City regarding the façade grant. Mrs. Martin stated that she has had a property owner approach her about it, but most owners usually rent their buildings as is. Commissioner Garcia further asked how this information will get distributed. Mrs. Martin responded that when a new business comes into the downtown area, she pays them a visit and makes them aware of the services that can be provided by the City.

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

10. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend park donations for T.R.A.P.S. maintenance rodeo. (Director of Finance).

Mrs. Balli reported that the Kingsville Parks & Recreation Department is requesting approval of a \$500.00 donation from Musco Sports Lighting and a \$600.00 donation from Aquatic Renovations to offset expenses incurred during the South Region Texas Recreation & Parks Society Maintenance Rodeo.

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include a Texas Parks & Wildlife Grant no completed in fiscal year 2015-2016. (Director of Finance).

Mrs. Balli reported that this item authorizes the approval of a budget amendment in the amount of \$37,709 to include balances in our Texas Parks & Wildlife Community Outdoor Outreach Grant Fund and donations of matching funds from programs we have scheduled for Fiscal Year 2016-2017.

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to include impress funds for the PD-Federal Seizure Fund. (Director of Finance).

Mrs. Balli reported that we use impress funds in the furtherance of criminal investigations. No funds were budgeted for this budget year for impress. Currently this fund contains \$185,721.58. Total impact would be \$300,000.00.

Introduction item.

13. RESOLUTION NO. 2016-82. Consider a resolution authorizing the City Manager to enter into a revised Interlocal Agreement between the Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail. (City Attorney).

Mrs. Courtney Alvarez, City Attorney commented that the existing jail contract between the City of Kingsville and Kleberg County is to expire this month and the parties have negotiated a new jail contract for consideration by both governing bodies for approval. The City of Kingsville approved the contract on October 24, 2016. On November 7, 2016, Kleberg County voted on a counter proposal to that contract that would charge the City \$75.00 per day per bed for any beds exceeding 7 beds in a day. The original proposal had that rate at \$55.00 per day per bed. The City of Kingsville has had a contract with Kleberg County for the housing of inmates since November 5, 1996. The Police Chief and Sheriff have had a contact between them regarding jail beds, incarceration and release of city jail inmates since September 19, 1997. Changes of note from the old contract are that the new contract would be for a two-year term and secure seven beds per day at a rate of \$55 per day per bed as opposed to ten beds per day at a rate of \$45 per day per bed. Staff has been advised that no other entities currently have contracts with the County that guarantee payment for a certain number of beds. Staff has also been advised that Kenedy and Jim Wells Counties pay a daily rate of \$55 per day per bed, though federal entities may be paying as much as \$75 per day per bed, when used.

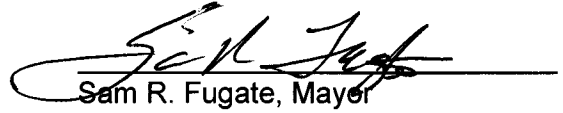
Mayor Fugate stated that he has spoken with the Municipal Judge and stated that he can work with the seven beds per day.

Commissioner Garcia commented that with the City not having its own system, you really can't beat it.

Motion made by Commissioner Garcia to approve the resolution authorizing the City Manager to enter into a revised Interlocal Agreement between Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

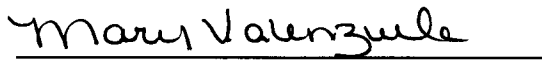
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:11 P.M.



Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary