

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 8, 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
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
Robert Rodrigues, 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)

None.

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

1. Public Hearing on an ordinance for a special use permit for a residential accessory and incidental use located at Orig. Town, Block 32, Lots 29-32, also known as 530 W. Henrietta, Kingsville, Texas, Jason Abrams, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:02 p.m.

Mayor Fugate 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. Tom Ginter, Director of Planning & Development Services reported that the requestor would like to place a detached building on his lot behind his home. The Planning & Zoning Commission reviewed this item during a meeting on April 3, 2019, where they voted 4-0 to recommend approval. There were some conditions set by the Planning & Zoning Commission which are, that the requestor cannot install a toilet, have a kitchen and cannot rent it out.

Commissioner Hinojosa asked if this would be used for personal use. Mr. Ginter responded that it would be used for personal use, but with the conditions which were stated earlier.

Commissioner Lopez asked how staff would be enforcing the conditions and make sure that no tenant is taken in. Mr. Ginter commented that staff would need to keep an eye out for this property.

Mr. Jesús Garza, City Manager commented that staff could also do random inspections of the property.

There being no further comments, Mayor Fugate closed this public hearing at 6:03 P.M.

2. Public Hearing on an ordinance to rezone Paulson's Subdivision #1, Lot B, also known as 2029 E. General Cavazos, Kingsville, Texas from AG (Agricultural District) to C4 (Commercial District), Robert de Pol, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:04 p.m.

Mayor Fugate 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. Ginter stated that Mr. Robert De Pol has purchased the property and would like to rezone to C\$. His intentions at this time is to open a food establishment. The Planning & Zoning Commission met on April 3, 2019 to review this item and voted 4-0 to recommend approval of the rezoning.

Mr. Robert De Pol commented that he is looking forward to the possibilities of opening a food truck or juice bar/café.

There being no further comments, Mayor Fugate closed this public hearing at 6:08 P.M.

3. Public Hearing on an ordinance to rezone 3rd, Block 6, Lots 14-16, also known as 529 E. Ella, Kingsville, Texas from R1 (Single Family District) to R3 (Multi-Family District), Santiago Cantu, owner/applicant. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:08 p.m.

Mayor Fugate asked if this was the same item that has been brought forward to the Commission in a prior meeting and further asked if anything had changed. Mr. Ginter stated that it was but nothing has changed.

Commissioner Hinojosa asked staff why this item was being brought back to the Commission if his item had already been turned down in the past.

Mr. Ginter commented that there is no ordinance that sets a limitation that one can request for a rezone. Mr. Ginter reported that the Planning & Zoning Commission met on this item on April 3, 2019 where they voted 4-0 to not recommend approval of this rezone.

Mayor Fugate 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. Utley, 530 E. Ella, commented that he would like to request for the Commission not to approve the rezone. He has resided in his home for over 50 years and his neighbor has always been nice with single family units with low traffic. If the Commission approves this rezone, it will increase traffic.

Ms. Sonya Reyna, 600 E. Santa Gertrudis, commented that she also is asking the Commission not to approve the rezone. She stated that their neighborhood is a quiet neighborhood and would like to see it remain that way.

There being no further comments made, Mayor Fugate closed this public hearing at 6:11 p.m.

4. Public hearing regarding condemnation proceeding for structures located at 630 W. Fordyce, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:11 p.m.

Mr. Ginter displayed a photo of this property. Mr. Ginter reported that his is a burnt structure and is in need of being demolished. Staff has not received any contact from anyone regarding for or against the condemnation. He further reported that the structure is an attractive nuisance to children, a harbor for vagrants, criminal and immoral people. There is evidence of roach, rat, mouse, and other vermin found. The structure has uncovered roofing and graffiti. The building official has found the overall condition to be in a severe and hazardous stated of disrepair. It is unsecured allowing for easy access for animals, vagrants, and criminal activity.

Mrs. Alvarez commented that this property is a burned and unsecured with missing windows and front door missing as well. Side windows are broken and property is vacant. Notices were sent as well as notices published in the local newspaper. According to staffs information, this property has had no water service since 2011 and no electricity services since 2015.

Mayor Fugate 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 made, Mayor Fugate closed this public hearing at 6:13 p.m.

5. Public hearing regarding condemnation proceeding for structures located at 1729 S. 7th St. (228 E. Ailsie #4), Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:13 p.m.

Mr. Ginter displayed pictures of the property. This property is unsecured allowing easy access for animals, vagrants, and criminal activity. The structure also has an uncovered roof and has had no water services since 2008. Staff has not received any response from anyone regarding this property.

Mayor Fugate 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. Albert Garcia, 224 W. King Ave., Suite A, stated that he owns the land since 2017 but unfortunately he does not have the legal right to tear down the structure.

There being no further comments made, Mayor Fugate closed this public hearing at 6:16 p.m.

6. Public hearing regarding condemnation proceeding for structures located at 513 W. Johnston, Kingsville, Texas, Kingsville, TX. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:16 p.m.

Mr. Ginter displayed photos of the property. He reported that this house is considered substandard. Staff has not received a response from the property regarding this structure. This property is attractive nuisance to children. A harbor for vagrants, criminal and immoral people. An attractive nuisance for roaches, rats, mouse, or other vermin infestation. The structure has an uncovered roof and graffiti. The building official has found the structure overall condition to be in a severe and hazardous state of disrepair. The structure has had no water or electricity services since 2008. Ginter further commented that there is a law suit currently between Kleberg Count and the City regarding back taxes. He further commented that his conversation with Linebarger is to proceed; he further asked for clarification from the City Attorney, who responded that it was what the email had stated.

Mayor Fugate 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. Jason Abrams asked if he could make a comment now. Mayor Fugate responded that it would be fine.

Mrs. Alvarez commented to the Commission that it would more appropriate for Mr. Abrams to speak when staff gets to that item on the agenda.

There being no further comments made, Mayor Fugate closed this public hearing at 6:19 p.m.

7. Public hearing regarding condemnation proceeding for structures located at 510 E. Ave. B, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:19 p.m.

Mr. Ginter reported that this property is being lived in at this time. To his knowledge, the property owner has taken the voucher offer from the Kingsville Housing Authority and will be moving into an apartment. He believes that the property owners have already moved into their apartment. Ginter further stated that prior to the beginning of the meeting, the property owners came into City Hall, but did not want to stay for the meeting, although they are glad that they will be moving into an apartment, they are not comfortable with the structure being demolished as this is their home and have lived in it for some time and they would hate to see it demolished.

Mayor Fugate commented that he understands, but what can you do.

Commissioner Lopez commented that the house is leaning a lot more now than in the past.

Commissioner Leubert made a comment that was not picked up on audio.

Mr. Ginter further reported that the property is an attractive nuisance. It is a substandard structure with an uncovered roof. Overall condition to be in a sever and hazardous stated of disrepair. But being that the structure has been occupied, they have been up to date with their utilities.

Mayor Fugate 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 made, Mayor Fugate closed this public hearing at 6:23 p.m.

8. Public hearing regarding condemnation proceeding for structures located at 213 W. Santa Gertrudis, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:23 p.m.

Mr. Ginter reported that this property is occupied by its property owner at this time. The property is being considered substandard and staff has had conversations with the property owners who reside at this address. Ginter stated that the individuals have applied for grant monies for repairs to the home. Ginter stated that Mr. Ruben Vasquez has some ownership in this property who is at this meeting.

Mayor Fugate commented that he has visited with the property owner as well as he was concerned about this property. Fugate stated that he tried to get them some help and checked with various organizations that assist with home repairs, but this structure is beyond their scope of work. Fugate stated that he has also asked a contractor to look at the structure in which the contractor stated that the property was beyond repair.

Mayor Fugate 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.

Ms. Diana Naranjo, 213 W. Santa Gertrudis commented that she has an application for HAP which takes process to help her out with the house. She showed in her hands an application.

Mayor Fugate asked Mr. Ginter if he had copies of the documents that Ms. Naranjo has. Mr. Ginter responded that he did not have copies of the documents.

Ms. Naranjo further commented that she has a copy of her income for the month and that she is on disability. She also stated that she had a letter from FEMA, which denied her twice. She stated that the letter stated ineligible for insufficient damages, which she received a letter for back in 2016. She stated that she has another letter from FEMA that was received in 2019, which denied her again. She stated that she received a letter from Family in Doris, which came to her house to let her know that she was chosen to receive assistance in getting her house fixed which she received back in 2016. Naranjo further stated that it was decided that they would not be able to assist her as Hurricane Harvey had bigger issues than her issues. Ms. Naranjo further stated that the City had given her a letter stating that the most the city could grant her was 90 days to bring the exterior up to code which would need to get started by March 25, 2019 and give her until June 1, 2019. She stated that staff posted the red notice on her property March 14, 2019. She further commented that she loves her home and is very content in her home and it is her safe haven. She also commented that she doesn't bother anybody and nobody bothers her and feels very safe in her home. She stated that on the back of the house, she put siding on the garage structure and has receipts showing that she has been buying the siding for the back structure.

Mr. Garza commented that it would be best if staff had the picture and somehow communicate it to staff and we could share them with the Commission.

Ms. Naranjo asked how she could share those pictures with the Commission. Mr. Garza responded that it would need to be done after the meeting. Ms. Naranjo continued to state that she also has copies of her property taxes as well. She stated that she has back taxes, but she is making payments on them. She stated that she has no rodents or roaches in her home. The only thing she has is wild cats.

Commissioner Leubert asked if she could ask a question to the property. Mayor Fugate responded that it would be best if she could wait until the item came back up later on the agenda, as he will be asking for Ms. Naranjo to come back up to the podium.

There being no further comments made, Mayor Fugate closed this public hearing at 6:28 p.m.

9. Public hearing regarding condemnation proceeding for structures located at 721 E. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:28 p.m.

Mr. Ginter reported that this is one of the structures that is also being lived in at this time. They have also submitted a grant application to the Texas General Land Office. He further commented that they did come by on Friday and gave him an email, which was included in the agenda packet that states that the Texas General Land Office has received their application and has 30 to 45 days to review which is until April 19th, before they find out whether or not the Texas General Land Office will approve their application. Ginter stated that they are current with their utilities but the house is substandard. He commented that the structure has some areas in the roof that uncovered in some spots.

Mrs. Alvarez commented that there are holes in the roof with the siding rotting. There are some broken windows. The Appraisal District notice that is in the packet for this item, notes that the structure is in poor condition.

Commissioner Hinojosa asked if the structure has utilities? Mr. Ginter responded yes.

Mayor Fugate 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 made, Mayor Fugate closed this public hearing at 6:31 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, 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."*

Mr. Garza updated the Commission on Trash-off that occurred this past Saturday. This is the most trash that has been collected during a Trash-off event. He further announced that the Downtown Festival, La Loteria went very well. The sales of cards made \$4,000. This was a successful event for the City. Garza further commented that mobilization started for the Caesar Project.

Mrs. Alvarez commented that the next Commission meeting is scheduled for April 22nd with the deadline for staff to submit agenda items is Friday, April 11th. She further mentioned that as for agenda item #1 she believes that when staff provided the ordinance, they turned it in early, the actual introduction date is March 25th. Item #23 with regards to the resolution, in support of a house bill, if the Commission does approve it, copies would be sent to J.M. Lozano and Eddie Lucio.

IV. Public Comment on Agenda Items.³

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

Mr. Jason Abrams, 530 W. Henrietta commented that he is the owner of 530 W. Henrietta and they would like to have a Special Use Permit residential accessory. He stated that he will following the guidelines laid out by Mr. Ginter. This is for his own use and nobody else's.

