

MAY 14, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 14, 2018 IN THE HELEN KLEBERG GROVES 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
Diana Guerrero-Pena

CITY COMMISSION ABSENT:

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
Derek Williams, Systems Specialist
Diana Gonzales, Human Resources Director
Israel Vasquez, Maintenance Manager
Charlie Sosa, Purchasing Manager
Rudy Mora, Director of Engineering
Cynthia Martin, Downtown Manager
Susan Ivy, Parks Manager
Kyle Benson, IT Manager
David Solis, Risk Manager
Pete Pina, Landfill Supervisor
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Deborah Balli, Finance Director
Adrian Garcia, Fire Chief
Ricardo Torres, Police Chief
Jeanine Reyes, Tourism Director
George Vega, Police Officer
Eric Perez, Police Officer
Daniel Gonzalez, Police Officer
Justin Dodd, Police Officer
Avelino Valdez, Public Works

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Garcia, 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 – April 9, 2018

Regular Meeting – April 23, 2018

Motion made by Commissioner Pecos to approve the minutes of April 9th and April 13, 2018 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pecos, Guerrero-Pena, Fugate voting “FOR”.

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

1. None.

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-Communications 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, Landfill Update, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation, Demolition Update, Planning Development Update, **Golf Course Update**, Municipal Court Update. No formal action can be taken on these items at this time.”*

Mayor Fugate presented the following Proclamations: Motorcycle Safety Awareness Month, National Police Week, National Public Works Week; and a proclamation was presented to Commissioner Guerrero-Pena on behalf of the late Commissioner Noel Pena. Mayor Fugate also presented Commissioner Guerrero-Pena a plaque for service on the City Commission.

Mr. Bill Donnell, Public Works Director gave an update on streets.

Mr. Jesús Garza, City Manager gave an update on the Golf Course. The greens renovation is on schedule. He stated that in a future meeting, staff will discuss with the Commission about golf course fees. Garza further stated that the Farmers Market scheduled for May 26th, will take place at its original location, under the Pavilion located on 6th Street. The Splashpad and Kiddie Pool will hopefully be completed by June 1st.

Commissioner Lopez commented that staff needs to work on rules for the Splashpad and Kiddie Pool.

Mrs. Courtney Alvarez, City Attorney thanked Commissioner Garcia for his service to the community for the past 22 years, as a Commissioner. She further reported that the next Commission meeting is scheduled for May 29th, being that May 28th is a holiday, and agenda items for this meeting are due on Wednesday, May 16th. She further reported that a Special Commission meeting is scheduled for Thursday, May 17th at 7:30 p.m. for the swearing-in of the newly elected City Commission.

Mr. Garza commented that during the next Commission meeting, staff will discuss the budget calendar.

Mayor Fugate commented that Commissioner Garcia was absent due to a previous engagement. He furthered thanked Commissioner Garcia for his service as City Commissioner.

IV. Public Comment on Agenda Items.³

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

Mr. John Temple, 519 South 19th Street commented that he had not received answers to his questions that he has made to the Commission in past meetings. He stated that an elected official came to see him and stated to him that his son was at the Park and saw some older boys walking to the Park with two twelve packs of beer. Temple further asked how many times has the Kingsville Police Department been called out to the Park. He asked if the Mayor would like for skaters to skate on the concrete slab near his Law Office or if the City would like for skaters to skate around City Hall. Temple further commented that he can bring in other citizens that are fed up with the situation at the park. He also stated that he can get individuals to sign a petition.

At this time Mr. Temple's time was up, and the Commission did not extend his time. Mayor Fugate asked Mr. Temple to stop talking as his time was up, but Mr. Temple continued to make comments. Mr. Temple was then asked to step outside the Commission Chambers and speak with the Chief of Police.

