

JULY 8, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 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
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Susan Ivy, Parks Manager
Deborah Balli, Interim City Manager
Tom Ginter, Director of Planning & Development Services
Charlie Sosa, Purchasing Manager
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Ron Lee, Fire Marshall
Ricardo Torres, Police Chief
Janine Reyes, Tourism Director
Joseph Ramirez, Engineers Assistant
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Cynthia Martin, Downtown Manager

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)

June 24, 2019 - Regular Meeting

Motion made by Commissioner Pecos to approve the minutes of June 24, 2019 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, voting "FOR". Fugate 'ABSTAINED'.

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, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."*

Mrs. Deborah Balli, Interim City Manager reported to the Commission that at this time, the Splashpad will be closed on Mondays for cleaning and maintenance.

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

Mayor Fugate asked how much money will be left after the Caesar Street Project. Mr. Donnell responded that there will be less than \$300,000 left. Mayor Fugate commented that he would like to see the next project started, at least to draw up plans for the next project. Mr. Donnell stated that the next project is the Santa Rosa Project.

Mr. Donnell gave an update on the Landfill Permit Amendment. He stated that staff has been working with Hanson Engineering since 2012 on this permit amendment. At this time, we have a draft permit that is deemed to be approved. Donnell stated that the city would have to advertise and give the public opportunity to make comments. If after 30 days, if there is no comments or public hearing, then that permit would go to the Executive Director for signature. He stated that they have expanded the footprint slightly for the stormwater retention. It was project to be a 43 years of life to 98 years of life on that landfill. Currently the city has spent \$695,048 on this permit process and staff will be requesting a budget amendment to finish paying the notice of deficiency responsive which was the process going through the permit and getting it approved with TCEQ. He stated that with TCEQ, they have generated a new format that they wanted on the permits, which were one of the first ones to go through it. He stated that what the permit will intel is the vertical expansion down 20 feet and vertical expansion up, to 200 feet.

Commissioner Leubert asked Mr. Donnell if the gap between Type 1 & 4 where the original one had the separation, air space separation, that is filled in and will be part of the overall.

Mr. Donnell responded that the Type 4 will become a Type 1 in this permit amendment.

Commissioner Leubert further asked if we will be able to use the airspace with this amendment. Mr. Donnell responded yes, and the old 235, in the future it will be lined and expanded up on that section as well.

Commissioner Hinojosa asked that the Type 4, the linear was installed for a Type 1? Mr. Donnell responded that this was correct.

Mrs. Courtney Alvarez, City Attorney, stated that after receiving a call from the Ladies Golf Team, staff is requesting for the Commission to not take any action on agenda item #20, as the Ladies Golf Team would like to discuss the agreement further. She updated the Commission on the Historical Board approving the demolition of the old Kingsville Publishing building. She stated that this is a part one of the two part contingency to approve the re-plat for the Dollar General, has been met. If the Commission approves the alley abandonment ordinance tonight, then the second prong will be met because the developers have also agreed to do the line replacement that staff has requested and the specifications that staff has requested, which will end up being a note on the plat. She further reported that the next Commission meeting is set for Monday, July 22nd with agenda items due on Friday, July 12th. She also reported that staff recently received from the Appraisal District the packet about nominations for the Appraisal Review Board. She stated that all the taxing entities are able to submit a name or a nomination that they would like to be considered on the ballot. Once the all the names are submitted, the Appraisal District will send us a ballot which will be brought to the Commission for their vote. She stated that presently Al Garcia is sitting on behalf of the City, although the nominee does not need to be a Commissioner in order to serve on this Board. The nominee must be a resident of the County. There is also a vacancy to fill the unexpired term of the late Mr. Filiberto Garcia, his term will be expiring on December 2019. She further reminded the Commission of the upcoming dates for the Budget Workshops; August 19th & 20th and August 26th & 27th.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

