

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 25, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Hector Hinojosa, Commissioner  
Arturo Pecos, Commissioner  
Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Jesus Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Bill Donnell, Public Works Director  
Derek Williams, IT  
Susan Ivy, Parks Manager  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director  
Ricardo Torres, Police Chief  
Tom Ginter, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Diana Gonzales, Human Resources Director  
Emilio Garcia, Health Director  
Rudy Mora, City Engineer  
Adrian Garcia, Fire Chief  
Ron Lee, Fire Marshall

**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 – February 11, 2019**

**Motion made by Commissioner Lopez to approve the minutes of February 11, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR". Leubert 'ABSTAINED'.**

**Regular meeting – February 25, 2019**

**Motion made by Commissioner Lopez to approve the minutes of February 25, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

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

1. NONE.

**III. Reports from Commission & Staff.<sup>2</sup>**

*"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: **Election Update**, 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, **Condemnation Update**, 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; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water*

*And Wastewater Rate Study Presentation, Golf Course Update. No formal action can be taken on these items at this time."*

Mayor Fugate presented Proclamation for the Month of the Military Child and a proclamation for Sexual Assault Awareness Month.

Mr. Garza gave the Commission an update on the upcoming City Special Election. He further stated that he is and will be continuing to make presentations to organizations in the City.

Mr. Ginter reported that he will have six condemnations for the April 8<sup>th</sup> City Commission meeting. He further stated that of those six, three are occupied.

Commissioner Lopez asked if those three people had somewhere to go. Mr. Ginter responded that two of the three don't want to vacate and the other one is taking the Kingsville Housing Authority voucher.

Commission Hinojosa asked if these individuals were given a deadline to vacate? Mr. Ginter responded that two of the three will come in on April 8<sup>th</sup> to ask the Commission for additional time, as they are waiting for Hurricane Harvey funds.

Mayor Fugate commented that Hurricane Harvey has nothing to do with these homes. These homes have been in bad conditions for quite some time.

Mr. Garza commented that the individuals still have time to do what they want to do, but it won't stop staff from moving forward with the process of condemning the properties.

Mr. Bill Donnell, Public Works Director gave a streets update.

Mr. Rudy Mora, City Engineer gave a brief update on the Caesar Street Project.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for April 8<sup>th</sup> with the deadline to staff for submitting agenda items on March 29<sup>th</sup>. She further announced upcoming events in the city. She further commented that she was made aware before the meeting that the second executive session on economic development will not be needed after all. Alvarez reminded staff that with regards to the upcoming special election, staff needs to remember that they can only provide information regarding both propositions and cannot advocate for or against the propositions. She further stated that at a prior meeting Commissioner Hinojosa had mentioned about having a Charter Review, the last the Charter Committee was formed was in 2005. She stated that she has looked back on the history of that Charter Committee and stated that they had two meetings where the Commission spoke about how they wanted to form the Committee with regards to how many people would be appointed and who would be making the appointments. A month after the final decision was made on size of the Committee and how it would be formed, then the Commission actually made their appointments at that time. She further commented that this information would give the Commission some time to decide on what size of Committee they may want and decide on who they would want to appoint, depending on how the Commission did it previously. Back in 2005, each Commission member appointed one to two members to the Committee and have one or two appointed as a majority appointee. The Committee would do whatever the Commission would task them to do. They can also review the Charter and do any tweaking they may see that is needed then bring them to the Commission as a recommendation only. The Commission would then approve the recommendations then decide on the ballot language and order the election.

Commission Hinojosa commented that he would like to see any appointments made to City Boards be placed in the regular section of the agenda. This would give the appointee an opportunity to be introduced to the Commission. Hinojosa further commented that NAS Kingsville has had two major events where the Commission members were not invited. He also commented that he was invited to the School Board meeting regarding and MOU with KISD.

Mayor Fugate asked that he would like to see a bio on appointees. Fugate further stated that he assumed that everyone was invited to the events at NAS Kingsville.

Mrs. Mary Valenzuela, City Secretary commented that the invited did not come through city mail or via email as it usually does. Sometimes other entities invite the Commission to events without going through the City Manager's Office to where we can remind them of the invite.

Commissioner Leubert commented that the reason she was invited to NAS Kingsville events is because she is part of the Navy League. She asked for staff to look into who is responsible for the cleaning of King Street overpass, as it needs to be cleaned.

Commissioner Lopez commented that during the February 11<sup>th</sup> City Commission meeting, the lighting on Golf Course Road was brought up and asked what staff has done about it.

Mr. Garza responded that the next day after the February 11<sup>th</sup> meeting, trees were trimmed. He also commented that TXDOT is working on the lighting, but they are not responsible for all the lighting on that road.

Mayor Fugate read a thank you note from Mr. Mario Garcia's family, thanking the City of Kingsville for their thoughts and prayers on the loss of Mr. Mario Garcia.

