

OCTOBER 22, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 22, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Mayor Pro-Tem
Dianne Leubert, Commissioner
Hector Hinojosa, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Tom Ginter, Director of Planning & Development Services
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Derek Williams, IT
David Solis, Risk Manager
Diana Gonzales, Human Resources Director
Susan Ivy, Parks Manager
Cynthia Martin, Downtown Manager
Charlie Sosa, Purchasing Manager
Emilio Garcia, Health Director
Israel Vasquez, Interim Golf Course Manger
Adrian Garcia, Fire Chief

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Pro-Tem Lopez opened the meeting at 6:00 P.M. with four Commission members present. Mayor Sam Fugate absent.

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 – September 24, 2018

Motion made by Commissioner Pecos to approve the minutes of September 24, 2018 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Luebert, Pecos, Lopez voting "FOR".

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

1. Public Hearing on ordinance amending the zoning ordinance by granting a special use permit to place an additional building for storage/meetings at Flato, Block 11, (exempt), 2.0661 acres, also known as 702 W. Avenue B, Kingsville, Texas; Sultan Sheikh, applicant. (Director of Planning and Development Services).

Mayor Pro-Tem Lopez announced and opened this public hearing at 6:02 P.M.

Mr. Tom Ginter reported that the North American Islamic Trust, Inc. would like to add an additional structure to their property. There is a mosque currently on their property, and their intent is to add a combination storage/meeting structure. The Land Use Table in R3, requires a special use permit review by the Planning and Zoning Commission and the City Commission. Ginter stated that there is enough ground for the placement of this structure. The Planning and Zoning Commission has met on October 17, 2018 and voted 4 to 0 to approve the special use permit request with the following condition; the building will not be utilized for a business or housing.

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

Mr. Hassahn, 3103 S. Brahma Blvd., representative for the mosque stated that they are space limited and they would like to add additional space but with the cost being high, they are not able to raise that money. This would be a temporary fix for storage space and every so often, host some meetings within this space. He stated that the unit has been purchased which meets all city specifications.

A map of the location where the unit will be placed, was displayed on the screen for the City Commission and public

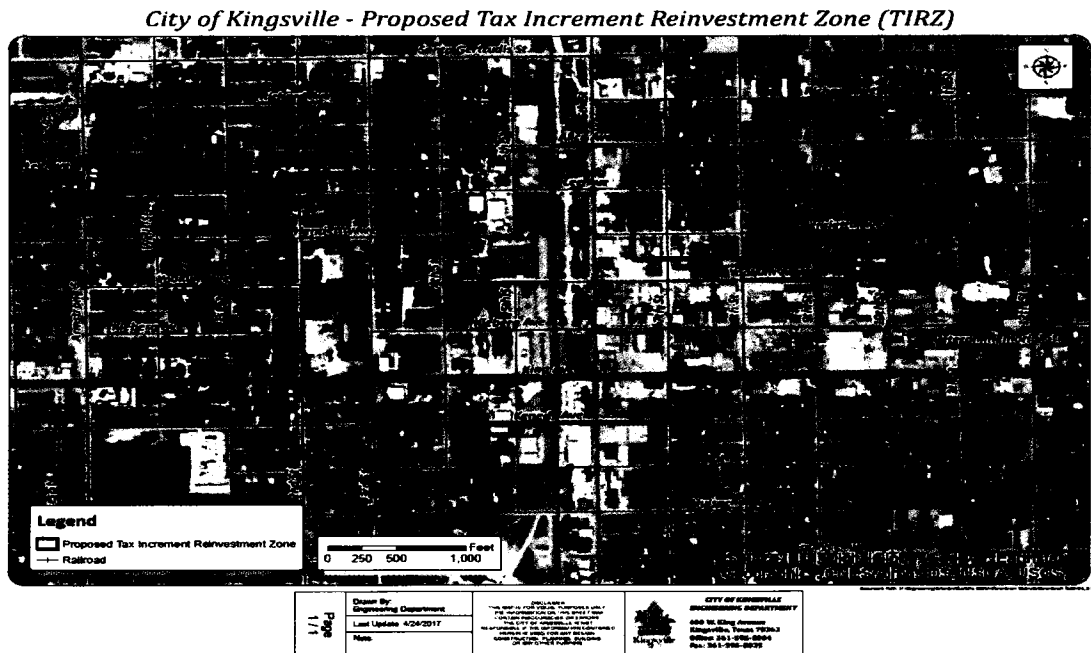
There being no further comments, Mayor Fugate closed this public hearing at 6:06 P.M.

2. Public Hearing on the creation of Tax Reinvestment Zone #1, Historical Downtown District Kingsville, Texas under Chapter 311, Texas Tax Code. (Director of Planning and Development Services).

Mayor Pro-Tem Lopez announced and opened this public hearing at 6:06 P.M.

Mrs. Cynthia Martin, Downtown Manager stated that this public hearing is to address the vision and benefits behind the TIRZ as well as allow residents the opportunity to express their concerns regarding whether they are in or out of the Tourist District.

The proposed district was show on a map that was displayed to the Commission and the public on screen. The map is shown below. The area framed in red includes all of the Main Street District area.



Mrs. Martin stated that the tax is not a new tax, it is just redirecting the current tax. This will have no effect to any of those that are within the Tourist District. Money that is collected from the TIRZ, will be used for the Downtown District for improvements.

Mr. Jesús Garza, City Manager commented that as it was just mentioned, property taxes from these properties towards the TIRZ, it is the increment of the property tax, not all the property taxes that are being paid from these properties. Once the amount is established, a certain amount will continue to go into the General Fund and as it grows and gets better, which is estimated to be 1% to 3%, depending on how is it accessed, that amount is the only part that goes into the TIRZ. Garza further commented that it's important to convey the difference, cause the city's general fund will not see an impact today, it only means that the increments for those specific properties in the future won't go into the city's general fund but will go into the TIRZ's Fund, which will be used specifically for Downtown purposes.

Commissioner Leubert asked who will be paying this increment tax?

Mr. Garza commented that this is not an additional tax, but in essence over the year, properties within the city and county get accessed, and so every year they may be accessed a different amount. For example, if a property is accessed at \$200,000.00, a property tax is being paid based on the \$200,000.00 evaluation. The following year, it may get accessed at \$202,000.00, the original \$200,000.00 and the property tax that that amount generates will still go wherever it goes now, and the taxes on the \$2,000.00 will go into the TIRZ. This would still make the property owner paying their same taxes, it's just how the money is being directed. Garza stated that this is not a new tax or an additional tax, it is simply saying that that increment is going to a specific use.

Commissioner Leubert further asked that the increment amount that is going to be paid into the TIRZ, what properties will pay this increment, and asked if only those within the red (on the map, Exhibit A) will be paying. Mr. Garza responded that only those that are within the red on the map (Exhibit A).

Commissioner Hinojosa asked if there was a reason for the boundaries to go through certain areas of the map and further asked if these boundaries could be adjusted.

Mrs. Martin responded that the boundaries can be adjusted, but the reasoning for the odd boundaries is to not include residential within the boundaries.

Commissioner Leubert asked if there were alleys in the area as well which is cutting the blocks but not cutting the properties.

Mrs. Martin commented that it is more commercial verses residential property.

Mr. Garza commented that one thing that staff can do to clarify the issue further, is to take the map and overlay it with the actual property lines, just to make sure that a are property is not being cut in half and to make sure that staff is prioritizing commercial properties verses residential.

Mr. Ginter commented that the key for tonight's public hearing is to move forward with the map. The next step is to meet with the other taxing entities then come back to the City Commission to determine who will be on the Board of Directors.

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

There being no further comments, Mayor Fugate closed this public hearing at 6:15 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, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mr. Garza reported that the Commission has received the September Monthly Performance Report as well as the Staff Report. A street update has also been provided to the Commission. Garza further updated the Commission on the Municipal Building. Staff has begun to move into the first floor of the Municipal Building. This should be completed by November. Garza spoke about what the city is doing regarding pedestrian safety around the schools. He stated that staff has met with various stakeholders on how we can improve safety around our schools. Staff is working on the school flashers throughout the city and making the necessary changes that are needed. City will be making assessments for safety around the schools in the city. Garza further commented that Kingsville National Historic Downtown has been placed on the historic registry. He further mentioned some events that will take place this upcoming weekend. City of Kingsville will host a Safe Trick or Treating event at the Downtown Pavilion from 4:00 p.m. to 6:00 p.m. He further mentioned that there is also a Cook-off at the JK Northway.

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for Tuesday, November 13th due to Monday, November 12th being a holiday. Agenda items will be due on Friday, November 2nd.

Commissioner Lopez commented that she read and presented a Proclamation for Red Ribbon Kickoff at the High School.

Commissioner Pecos thanked Health Department staff for spraying for mosquitos. He further thanked staff for their hard work in cleaning ditches around the city.

IV. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.
- No public comments made.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence

after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

1. **Motion to approve final passage of an ordinance adopting the City of Kingsville Drainage Master Plan. (City Engineer).**
2. **Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2018. (City Attorney).**
3. **Motion to approve re-appointment of Dr. Tadeo Reyna, Jr. to the Library Board for a three-year term. (Library Director).**
4. **Motion to approve the acceptance of \$611.46 from the Keep Kingsville Beautiful "Fill the Flower Pot" fundraiser for various beautification projects or clean ups. (Community Appearance Supervisor).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

5. **Presentation and discussion on proposal for historical memorial street designation signs (not renaming) of Los Kineños Trail for 6th Street. (City Manager).**

Mr. Garza displayed a sign of the Los Kineños Trail. He commented that not too long ago, the city completed a project for La Colonia Mexicana which honored the original street names. This project, Los Kineños Trail would simply see four signs placed at various points throughout a section of 6th Street. Letters were sent to business and homeowners along the stretch of 6th Street notifying them of the City's intent to create this honorary designation. They were also invited to a public meeting that was held on October 17, 2018. Over 80 letters were sent out, but there was not a big turnout at the public meeting. Garza further stated that the plan is to have a dedication of Los Kineños Trail sometime in December, 2018. The estimated financial impact for this project is between \$5,000 to \$10,000.

Commissioner Lopez thanked Mr. Garza for seeing this project through.

6. **Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit to place an additional building for storage/meetings at Flato, Block 11, (exempt), 2.0661 acres, also known as 702 W. Avenue B, Kingsville, Texas. (Director of Planning and Development Services).**

Introduction item.

7. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-6-21-Definitions to include a definition for tiny homes. (Director of Planning and Development Services).**

Mr. Ginter stated that the Planning and Zoning Commission has been discussing this concept for inclusion into the code of ordinances for the last two meetings. They are supportive of the concept and believe that this will assist those property owners of these size lots to develop them for housing. Over time, this will be a positive financial impact for the increase of property taxes and reduction of expense in mowing these properties. The Planning and Zoning Commission has recommended the following as a definition: A dwelling that is a minimum of 200 square feet. The Planning and Zoning Commission voted in favor by a 6-0 vote.

Commissioner Hinojosa asked that on the maximum size of a tiny home, it will be controlled by the setback? Mr. Ginter responded that this is correct. Hinojosa further asked if the tiny homes will be allowed to be on wheels or are they to be built on the ground. Mr. Ginter commented that the tiny homes will not be mobile.

Introduction item.

8. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, Amending Appendix A-Land Use Categories to add tiny homes. (Director of Planning and Development Services).**

Mr. Ginter stated that this ordinance will state where tiny homes will be allowed to be built in the City. The Planning and Zoning Commission voted 6-0 to permit them in R2; staff is creating a new district to allow tiny homes which will be R2A. Mr. Ginter commented that the goal is, as mobile homes get older, they will be replaced with a tiny home.