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

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

Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Lopez and Commissioner Hinojosa. 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 zoning ordinance by changing the zoning map in reference to Westside AC, Lot 10 (.9989 Acres), also known as 209 W. Corral, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**
2. **Motion to approve final passage of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Orig Town, Block 49, Lots 17-18; Orig Town, Block 49, Lots 19-22; and, Orig Town, Block 49, Lot 23 (alley behind 105 South 5th St. and 119 South 5th St. and 200 West King, between 5th St. and 4th St. off of King Ave.) for Dollar General. (Director of Planning & Development Services).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend the proceeds from the sale of 11 acres (off Loop 428). (Interim City Manager).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 Budget to expend funds for South Plant Waste Water Clarifier. (City Engineer).**
5. **Motion to approve reappointment of Steve Zamora, Debbie Tiffie, Brian Coufal, Bill Aldridge and Lupe Alvarez to the Planning & Zoning Commission each for two-year terms. (Director of Planning & Development Services).**
6. **Motion to approve reappointment of Dora Martinez to the Civil Service Commission for a three-year term. (Director of Human Resources).**
7. **Motion to approve reappointment of Tamara Brennan to the Historic Development Board for a three-year term. (Downtown Manager).**
8. **Motion to approve reappointment of Chris Maher, D'yan Lopez Garza, and Gloria Bigger Cantu to the Main Street Advisory Board each for a two-year term. (Downtown Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. **Consider appointment of Sandra Seymour to the Parks Advisory Board for a two-year term. (Parks Director).**

Motion made by Commissioner Hinojosa to approve the appointment of Sandra Seymour to the Parks Advisory Board for a two-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

10. **Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).**

Mrs. Alvarez stated that at the last meeting there was a public hearing for this rezone where there were a couple of individuals within the 200 foot area that had objected to the rezone. Staff has also received some written notification as well. There were sufficient to trigger the section in the code of ordinances that will require the Commission to approve the rezone, if they chose too, by a 3/4th vote if going to approve it.

Mr. Ginter stated that this is a vacant lot owned by a non-profit. Mayor Fugate asked who were the complaints received from. Mr. Ginter stated that complaints were received by people living next door; Helen Rodriguez, Gilbert Vega and received two other letters and one this morning complaining about the rezone.

Mrs. Alvarez named the individuals, Mary Villarreal, Patricia DeLeon, Michael Haney, and Joseph Figarelli.

Mayor Fugate commented that he doesn't understand why they are complaining as it is a vacant lot.

Mr. Ginter stated that it will be a four unit complex. He stated that there is a lot of cities that are providing affordable housing and have looked at R1's, single-family lots that can be developed for multi-family.

Mayor Fugate asked what was the vote from the Planning and Zoning Commission. Mr. Ginter responded that it was a 4-0 vote in favor of the rezone. Mayor Fugate further asked if there were any complaints made during the Planning & Zoning Commission meeting. Mr. Ginter responded that no complaints were made, although Mr. Vega arrived late to the meeting and the vote had already been taken.

Mayor Fugate commented that it is his understanding that a couple of the complaints that were received were from those who are in rent houses that belong to Mr. Vega.

Mr. Ginter that this could be possible.

Motion made by Commissioner Pecos to approve this ordinance amending the zoning ordinance by changing the zoning map in reference to Cooper 2, Block 3, Lots 19-21, also known as 800 W. Kleberg, Kingsville, Texas, from R1 (Single Family District) to R3 (Multi-Family District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan, seconded by Mayor Fugate.

Mr. Ricardo Vega commented that he has lived in the area since 1979 and people come and go from this area. Four years ago they placed some apartments across the street from him, which bothers him. He also commented that six residents that live in the area don't want the apartments. He stated that he has signatures from these individuals opposing the rezone.

The motion FAILED with the following vote: Pecos, Fugate voting "FOR". Lopez, Hinojosa, Leubert voting "AGAINST".

11. Consider introduction of an ordinance abandoning part of an alley and retaining an easement for utility purposes in Vista Alegre Addition, Block 2 between Lots 5-12 and Lots 13-20 (alley between Henrietta and Yoakum to the west of 19th Street) for Jubilee Academies. (Director of Planning & Development Services).

Mr. Tom Ginter, Director of Planning & Development Services stated that as the Jubilee Academy School has grown in enrollment and with future plans, they would like the city to abandon the alley for the safety of the school children. The City of Kingsville and CenterPoint have lines in the alley so while the city can abandon the alley, we will have to maintain a utility easement access for maintenance.

Introduction item.

12. Consider a resolution authorizing the Mayor to sign the Standard Form of Agreement for TxCDBG No.7218269 between Owner and Contractor on the Basis of a Stipulated Price (for Manhole Rehab Project). (City Engineer).

Motion made by Commissioner Pecos and Commissioner Leubert to approve the resolution authorizing the Mayor to sign the Standard Form of Agreement for TXCDBG No. 7218269 between Owner and Contractor on the Basis of a Stipulated Price (for Manhole Rehab Project), seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

13. Consider introduction of an ordinance amending Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on Santa Gertrudis Ave. at its intersection with 12th Street. (City Engineer).

Mr. Rudy Mora, City Engineer stated that currently the intersection of E. Santa Gertrudis and N. 12th Street have only a two-way Stop sign condition on 12th Street. Flores Park has had various improvements, for example, splashpad, playground equipment and picnic tables. The Engineering Department recommends placing a two-way Stop sign on E. Santa Gertrudis to convert to a four-way Stop intersection. The recent and future improvements in this area have generated an increase in pedestrian traffic and tow-way Stop signs are no longer the safest intersection condition applications. Section 28.07 of the MUTCD supports the need for Stop signs at these intersections by meeting the criteria in which there is the need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes.

Commissioner Leubert asked if there would be crosswalks. Mr. Mora responded yes.
Introduction item.

14. Consider accepting donation from the Brookshire Foundation for Parks Department equipment and recreational programming. (Parks Director).

Motion made by Commissioner Lopez to approve the acceptance of donation from the Brookshire Foundation for Parks Department equipment and recreational programming, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend Park Donations from the Brookshire Foundation for recreational programs and equipment. (Parks Director).

Introduction item.

16. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 Budget to expend funds for professional services related to the Landfill Permit Amendment responses and Landfill heavy equipment repairs. (Public Works Director).

Introduction item.

17. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV providing for adoption of Article 12, Cross Connection Control and Backflow Prevention Program and regulation pertaining thereto to establish minimum standards within the corporate limits of the City and the extraterritorial jurisdiction. (Public Works Director).

Mr. Donnell stated that this project shall rehabilitate 18 manholes throughout the city. These manholes have deteriorated, and the proposed scope of work would reduce inflow and infiltration. It is estimated to benefit approximately 24,000 residents. The grant is to assist low to moderate income communities using state funds. The resolutions included are a requirement by the State. The City would provide a cash match of \$60,000. Staff recommends awarding the project to Etech Construction in the amount of \$168,988.00 and authorizing the City Manager to execute a contract for the same.

Introduction item.

18. Consider a resolution adopting the City of Kingsville Cross Connection Control Policy Manual. (Public Works Director).

Mr. Donnell stated that this item purposes an ordinance to protect the City of Kingsville water supply with a Cross Connection Control and Backflow Prevention Program. A Cross Connection Control Policy Manual is also required and will be adopted by resolution.

Motion made by Commissioner Leubert to approve the resolution adopting the City of Kingsville Cross Connection Control Policy Manual, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

19. Consider appointments to the Charter Review Committee. (City Attorney).

Mayor Fugate asked if the Commission was ready to make their appointments to the Charter Review.

The Commission was not ready to make their appointments at this meeting and asked for more time and bring back this item at the next meeting.

Commissioner Hinojosa asked how the Commission was going to determine the two individuals that would be appointed by the Commission as a whole.

Mayor Fugate asked for each Commissioner to bring back their pick for the Charter Review Committee and one extra name for consideration.

All Commission members were in agreement with this, therefore, no action was taken on this item.

20. Consider a resolution authorizing the Interim City Manager to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to TAMUK Women's Golf Team and the L.E. Ramey Golf Course. (Interim City Manager).

No discussion or action taken.

21. 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. (Interim City Manager).

Mayor Fugate read and convened the meeting into executive session at 6:42 p.m.

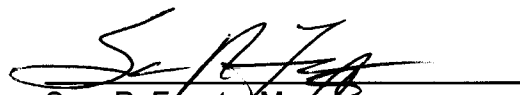
Mayor Fugate reconvened the meeting into open session at 6:49 p.m.

22. Consider a resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Dueces D'Ville, LLC (Chapter 380 Agreement). (City Attorney).

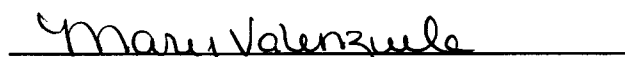
Motion made by Commissioner Lopez and Commissioner Pecos to approve the resolution authorizing the Mayor to execute an Economic Incentive Agreement between the City of Kingsville, Texas and Dueces D'Ville, LLC (Chapter 380 Agreement), seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:51 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, EMC, City Secretary