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 Hinojosa to approve the consent agenda as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, 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 the National Trust Grant. (Downtown Manager).**

2. Motion to approve final passage of an ordinance 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).
3. Motion to approve the reappointment of Maggie Salinas to the Historical Development Board for a three year term. (Downtown Manager).
4. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2019 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 530 W. Henrietta, also known as Orig. Town, Block 32, Lots 29-32, for a residential accessory and incidental use. (Director of Planning & Development Services).

Introduction item.

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Paulson's Subdivision #1, Lot B, also known as 2029 E. General Cavazos, Kingsville, Texas from AG (Agricultural District) to C4 (Commercial District). (Director of Planning & Development Services).

Introduction item.

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 3rd, Block 6, Lots 14-16, also known as 529 E. Ella, Kingsville, Texas from R1 (Single Family District) to R3 (Multi-Family District). (Director of Planning & Development Services).

Mayor Fugate requested that this item not be placed under the consent section of the upcoming agenda on April 22nd.

Introduction item.

8. Consider condemnation of structure(s) located at 630 W. Fordyce, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, 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. Consider condemnation of structure(s) located at 1729 S. 7th St. (228 E. Ailsie #4), Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

10. Consider condemnation of structure(s) located at 513 W. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Lopez, Fugate voting "FOR".

11. Consider condemnation of structure(s) located at 510 E. Ave. B, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

12. Consider condemnation of structure(s) located at 213 W. Santa Gertrudis, Kingsville, Texas. (Director of Planning & Development Services).

This agenda item was taken before agenda item #11.

Mayor Fugate asked Ms. Naranjo to come forward so that she can discuss this item with the Commission. Mayor Fugate commented that this property can not stay in the condition that it is in. He further stated that he believes in giving people time to help themselves and repair their property but this property is not repairable. He stated that the City has offered to assist in finding her housing for her through the Kingsville Housing Authority.

Ms. Naranjo stated that the Housing Authority will not give her a place as she used to be under housing in the past, which is why she purchased the house. Within the years and weather, the side that is all messed up, which is where the water goes up and everyone that was going to help her has only used her and never helped her. She stated that they only needed a place to stay and needed help with this and that, which was her bad.

Mayor Fugate asked how much time did she think she would need to repair this property and a year will not work.

Ms. Naranjo commented that this is where HAP comes in. She stated that she has already spoken with them before they place the red notice on her property and she told them that they would give her until June 1st to make some repairs. HAP told her that it was plenty of time for them to begin towards June 1st. She further stated that they told her that if the structure had more than \$65,000 in damages, they would tear it down themselves and build her another one.

Mayor Fugate asked who she was referring to, and who was HAP.

Ms. Naranjo responded it was Carlos from HAP,

Mr. Garza commented that he thinks she is talking about the Homeowners Assistance Program by HAP.

Mayor Fugate was handed a business card by Ms. Naranjo and mentioned it was Grant Works, Carlos Saenz. He further asked Ms. Naranjo what Mr. Saenz was telling her as far as the timeline.

Ms. Naranjo commented that it is the process of the application and she has to wait for them to contact her back. Ms. Naranjo further commented that she had contacted him earlier and she was told to let the Commission know that they are in the process of them trying to help her out.

Mr. Garza commented that what Ms. Naranjo is referring to is the Texas Recovery Program Homeowners Assistance Program that contains money that came after Hurricane Harvey.

Mayor Fugate commented that he doesn't see this working. This home did not get its damage from Hurricane Harvey. The condition of this house has nothing to do with the hurricane.

Ms. Naranjo commented that the east side of the house, is all water damage.

Commissioner Leubert asked if they are telling Ms. Naranjo that her application is in and she hasn't received the grant.

Ms. Naranjo responded that she has not received the grant but the application is in.

Commissioner Leubert further asked if she was given a timeline as to when grants would be awarded.

Ms. Naranjo responded that she was not given a timeline but that she could contact him and let them know what the decision of the Commission would be.

Commissioner Leubert asked Ms. Naranjo if she would be able to fix the house and maintain it.

Ms. Naranjo responded yes.

Commissioner Leubert further asked how much it would cost to fix the house and maintain it.

Ms. Naranjo responded that she really needs to start on the east corner...

Commissioner Leubert commented that she is talking about the whole house.

Ms. Naranjo continued and stated that bones of the house are all solid, its just the outside of the house that requires a lot of work on it. She stated that she is working on the garage part, which the garage does not have electricity, as there is no connection for electricity in the garage. But as for her house, she has electricity and water, she has everything she needs in this house.

Commissioner Leubert further asked how much it would cost to fix the house.

Ms. Naranjo responded that it would cost about \$50,000.

Commissioner Leubert commented that with that money, Ms. Naranjo could purchase a nice home.

Ms. Naranjo commented that she has lived in her home for 19 years and she is getting older and she is stuck in there.

Commissioner Leubert commented that she has been driving by this house for 20 years and this house has looked like this for a very long time, way before Hurricane Harvey. She further commented that she knows that Ms. Naranjo's intentions are good and knows that she loves her house, as it shows, but sometimes you have to make the hard decisions for the betterment of yourself, children and grandchildren. Leubert asked Ms. Naranjo to please keep this in mind when the Commission needs to make their choices.

Commissioner Lopez commented that she is concerned for Ms. Naranjo's safety as all the windows to the house are boarded, which is a violation of City Ordinance, it is a safety hazard. If there is a fire in the home, there will be no way out as the windows are boarded. Lopez commented again that she is very concerned about that.

Ms. Naranjo commented that she has tried to keep up with things in her house and her house is very clean. She further stated that she doesn't use many plugs and her utilities are about \$20 per month as it is only herself in that house.

Commissioner Lopez commented that she understands, but accidents can happen and she is very concerned about the boarding of the windows.

Mayor Fugate commented that if he recalls correctly, when he last spoke with Ms. Naranjo...

Ms. Naranjo commented that this was back in August.

Mayor Fugate continued and asked Ms. Naranjo if she goes back and forth to Corpus Christi.

Ms. Naranjo responded that she was going back and forth to Corpus Christi as she was babysitting in the summer time. She was going every other week to babysit her sons baby. But now he is back in Kingsville so does not need to travel to Corpus Christi any longer.

Mayor Fugate asked if Ms. Naranjo goes to her sons house to babysit or is the baby brought to her house.

Ms. Naranjo commented that she was going to Corpus to babysit.

Mayor Fugate commented that he understood this, but her son is living in Kingsville now and asked if the baby lives here in Kingsville.

Ms. Naranjo responded that the baby lives with his mother but is with them on weekends.

Mayor Fugate asked Ms. Naranjo if her sons resided in her house with her.

Ms. Naranjo responded that her son lives with her.

Mayor Fugate further asked if the baby visits her house on the weekends.

Ms. Naranjo responded that the baby comes and stays on the weekends and during the summer time he stays for a week then he goes back home. Mama and daddy share custody of their child.

Commissioner Leubert commented that this is a health and safety issue for Ms. Naranjo and her children and her grandchildren.

Ms. Naranjo commented that she understands.

Mayor Fugate commented that she would be better off taking the \$50,000, if she has it, and allow the city to demolish this one and she can rebuild a new one on the same property.

Ms. Naranjo commented that she can't build it. This is why she is apply with HAP, so they can help her out. She stated that she was told to find resources and this is the

resource she found. She also found another resource with Project Combat Texas Responsibility Organization, which she has an application with as well.

Commissioner Lopez commented that she hasn't been approved by anybody, and asked if she only had applications submitted.

Ms. Naranjo responded yes, but she was told that she does qualify.

Commissioner Leubert asked if she meant that she qualifies to send in the application.

Ms. Naranjo responded that her application is already been submitted.

Commissioner Leubert asked if she was told that she could qualify and what does that mean to Ms. Naranjo.

Ms. Naranjo responded that it means that she will have to wait to see how long it will take for them to send her a contractor and see what it will take to fix. Project Combat has already sent her a contract to see the inside of the house but she hasn't heard back from them.

Commissioner Leubert asked Ms. Naranjo when she would find out if her application was accepted.

Ms. Naranjo responded that she would call him tomorrow and let him know what is going on.

Mayor Fugate asked when is the deadline for the grant.

Ms. Naranjo responded that maybe about a month to a month and a half.

Commissioner Hinojosa asked how much is the application for.

Ms. Naranjo asked for clarification of his question.

Commissioner Hinojosa asked how much is the application for.

Mayor Fugate asked how much will she get to fix her house from this grant.

Ms. Naranjo responded that they are not going to do it.

Commissioner Lopez asked if Ms. Naranjo knows of the amount that she would be awarded to fix her house.

Ms. Naranjo responded that on the paper work that she was read it states that if the damages were over \$65,000, they would tear it down and build her another one.

Commissioner Leubert commented that she doesn't see a Harvey grant coming into Kingsville, they may be getting them in Nueces County received a few grants but not Kingsville.

Mayor Fugate commented that this is a tough one but he doesn't see it happening and the Commission can put off the inevitable, then asked the Commission if there was motion on this item.

Commissioner Pecos commented that she has submitted applications in asking for assistance. She hasn't been denied yet and she is saying that by June 1st she will hopefully have either a denial or a granting. Pecos further asked if the Commission is willing to wait until June 1st, and after June 1st, then go out there and take care of business.

Mayor Fugate asked staff when was the first meeting in June. Mrs. Alvarez responded that it would be on June 10th.

Mayor Fugate and Commissioner Lopez commented that if she is granted until June 1st, they both hope that nothing happens between now and then as they are very concern for their grandbaby who comes to visit in that house. Mayor Fugate further commented that he can't believe that the baby's mother allows her baby to come into this house considering the condition it's in. He further commented that he can't believe that CPS isn't involved.

Commissioner Lopez asked if there are windows in this house. Mayor Fugate commented that all the windows are boarded up.

Motion made by Commissioner Pecos to grant Ms. Naranjo additional time until June 1st.

Mayor Fugate stated that due to a lack of a second, the first motion dies.

Motion made by Commissioner Leubert motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR". Pecos voting "AGAINST".

13. Consider condemnation of structure(s) located at 721 E. Johnston, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days, city shall abate in any manner it deems necessary and proper, seconded by Hinojosa.

Mayor Fugate asked that if someone comes up with money to fix their property, can they fix it and not have the condemnation of the property once it's voted on.

Mrs. Alvarez responded that it was final, once it's voted on.

Mayor Fugate further asked why does the language in the motion stated that the city can abate it as the city feels proper.

Mrs. Alvarez responded that the way that the statute reads that at this time, you are making a determination based on the facts presented at the hearing and what's in the packet as to whether or not the structure is able to be repaired or whether it is so far gone that it can't be repaired without substantial reconstruction cost as is stated in the motion. What this means is that the City Commission, anytime after the 30 days goes back out and our inspector notices that at that point in time that the structure, be it the garage or be it the house, whatever type of structure it is that is being condemned, it is still there and the nuisance hasn't not yet been abated by the owner, then the city could go in at any point after that time and abate as needed. Alvarez further stated that if there was a situation where you were looking at a structure that was not as far gone, where there were maybe just some things that were repairable and the Commission made a motion that it was repairable the property doesn't make the repair that the Commission has ordered, within the 30 day window, when the city inspector goes back out and notices those repairs haven't been made within 30 days, then at that point in time the city could decide to do what is needed to make the repairs that were ordered upon the property owner.

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

14. Consider a resolution authorizing staff to proceed with placing for sale of the City's 3.01 acres of land located off East King Avenue (KT&I Co., Block 10, Lot Pt 7) Kingsville, Texas. (City Manager).

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

15. Consider a resolution authorizing the City Manager to enter into a Commercial Real Estate Listing Agreement Exclusive Right to Sell between the City of Kingsville and Albert Garcia d/b/a First Texas Realty (for 3.01 acres off King Ave.). (Purchasing Manager).

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

16. Consider a resolution authorizing the sale of the City's 11.013 acres of land located off US Hwy 77 Business/Loop 428 at KT&I Co., Block 18, Lot Pt 9, 20 in Kingsville, Texas (to Raymond Perez). (City Manager/Purchasing Manager).

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

Mrs. Alvarez commented that in the resolution and the purchase agreement, there was mentioned of some economic development assistance that the purchaser would be looking to for the city at some point after this is approved and it would be based on the guidelines and criteria stimulating residential and economic development with the city that had been approve back in 2009; for assistance with sewer and water line infrastructure.

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

17. Consider renewing the All-Risk Property Insurance Policy coverages (RFP# 18-011, awarded 04/23/18) with Carlisle Insurance and their suggested placements, as per staff recommendation. (HR Director).

Mrs. Gonzalez stated that Carlisle Insurance is recommending placement of the 2019-2020 Property Insurance with AMRisc, LLC for a price of \$229,967.85. Carlisle Insurance approached 30 alternative markets on the City's behalf, including the incumbent carriers whose price was \$16,016 more than the recommendation of

AmRisc, LLC. Premium increase is purely association to the hardening of the property insurance market globally. In 2018, the global reinsurance market sustain approximately \$79 Billion in losses. While the renewal represents an increase to the City in the amount of \$14,192, it is their recommendation to move coverage to AmRisc, LLC. Policy deductibles and limits did not change. AmRisc, LLC was the carrier on the City's placement during the 2016 tornado and paid out \$2,307,790 in claim damages.

Commissioner Hinojosa asked if this was an introduction item or does it call for a vote. Staff responded that this item calls for a vote as it is an action item. Hinojosa then asked if staff went out for proposals, if the city went out for proposals last year.

Mrs. Gonzales responded that this was correct, in March 2018.

Commissioner Hinojosa then asked if it was going to go up.

Mrs. Gonzales responded that it is going up, the 6.85%, \$14,000.

Commissioner Hinojosa asked if it is staffs recommendation to not go out for proposals and accept this.

Mrs. Gonzales response was yes. She further stated that Carlisle went out to the markets and looked at over thirty different alternative markets and they came up with this as their best proposal for the city.

Motion made by Commissioner Leubert to accept staffs recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Fugate voting "FOR". Hinojosa "AGAINST".

18. Consider accepting donation from the Coastal Bend Civitan Club for park equipment for special needs children. (Parks Director).

Mrs. Ivy stated that this is a donation in the amount of \$3,141.21 to purchase a generational swing, a therapeutic swing and cantilever that will hold a tot swing which the generational wing will take place of in the tot swing set in Thompson Park.

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

19. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend the donation from the Coastal Bend Civitan Club for Thompson Park playground equipment. (Parks Manager).

Introduction item.

20. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for the fee associated with the Supplemental Revenue Program for the Fire Department. (Fire Chief).

Chief Garcia stated that the Kingsville Fire Department is requesting the reallocation from fund 097, Vehicle Replacement Fund to cover the fee for preparing and processing the FY 2018 Ambulance Supplemental Payment Program application. He further stated that the Fire Department received a lump sum of \$125,866.27 from the program for FY 2017 with Intermedix due a fee of 13% of the total award, which is \$16,362.62.

Commissioner Hinojosa asked if what was said was that the city received the \$125,000. Chief Garcia responded that this was correct. Commissioner Hinojosa further asked if this was going into fund 97. Chief Garcia and Mr. Garza both stated that this would be going into vehicle replacement fund. Chief Garcia commented that fund 97 is the vehicle replacement.

Commissioner Hinojosa asked if the city had received the \$125,000. Mr. Garza responded that this was correct. Hinojosa further asked from what source. Hinojosa further stated that as he wasn't here and there is nothing explaining it in the packet, for him to understanding.

Chief Garcia stated that the Federal Government has a program which is called the Annual Supplemental Payment Program, which has been around for many years. Two years ago, we decided to become part of the program so that we can get some funding. This is basically Medicaid money that is sitting there and is offered to pre-hospital or EMS Ambulances to be able to receive some of the funding so that we could put it back into replacing ambulances, medical equipment and so forth. Two years ago it came to Commission to have this approved so that we could be a part of it. Garcia further stated that now it is very cumbersome and requires a lot of number crunching, and Intermedix which is our EMS billing company said that they would hire PCG which is the Public Consulting Group in order to do this application for us and process it for us, which they did and they crunch the numbers again. Fiscal year 2017 was only 6 months because when we came into the program, out of those 6 months we were able to recover \$125,866.27 of which part of that amount is 13% is fees.

Mr. Garza commented that this money is already allocated as it is the money that was utilized to help purchase the new ambulance that is currently in production. Garza stated that staff made the decision to recommend that because of the aging fleet of the Fire Department, and how expensive some of the apparatuses are that this money go into the vehicle replacement fund so that the Fire Department could have a source of revenue specifically dedicated to replacing their apparatuses.

Commissioner Hinojosa commented that he understands this, but his question is the \$125,000 and asked staff if what they said was that that money came in.

Mr. Garza responded that this would have been last year.

Commissioner Hinojosa stated that there is no documentation in the packet as to when it came in, as some of this happened back in 2017. He further asked when the city received this money and was it an accounts payable and was it in the audit.

Mr. Garza commented that from a calendar standpoint, money comes in September so this money that is being referred to came in physically in September 2018. So this money was included when the budget for fiscal year 2019 was proposed, which began in October 1, 2019 which is why staff proposed purchasing the ambulance this fiscal year which is currently in production. Garza stated that what staff forgot to do was budget for fee that the company charges to get us that money.

Commissioner Hinojosa further commented that if staff looks at the date of the invoice, October 2018, and this happened back in 2017, how come the invoice is not dated on the 17th.

Mrs. Alvarez commented that because they couldn't invoice us until we actually received the money, as they don't know how much to charge us for until we are actually give the monies.

Mr. Garza further explained that the for this year, the application is submitted in January.

Commissioner Hinojosa asked for staff to provide him a schedule of all this that he could follow the trail.

Mayor Fugate suggested for Commissioner Hinojosa to get with staff and allow them to further explain it to him.

Commissioner Lopez commented that she would like to see in the agenda packet, that when something like this comes up maybe the agreements could be attached as this Commission has some new Commissioners, and feels that the Commission is not being given all the information. This would help the new Commissioners understand what occurred in the past prior to them coming on as a Commissioner.

Introduction item.

21. Consider disposing of obsolete fire department equipment by providing it to a Valle Hermoso, Tamaulipas, Mexico. (Fire Chief/ City Manager).

Commissioner Lopez asked how this all came about.

Mr. Garza stated that the city received a written request from the President Municipal of Valle Hermoso. He further stated that this was also initiated through personal contacts and stated that he has a lot of family in Tamaulipas, Mexico.

Commissioner Lopez commented that it would have been nice if the request letter would have been included in the agenda packet.

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

22. Consider a resolution authorizing the Mayor to enter into the Emergency Medical Services Physician Medical Director Contract between the City of Kingsville and Dr. Ben Moore, M.D. (Fire Chief).

Chief Garcia stated that is to update and continue their medical services contract with Dr. Ben Moore. This also requires for the Medical Director to take annual CE's and choosing an alternate physician to step in when not available.

Commissioner Hinojosa stated that he has noticed on the timeline that his was from October 1, 2019 to September 30, 2020 and asked if this was correct. He stated that on the contract it ends on September 30, 2019.

Mrs. Alvarez commented that on section 2 of the contract it stated from October 1, 2018 to September 30, 2019; and this agreement will automatically renew for additional one-year periods until either party notifies the other of their intent to terminate the agreement.

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

23. Consider a resolution in support of House Bill 24 by State Representative Ramon Romero and Senate Bill 993 related to increasing criminal penalties for certain family violence offenses committed in the presence of a child. (IT Manager).


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

Mr. Kyle Benson, IT Manager stated that the bills sitting in Committee and encourages them to speak to State Reps to see this through.

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


VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:24 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary