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

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

Ms. Movita Butler, 627 W. Doddridge commented that she has tried calling City Hall offices multiple times and has there is no answer in the City Manager's Office, City Attorney's Office, Human Resources or any other office she has contacted. She further stated that she finally was able to reach someone and spoke to them about a letter she received from Community Appearance. She stated that her property has always been clean and never has anything on it. She attempted to call their office and no answer is received. She questioned whether or not the items are on her property or next door.

Mr. Garza responded that Ms. Butler could speak with Mr. Tom Ginter as he oversees the Community Appearance Office.

#### 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 Hinojosa and Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for OPSG Stonegarden Grant #3194304. (Police Chief).**
2. **Motion to approve final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department; renaming the classifications for consistency with other departments. (Human Resources Director).**
3. **Motion to approve appointment of Joy Aynsley to the City-County Health Board for a 3-year term. (Health Director).**
4. **Motion to approve a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville Special Election on May 4, 2019. (City Secretary).**

**(MOCIÓN PARA APROBAR UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES ESPECIALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2019.) (SECRETARIA MUNICIPAL).**

##### REGULAR AGENDA

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

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

5. **Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lund Addn., Block 7, Lot 8, 9 also known**

**as 201 S. 16<sup>th</sup> Street, Kingsville, Texas from C1 (Neighborhood Services District) to C4 (Commercial District). (Director of Planning & Development Services).**

Mr. Ginter stated that he does not have any additional information that wasn't already given to the Commission at a previous meeting.

Mayor Fugate asked for the P&Z vote. Mr. Ginter commented that the P&Z voted 5-0 to NOT approve.

Mayor Fugate asked for a motion to pass this ordinance.

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**Item dies due to a lack of a motion.**

**6. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 2, Lot 16-23, W2'24, (El Corral) also known as 1415 N. 14<sup>th</sup> St., Kingsville, Texas from C4 (Commercial District) to C2 (Retail District). (Director of Planning & Development Services).**

Mr. Enrique Maldonado, restaurant owner stated that he is under staff sometimes and what he would like this for his daughter and the babysitter. He stated that it is not a commercial and has never been a commercial since he purchased it.

Mayor Fugate asked what was the P&Z vote. Mr. Ginter responded that they approved it with a 5-0 vote.

Commissioner Lopez stated that at a previous meeting it was stated that it would be rented out to an employee, and now it is being said that it's a daughter. She further asked who would be living in this structure, an employee or a family member?

Mr. Enrique responded (in Spanish) that so long as he doesn't need it for an employee, he would like it for his daughter. If the employee comes there, then he would rent it out to the employee.

**Motion made by Commissioner Pecos to approve this ordinance, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Leubert, Fugate voting "FOR". Lopez and Hinojosa voting "AGAINST".**

**7. Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Neessen CDJR, Inc. d/b/a Neessen Polaris of Kingsville. (City Manager).**

Mr. Garza stated that this is an agreement that was discussed prior. It's an agreement where the city commits to reimbursing a combination of sales tax; the M&O amount of taxes not to exceed \$200,000 from the city's front.

Commissioner Hinojosa asked that on the second page of the agreement, it reads, company agrees to provide City with a copy of the State Comptroller's sales tax information for the Company or... Hinojosa further asked if the or can be changed to an "and". He further stated that the other information would be better evidence to proof sales tax.

Mrs. Alvarez responded that the Commission can make a modification to the agreement. The way that it is being presented the developer has already tentatively approved it so that amendment would need to be made to them to see if they still want to move forward with it.

Commissioner Hinojosa responded that he understands that, but this is the first time he is seeing it.

Commissioner Leubert asked if this would make a difference either way? Mrs. Alvarez responded that it doesn't say that the city can't tell them what is preferred. She further stated that if you get the information directly from the State instead of a third party, it would alleviate any concerns.

Commissioner Leubert asked for a recommendation from the City Attorney.

Mrs. Alvarez commented that the Commission can move forward with the recommendation if they choose too or move forward with the agreement as is or direct staff to try and move forward with getting the written authorization so that they city could get the information.

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

**8. Consider a resolution authorizing the City Manager to enter into a Pest Control Services Agreement between the City of Kingsville and Kingsville Pest Control for extermination services for City properties. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Director stated that this item authorizes the city to enter into a contract with Kingsville Pest Control. This would provide pest control services for all city owned buildings. The RFP was published in the Kingsville Record on January 27<sup>th</sup>, and February 3<sup>rd</sup>. Three responses were received from the following: Kingsville Pest Control of Kingsville, Serenity Pest Control of Kingsville, and Kingsville Pest Control. Request for proposals were reviewed and found the information received to be responsive. From the three proposal received, Kingsville Pest Control of Kingsville was the lowest bidder. It is staffs recommendation for the City to enter into this contract with Kingsville Pest Control.