Commissioner Lopez asked that as the city has some mobile homes in the area, are residents allowed to remove that mobile home and build a tiny home? Mr. Ginter responded that this would be allowed.

Introduction item.

9. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, Amending Appendix B-Space Requirements, Section One Space Requirements for Residential Use to add requirements for tiny homes. (Director of Planning and Development Services).**

Mr. Ginter stated that this will create a new district called R2A, which will allow those lots to be developed in Kingsville. He further stated that the Planning and Zoning Commission made one change which was he 18 to a 15 in the R2A column and in the minimum lot width. With that change being made, the Planning and Zoning Commissioner vote 6 to 0 in favor of recommending approval of this ordinance.

Introduction item.

10. **Consider a resolution of the City Commission of Kingsville, Texas, authorizing the submission of an application to the Texas Community Development Block Grant Program, Texas Capital Fund; and authorizing the City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program for improvements in the downtown area. (Downtown Manager).**

Mrs. Martin stated that this resolution would authorize the submission of an application for a grant funding in the amount of \$250,000 for ADA improvements and sidewalk repairs under the Texas Community Block Grant Program. If awarded, the grant will be used to construct twelve new ADA compliant ramps downtown and replace deteriorated curb, gutter, and sidewalk in the designated Main Street area. The cash match of 20% or \$50,000 will come from the Downtown Certificate of Obligation.

Mr. Garza commented that the city has received this type of grant a couple of year ago which was used for the sidewalk improvements off 7th Street.

Commissioner Hinojosa asked if the city has the match of \$50,000. Mr. Garza responded that the money has been allocated from the 2016 Certificate of Obligation Series.

Motion made by Commissioner Pecos to approve the resolution authorizing the submission of an application to the Texas Community Development Block Grant Program, Texas Capital Fund; and authorizing the City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program for improvements in the downtown area, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

11. **Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units and extrication tools on behalf of the Kingsville Fire Department with an anticipated \$28,688 cash match. (Fire Chief).**

Mr. Adrian Garcia, Fire Chief stated that an assessment of the department's SCBA's identifies the inventory was two NFPA editions out of compliance and nearing their end of life cycle. Recent assessments of failing SCBA units are costing close or as much as a new unit. The SCBA units and required spare bottles will be replaced with up-to-date SCBA's, which will increase personnel safety on the fire ground and other hazardous atmospheres. The total grant request is for \$315,361.00 with the City responsible for a cost share of \$28,668.00 when the grant is awarded and fulfilled. As funds are not currently available, the cost sharing portion will have to be included into the Fiscal Year 2020 budget. Deadline to submit application is October 26th. It will take about 6 to 8 months for grant to be awarded.

Commissioner Lopez asked who will be writing this grant. Chief Garcia commented that he has a team of individuals within his department that have received training in writing grants, who will be assisting in writing this grant.

Motion made by Commissioner Pecos to approve this resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for SCBA respirator units and extrication tools on behalf of the Kingsville Fire Department with an anticipated \$28,688 cash match, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

12. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for the County Veterans Service Office (for computer stations that benefit veteran citizens). (City Manager).

Mr. Garza commented that the County is relocating the Veteran Service Office to the newly remodeled Pete de la Garza Building and has requested a financial contribution from the City to go towards the outfitting of the space. This will include computer and printing equipment for a new resource library for the veterans. He further stated that staff is recommending \$2,500 be available for this project.

Commissioner Hinojosa asked if the County has provided staff with a budget for the equipment that will be purchased?

Mr. Garza commented that the money will be sent to the County as a reimbursement once they have submitted copies of invoice for the purchase of equipment.

Commissioner Hinojosa commented that he is not against the city contributing this money and is willing to contribute \$500 from his travel & training and ask if the other Commission members are willing to give the same amount, verses having to do a budget amendment.

Mr. Garza commented that he is brought this item to the commission to get their support as it is a collaborative effort with the County.

Commissioner Hinojosa commented that he is in support of this item.

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for the purchase of a new ambulance. (Fire Chief).

Chief Garcia stated that during a budget workshop, they were participating in an ambulance supplemental program that provided \$126,000, which was place in a vehicle replacement plan. He further stated that what they are doing with the vehicle replacement plan is that they are doing an assessment and created a replacement cycle in which the department will be replacing ambulances every six years. The last ambulance replacement occurred in 2017 and this one would be scheduled for 2019. Year 2021 would see a third new ambulance and Year 2023 would see the replacement of the one purchased in 2017 in accordance to the six-year replacement cycle.

Commissioner Hinojosa asked if the plan was to try and keep it at \$200,000.00. Chief Garcia responded that the last ambulance purchased in 2017 was \$201,000.00.

Mr. Garza commented that if it ends up being slightly above \$200,000.00, staff will find the difference from somewhere else, in order to complete the purchase.

Commissioner Hinojosa commented that there is already \$225,000.00 in the replacement fund, as \$25,000 was moved from the EDC.

Introduction item.

14. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for land acquisition costs in relation to the old county hospital. (Director of Planning and Development Services).

Mr. Gijter stated that staff has received feedback to move forward with the potential purchase of the building to obtain the grant, though no range has been determined at this point. He further stated that an offer has been made to the owner, but no response has been received from the owner.

Commissioner Hinojosa asked that as for the city portion, does the city have to come up with the amount then get reimbursed. Mr. Garza responded yes.

Introduction item.

15. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for Police Department rollover projects. (Police Chief).

Mr. Garza stated that is item is for the request to rollover several projects that were not completed during the FY 2017-2018 budget period into the FY 2018-2019 budget.

Introduction item.

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies (amending the FY 2018-2019 comp plan). (Human Resources Director).

Mrs. Diana Gonzales, Human Resources Director stated that an amendment is being requested to reclassify a vacant position of Facilities & Events Specialist Class 17 to Special Events Coordinator Class 14. In addition, Class 8 Step 2 requires adjustment of \$0.03 cents to change from \$13.86 to \$13.83. The adjustment will not affect any employee as there are no employee in the Class 8. The annual savings to the position may range from \$3,845.47 to \$2,110.59, depending on rate placement.

Introduction item.

17. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No.720.02-Compensation for Holidays for additional clarification. (Human Resources Director).

Mrs. Gonzales stated this revision is requested to clarify Policy 720.02 Compensation for Holidays reference to part-time employees' eligibility for holiday overtime only and not the other holiday benefits associated with full-time employees. Policy 720.02 Compensation for Holidays was updated on September 10, 2018 to allow for part-time employees to be eligible for overtime when working on City authorized holidays. The original intention was for part-time employees, required to work on a city authorized holiday, to receive overtime for the hours worked on the holiday only.

Motion made by Commissioner Pecos to approve a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No.720.02-Compensation for Holidays for additional clarification, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".


18. Consider a resolution authorizing the City to purchase 5.02 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the City Manager to execute any necessary documents on the City's behalf. (Director of Planning & Development Services).

Mr. Ginter stated that there were four pieces of property that were approved in the grant application, when submitted to the Texas Military Preparedness Commission. Jody Van Fleet is one of the owners that the city has come to an agreement with and has accepted an offer. Staff is asking for the Commission to approve this so that staff continue with the purchase of this property. The Finance Department will produce a check to the seller on the agreed amount. After documents have been executed, staff will then send out all necessary documents to the Texas Military Preparedness Commission for reimbursement.


Motion made by Commissioner Hinojosa to approve a resolution authorizing the City to purchase 5.02 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the City Manager to execute any necessary documents on the City's behalf, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:04 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMG, CMC, City Secretary