

MAY 13, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 13, 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
Dianne Leubert, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Derek Williams, IT
Susan Ivy, Parks Manager
Deborah Balli, Finance 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
Ricardo Torres, Police Chief
Ron Lee, Fire Marshall

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Pecos 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 – March 11, 2019

Regular meeting – March 25, 2019

Motion made by Commissioner Lopez to approve the minutes of March 11, 2019 and March 25, 2019 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, 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, 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 the following Proclamations: National Police Week, Peace Officer Memorial Day, Motorcycle Safety Awareness Month, Navy Gold Star Awareness Month, and National Public Works Week.

Mr. Ramiro Utley presented the Commission with the Flag of Heros. This flag displays the names of all Policemen and Fire Fighters who lost their lives during the September 11th devastation.

Mrs. Deborah Balli, Interim City Manager reported that a Street Departments update has been provided to the City Commission for their review.

Mrs. Courtney Alvarez, City Attorney reported that the next regular meeting is scheduled for May 28th with the deadline to staff for submittal of agenda items set for May 17th. She further announced that City offices will be closed on May 27th for the Memorial Day Holiday.

Commissioner Lopez announced that the City of Kingsville will be hosting the next TML Region 11 Quarterly meeting. She further stated that she is very concern about Caesar's Ditch. With the developer of Wild Wood Trails placing the fence so close to the ditch, it does not allow staff to go an clean the ditch properly.

IV. Public Comment on Agenda Items.³

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

Elizabeth Ramos, 3400 S. Brahma Blvd., commented that it is difficult to find information on Kingsville and information given is not full detailed. She further commented that she has a blog on a Facebook page that she is in charge of where she post things about the community. She also commented that on the first day of school, traffic was chaos and continues to be chaos. She stated that parents and children don't have a sense of system. She is concerned about what is going on at Perez Elementary School with regards to drop off and pickup traffic. She asked for the City to communicate with the School District about safety and possibly put a system in place to make it safer for the community.

Mr. Lance Hamm, 912 South Creek commented that since the latest two traffic fatalities within the City, the City needs to be more preventative and less reactive. He further stated that he request the City Commission to consider the following: city budget funding for a professional survey of a city risk assessment on road safety. This risk assessment will tell the Commissioner where is the highest probability for the next crash, injury or fatality. He further stated that he requested for the Commissioners to fund money for sidewalks in the annual city budget. At this time, Mr. Hamm mentioned pictures of locations where sidewalks are needed. City Secretary did not receive these copies of pictures. He stated that the new hotels near the highway also need crosswalks to allow visitors to cross over to McDonalds or the near gas station. He also stated that he requested the Commission to adopt an ordinance to reduce speed limits on General Cavazos from 6th Street to NAS Kingsville. This location has major traffic on a 45 mph zone and feels that it should be reduced to 35mph. He also stated that he has asked for a speed limit resolution or ordinance to reduce speed near South Creek Subdivision on Hwy 77. He stated that the City requested for TXDOT to reduce speed to 65 mph then there were several crashes and then he requested for the speed to be reduced to 55 mph, which TXDOT has never done, but it's part of the city's ordinance. He then spoke about handouts that were provided to the Commission and stated that on one of the handouts, from back in 2012, states that TXDOT and the City had a conflict on speed limits which technically should have gone to the Texas Transportation Commission in Austin for resolution, which has never happened, therefore never been resolved. Hamm further stated that the speed limits is 65 mph by his subdivision South Creek, which he doesn't understand why they would want to increase the speed when there are 32 families trying to get into the subdivision. The increase could be used in the southern part of the city. He further spoke about the closure of FM 1717 crossing on Highway 77, and asked for the City to assist County Judge Madrid in his efforts in closing down that crossover. He stated that there are still decyl lanes that are not marked by paint which it makes it very dangerous. Hamm stated that he will be emailing the Commission to follow-up on his comments.

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

1. **Motion to approve final passage of an ordinance amending the zoning ordinance by granting a special use permit for 418 E. Kleberg Ave., also known as Orig. Town, Block 41, Lots 17-29, for a light manufacturing use (to build furniture). (Director of Planning & Development Services).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to set aside funds committed for the EDA Grant Match (for Regional Training Center and Emergency Operating Center). (Interim City Manager).**
3. **Motion to approve a resolution of the City of Kingsville, Texas, designating the authorized signatories for financial, health trust plan, and other items of city business from City Manager to Interim City Manager. (Interim City Manager).**
4. **Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boy Scouts of America Venado District. (Police Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. **Consider the appointment of Billy Tiffie to the Joint Airport Zoning Board for a two-year term. (Director of Planning & Development Services).**

Motion made by Commissioner Lopez to approve the appointment of Billy Tiffie to the Joint Airport Zoning board for a two-year term, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

6. **Consider a resolution and order canvassing the election returns and declaring the results of the City of Kingsville's Special Election conducted on May 4, 2019. (City Secretary).**

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 Special Election conducted on May 4, 2019, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. **Consider a resolution authorizing the Fire Chief to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector. (Fire Chief).**

Mr. Adrian Garcia, Fire Chief stated that this is an extension for an EMS Program that they have. This agreement was initiated back in 2013 and has been a successful program. This agreement had been extended in 2015 and now they are asking for it to be extended again.

Motion made by Commissioner Lopez to approve the resolution authorizing the Fire Chief to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Lopez, Fugate voting "FOR".

8. **Consider accepting donations from La Posada de Kingsville and Christus Spohn for Park Department Healthy Families Initiative. (Parks Director).**

Motion made by Commissioner Hinojosa to accept the donations from La Posada de Kingsville and Christus Spohn for Park Department Healthy Families Initiative, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Lopez, Hinojosa, Fugate voting "FOR".

9. **Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend donations from La Posada and Christus Spohn Hospital for recreational programs (Park Department Healthy Families Initiative). (Parks Director).**

Introduction item.

10. **Consider a resolution suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).**

Mr. Patrick Moore, AEP Representative commented that this was a request made by the Public Utility Commission to do a rate review as the last rate review done was 12 years ago. This will also give them an opportunity to update their tariff manual.

Mrs. Alvarez commented that important to engage the services of the firm and the consultants to review the matter as many other cities that have original jurisdiction do.

Motion made by Commissioner Leubert to approve this resolution suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing intervention in AEP Texas Inc.'s requested rate change proceedings before the Commission; hiring Lloyd Gosselink attorneys and consulting services to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez and Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

11. **Consider rescinding condemnation order for 213 W. Santa Gertrudis due to additional information received after April 8, 2019. (Director of Planning & Development Services).**

Mr. Tom Ginter, Director of Planning & Development Services commented that on April 8th, the City Commission approved the condemnation order of 213 W. Santa Gertrudis. On April 16th, Diana Naranjo and Ruben Vasquez submitted a building permit application, list of supplies, and plans showing how they would be improving their property. This property is located in the Historical District so the façade improvements would need to be approved by the Historical Commission, which an item for this has been place on the Historical Commission's Agenda for Wednesday, May 15, 2019. Ginter stated that the property owner's have also trimmed the trees this past weekend. He further stated that to clarify the process, they have also...

Mayor Fugate commented that what upsets him about this is that it takes this to get it done. It takes the city to demo this house to get people to clean up their property. It takes staff hours to go through the process when all the property had do 2 years ago was clean up their property. Fugate further stated that 10 years ago, this property has been out of compliance for at least 20 years, and it takes this to get people to take action, which is the problem he has with any of this. He further stated that he doesn't understand why this property has been brought back to the Commission. It should send a message to people of this community that the city will not tolerate it. If you live in Kingsville and own property you will take cart of it. By setting this aside, it sends the wrong message to the community. Fugate commented that we will clean this town up as it is one of the bad wraps that the City gets as being a not clean city and has no curb appeal. This property is on one of the major routes to the University. He stated that everyone that is here for the National Championship games has to drive by this property. Fugate further asked Mr. Ginter to let him know how this façade could be fixed and make it to where it is up to code.

Mr. Ginter responded that the property owner will remove the plywood, install new windows, and doors. They have trimmed the trees and do any other facial work on the façade that needs to be done.

Mayor Fugate asked what the timeline for the project.

Mr. Ginter responded that if it gets approved Wednesday by the Historical Commission, it has to be immediate. The property owners need to know that it needs to be done immediately.

Mayor Fugate asked Mrs. Alvarez, City Attorney what the vote would have to be from the Commission in order to overturn it. Mrs. Alvarez responded that it would be just the regular vote of which is the majority three votes.

Commissioner Leubert asked what they meant by immediate and further asked how long it will take to get this property up to code.

Mr. Ginter responded about a week or two. He further stated that Ruben would be doing the work himself. He also stated that the property owners have been instructed that they would have to show progress.

Commissioner Lopez commented that she agrees with Mayor Fugate and further commented that it takes this to force a property owner to take care of their property after staff has done all the work. This property will take a while to bring up to code, as it is in very bad shape.

Mayor Fugate commented that people in Kingsville, TX need to know that we are different. We will not live with this. If you own property, you better take care of it. He further asked how many times has the city had where we condemn property and the property owner comes in at the last minute...it's too late. He further commented that Mr. Ginter could say what he wants but he doesn't see it happening where the Commission would rescind their decision.

Commissioner Leubert commented that if the City Commission rescinds their decision, and it is being said that the work will be done immediately, which doesn't give her an answer on how long it is going to take. She further commented that she has driven by the property where she sees that the roof is bowed. She asked if structurally if the property was sound. Mr. Ginter response was yes. Leubert further asked what was the timeframe in getting this property completely presentable. Mr. Ginter responded two weeks.

The Commissioners commented that there was no way that this property could be brought up to being presentable in two weeks.

Mr. Ginter commented that he would start working on it immediately.

Commissioner Hinojosa commented that the city has given enough time.

Mayor Fugate asked for a motion to rescind this condemnation.

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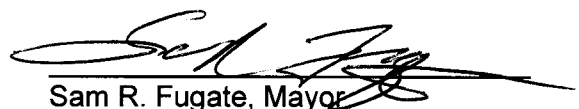
The items dies for a lack of a motion.

12. Consider a resolution authorizing the Mayor to enter into an Agreement for Executive Recruitment Services with SGR, Inc. for the City Manager position. (Mayor Fugate).

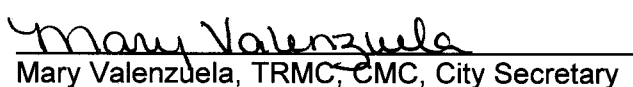
Motion made by Commissioner Hinojosa to approve the resolution authorizing the Mayor to enter into an Agreement for Executive Recruitment Services with SGR, Inc. for the City Manager position, seconded by Commissioner Lopez.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary