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

**9. Presentation and discussion on City Street Striping for North Armstrong Avenue, West Corral Avenue, and West Santa Gertrudis Avenue. (City Engineer).**

Mr. Mora stated that they have developed two options for Street Striping along W. Santa Gertrudis St. between 6<sup>th</sup> St. & N. Armstrong St., N. Armstrong St. between W. Santa Gertrudis St. & W. Corral Ave., and W. Corral Ave. between Seale St. & N. Armstrong St. The existing striping in the above-mentioned streets are not distinguishable and may be redesigned to function properly. Striping will aid in managing the flow of traffic. It will help with visitors entering the University during the NCAA Track and Field event in May 2019. Option 1 has incorporated bicycle lanes into the design. Option 2 does not have bicycle lanes. The existing striping along Santa Gertrudis St. has two lanes of traffic in each direction. There is no dedicated turning lane or shoulders with in the 45 feet pavement section. A. Option 1 would include a dedicated turning lane, one lane of vehicular and bike lane traffic in each direction. B. Option 2 would include a dedicated turning lane, one lane of vehicular traffic in each direction. The existing striping along N. Armstrong St. has one lane of traffic in each direction with sections of dedicated turning lanes at the intersections with W. Santa Gertrudis St. and W. King Ave. The pavement width varies from 40 feet to 50 feet. A. Option 1 has a dedicated turning lane of traffic in each direction with sections of dedicated turning lanes at the intersections with W. Santa Gertrudis St. It also has a vehicular and bicycle travel lane for both north and south bound traffic. A shoulder is included between Corral and Ave B on the west side only. B. Option 2 is like Option 1, except the bicycle lanes are removed and shoulder lanes are on both the east and west side of Armstrong between Corral and Ave. B. West Corral does not have any striping; however, there is one lane of traffic in each direction. The pavement width varies from 23 feet to 32 feet between Seale St. and Armstrong. A. Option 1 would include a vehicular and bicycle travel lane in each direction between Armstrong St. and Lantana St. Then one lane of vehicular traffic between Lantana St. and Seale St. B. Option 2 would include a dedicated turning lane at the intersection of Armstrong St. Then one land of vehicular traffic in each direction until Seale St. This striping project would guide traffic effectively throughout City streets. City Staff has met with University representatives to discuss the implementation of bike lanes around and leading into the University. They agree the bicycle land would be helpful. The bicycle lanes could alleviate students from parking along City neighborhood streets. The Engineering Department receives complaints from citizens regarding students parking in front of their driveways and not allowing them access on and off their property. The shoulder lanes as indicated in the attachments if used could be additional parking and City Commission would need to revise the designated no parking ordinance.

Commission Leubert stated that she lives within this area and option 1, because the University suggested it and as there is a lot of bikes and walkers, it would be a smart thing to do.

Mayor Fugate commented that to put as many bikes lanes as possible would be good.

Commissioner Hinojosa asked if staff was looking at striping other streets especially the one in front of J.K Northway.

Mr. Garza commented that there is a lot of other corridors that need striping but they are prioritizing these first.

**10. Consider a resolution authorizing staff to proceed with placing for sale the City's 5.072 acres of land located off West General Cavazos Blvd. (KT&I Co., Block 19, Lot Pt 24) in Kingsville, Texas. (City Manager).**

Mr. Garza stated that this is a small strip of land that goes along General Cavazos, west of the railroad which is roughly five acres. Staff is asking for authorization to proceed with looking at selling the property.

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

Commissioner Lopez asked if the land is being farmed and has staff made contact with them.

Mr. Garza responded that this was correct. Staff has made contact with them. As it is connected to another piece of property that is being farmed on, it is difficult to the naked eye to determine where exactly the city's five acres stops and ends as there is nothing.

Commissioner Lopez commented that you can clearly see where the five acres are and everything is farmed.

Mr. Garza responded that not everything is property of the city.

Mrs. Alvarez commented that there is no tax liability on the property.

Mr. Garza commented that there is nothing that separates the city property from the other property. He further stated that when the city goes through the surveying process and stakes are placed, it will be easier to see from what point to what point the city's five acres goes from and will state where the farming would need to stop. He further stated that the goal is to sale the property.

The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

- 11. Consider a resolution accepting funding from the National Trust for Historic Preservation for historic district guidelines authorizing the City Manager or designee to be the authorized official to act on the City's behalf with such grant as the project manager. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager stated that this is a grant for \$5,000 to be used for the design guidelines which the city has already met the match requirement.

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

- 12. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for the National Trust Grant. (Downtown Manager).**

Introduction item.

- 13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending sections 15-6-117, 119, 121, 125, 126, 129, and 132, providing for revisions to signage in the historic district. (Downtown Manager).**

Mrs. Martin stated that this is to improve downtown appearance and wayfinding.

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 and convened the meeting into closed session at 7:05 p.m.

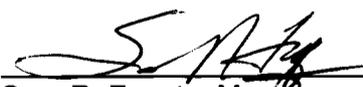
Mayor Fugate reconvened the meeting into open session at 7:17 p.m.

- 15. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).**

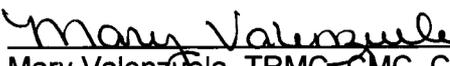
Agenda #15, Executive Session not needed.

#### Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:18 P.M.

  
Sam R. Fugate, Mayor

#### ATTEST:

  
Mary Valenzuela, TRMC, CMC, City Secretary