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 Lopez. The motion was passed and approved by the following vote: Pecos, Guerrero-Pena, Lopez, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance adopting Unanimous Settlement Agreement, setting rates and establishing tariffs for the provision of natural gas service by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas Company within the City of Kingsville, Texas; declaring this ordinance to be a final determination of rates; requiring acceptance by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas Company of the rates prescribed herein; and establishing an effective date. (City Attorney).

2. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Garcia AC 2, Lot 46 T3, 4.7576 acres also known as 1601 N. 20th Street from I1-Light Industrial District to R1-Single-Family District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on May 5, 2018. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN Y ORDEN DE ESCRUTINIO DE LOS VOTOS DE LAS ELECCIONES, EN QUE SE DECLARAN LOS RESULTADOS DE LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, LLEVADAS A CABO EL 5 DE MAYO DE 2018.) (SECRETARIA MUNICIPAL).

Mayor Fugate read the votes for each individual candidate on the City of Kingsville General Election held on May 5, 2018: Mayor Candidates: Luis A. Gonzalez 463; Sam Fugate 1,008. Commissioner Candidates: Arturo Pecos 588; Ann Marie Torres 496; Robert "Bob" Charles Pena 147; Lavoyger J. Durham 187; Dianne Leubert 599; Hector M. Hinojosa 686; Edna Lopez 811; Al Garcia 563; Marty Ontiveros 181; and Chris Berry 174.

Motion made by Commissioner Lopez to approve the resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on May 5, 2018, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Guerrero-Pena, Lopez, Pecos, Fugate voting "FOR".

4. Consider a resolution nominating BASF Corporation to the Office of the Governor Economic Development and Tourism (OOGEDT) through the Economic Development Bank for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code. (City Manager).

Mr. Garza commented that the City of Kingsville has previously passed an ordinance on December 2009 electing to participate in the Texas Enterprise Zone Program. The designation of BASF Corporation as and enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Mayor Fugate asked if there was any financial impact on the city.

Mr. Garza responded there is no financial impact to the city.

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

5. Consider appointment of two members to the Parks Advisory Board to fill recent vacancies. (Parks Manager).

Mrs. Susan Ivy, Parks Manager stated due to some absences on the Parks Advisory Board, she would like to request the following individuals to be appointed, Ruben Cantu to fill in the seat for Seferino Mendieta, and Dr. Joseph Jones to replace Corrie Mosqueda, who has resigned from her position on the Board.

Motion made by Commissioner Lopez to approve the two appointments to the Parks Advisory Board, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Guerrero-Pena, Lopez, Fugate voting "FOR".

6. Consider a resolution authorizing the City Manager to execute an Agreement between the City of Kingsville and the Kingsville Historic Downtown District Association for a downtown mural. (Downtown Manager).

No action taken

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 6 Zoning, Air Installation Zoning Regulations, Section 41, Responsibility of Developers: Subdivisions, providing for an annual notice to property owners in the CCLUA about AICUZ and CCLUZ. (Director of Planning & Development Services).

Mr. Tom Ginter, Director of Planning & Development Services stated that the Joint Airport Zoning Board would like the City Commission to amend Ordinance 2014-48, to include an annual notification to the property owners in the controlled compatible land use area. The Joint Airport Zoning Board approved the recommendation unanimously. The Board is agreeable with the amending language that the City Attorney will use in accomplishing this task. There will be some additional cost for postage and office supplies, but would be minimal.

Introduction item.

8. Consider out-of-state travel for the City Attorney to Washington, D.C. on June 21-23, 2018 at the invitation and expense of the U.S. Department of Defense Office of Economic Adjustment for a compatible land use feedback session. (City Attorney).

Mayor Fugate commented that this is something that Mrs. Alvarez has done in the past. He further thanked her for her service on helping in the protection of our Naval Base.

Motion made by Mayor Fugate to approve the out-of-state travel for the City Attorney to Washington, DC, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Guerrero-Pena, Lopez, Pecos, Fugate voting "FOR".

9. Consider a resolution authorizing the Mayor to execute an Easement Agreement (utility) with the Board of Regents of the Texas A&M University System for construction and maintenance of a fiber optic line (across Armstrong Avenue near Avenue A). (City Attorney/City Engineer).

Mayor Fugate asked if this was for the new parking lot. Mrs. Alvarez responded by stating yes.

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

10. Consider a resolution authorizing the City Manager to enter into a Services Agreement for All Risk Property Insurance Coverage with Acrisure d/b/a Carlisle Insurance. (Risk Manager).

Mrs. Alvarez commented that at the last Commission meeting, the Commission awarded the bid and generally it's been one year arrangements but this time the bid allowed for a multi-year contract, staff went ahead and put a more formalized contract so that a year or two from now if the city does extend into optional years, the city will have the terms at that time.

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

11. Consider authorizing the purchase of a Street Sweeper for the Streets Department, from Heil of Texas via HGAC Purchasing Cooperative, as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8199) between Government Capital Corporation and the City of Kingsville for a street sweeper. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager, stated that this item authorizes the purchase of a New Schwarze M6TE Avalanche Mechanical Street Sweeper from Heil of Texas through HGAC Buy Purchasing Cooperative for the Street Department. The existing

street sweepers are in dire need of repair/replacement. The new street sweeper will have a five year warranty on the chassis and mechanical sweeper will replace the existing street sweeper which just this year alone have anticipated over \$4,000 in repairs. The existing street sweepers have met the lifespan of the equipment. Sosa further stated that is it staff's recommendation for the City Commission to approve this purchase.

Mr. Garza stated that this item and the following item that follows, are items that were included in the budget and were discussed during the budget workshops held last year.

Commissioner Lopez asked how much money are we spending? Mr. Garza responded \$54,000 for five years.

Commissioner Pecos asked what staff will do with the old ones. Mr. Garza responded that the city will keep one, and the other will be placed for auction.

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

12. Consider authorizing the purchase of one commercial and two residential garbage trucks from Houston Freightliner Inc. via HGAC Purchasing Cooperative, as per staff recommendation and a resolution for a Public Property Finance Act Contract (No.8204) with Government Capital Corporation for the purchase of Garbage Trucks. (Purchasing Manager).

Mr. Sosa stated that the three existing city garbage trucks are in dire need of repair/replacement. Most of the garbage trucks are at the end of their efficient lifespan thus increasing maintenance and operation expenses. The purchase of one commercial and two residential garbage trucks will replace three existing garbage trucks that have had maintenance expenses of \$161,000 for the past three years. These existing garbage trucks to be replaced have exceeded their efficient lifespan and will continue to have high maintenance costs. Funds are available through 087-5-1702-71200 Capital Lease, year one of which \$96,777.02 are available this fiscal year. The amount of the three trucks will be \$667,637-53 over seven years at an annual amount of \$95,367.79.

Mr. Garza stated that when the additional garbage fee was created back in 2007, which was specifically created to for the purchase of garbage trucks.

Commissioner Lopez asked what will happen to those vehicles that will be replaced.

Mr. Donnell responded that they will go to auction.

Motion made by Commissioner Pecos to authorize this purchase, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pecos, Guerrero-Pena, Fugate voting "FOR".

13. Consider introduction of an ordinance amending the Fiscal Year 2017-2018 budget to expend funds to purchase survey and traffic condition assessment equipment for the Engineering Department. (City Engineer).

Mr. Rudy Mora, City Engineer stated that this will allocate funds for land survey and traffic counters. It will update the city's equipment.

Introduction item.

14. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate announced the Execution Session and convened the meeting into closed session at 7:06 P.M.

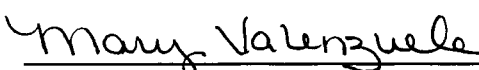
Mayor Fugate reconvened the meeting into open session at 7: 15 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:15 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary