

OCTOBER 28, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 28, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 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  
Deborah Balli, Interim City Manager  
Diana Gonzales, Human Resources Director  
Emilio Garcia, Health Director  
Ricardo Torres, Police Chief  
Bill Donnell, Public Works Director  
Cynthia Martin, Downtown Manager  
David Soliz, Risk Manager  
Rudy Mora, City Engineer  
Derek Williams, IT Department  
Robert Rodriguez, Library Director  
Charlie Sosa, Purchasing Director  
Manny Salazar, Economic Development  
Janine Reyes, Tourism Director

**I. Preliminary Proceedings.****OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 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)****Special Meeting- October 21, 2019**

**Motion made by Commissioner Lopez to approve the minutes of October 21, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

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

**1. Public Hearing on a request for an alcohol variance for a Beer Retail Dealer's Off-Premise License (BF) and Wine Only Package Store permit (Q) and Package Store Tasting Permit (PS) for the Walmart Store (Store #442) at 1133 General Cavazos Boulevard, Kingsville, Texas through its authorized agent, Quality Licensing Corp. (Interim Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 5:02 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services reported that Walmart would like to add a Tasting Permit to their existing alcohol license. With the addition, it would require for them to reapply for the license.

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 discussion or comments, Mayor Fugate closed this public hearing at 5:03 p.m.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: 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. Courtney Alvarez, City Attorney reported that as City offices will be closed in observance of the Veteran’s Day Holiday, the next City Commission meeting is scheduled for Tuesday November 12, 2019 at 5:00 p.m.

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

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

1. **Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to KT&I Co., Block 17, Lot out of 3, also known as 1120 E. Senator Carlos Truan Blvd, Kingsville, Texas, from R3 (Multi-Family Residential District) to C2 (Retail District), Ted Figueroa, applicant. (Interim Director of Planning & Development Services).**
2. **Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Palmer Drug Abuse Program (PDAP) of Kingsville for drug use prevention programs. (Police Chief).**
3. **Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).**
4. **Motion to approve a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Veterinary Technology Training Program (renewal). (City Attorney).**

##### REGULAR AGENDA

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

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

5. **Discuss and consider request to remove barricades from an alley that runs between North 10<sup>th</sup> and North 12<sup>th</sup> Streets (parallel to E. Ave. A and E. Nettie). (Commissioner Pecos).**

Commissioner Pecos stated that he has received request from citizens around this area to have the barricades that have been in place since the 1970's removed. He stated that these citizens would like to have them removed since it involves public safety and a fire truck would not be able to go through there.

Commissioner Hinojosa commented that it was his understanding that registered letters were going to be sent out to the citizens that lived around the area. He further asked if this was done as he doesn't see a copy of the letter in the agenda packet.

Commissioner Lopez commented that the information for this item was not updated in the agenda packet.

Commissioner Hinojosa commented that this was requested at the last meeting and asked if maybe it was to soon to get a response back.

Mr. Rudy Mora, Engineer stated that certified letters were sent last week and received confirmation from 10. He stated that Guadalupe Garza from 626 E. Ave. A, visited his office and stated that she would like the barricades to remain. There was another resident by the name of Hope Ramos 615 E. Ave. A stated that she would like the barricades to remain as well. Mora stated that he has received a letter from Ms. Ramos and read the letter to the City Commission: "My name is Hope Ramos, I am writing this email in regard to barricade removal in the alley North of Tranquitas Creek. I regret that I can not make tonight's meeting, but I would like my voice to be heard. I reside at 615 E. Ave A with my two daughters of one who is special needs. I often take my daughter to the back of our house for a walk and do not have to worry about too much traffic coming from both directions at a high rate of speed. If the barricades is removed I fear that vehicles may use the alley as a shortcut to get across to the other side. The barricade helps me to rest easy at night and feel protected that no unauthorized vehicles will pass through the alley at all hours of the night. There are only four other houses on our side of the barricade, so if a car passes, more than likely they live through here. I thank you for listening to my concerns and know that you will make the right choice and ask that the barricades to be left as is for the safety of my family."

Mayor Fugate asked if staff received any other correspondence from anyone else. Mr. Mora responded that this was the only correspondence he received.

Commissioner Lopez asked when letters were sent out. Mr. Mora responded that letters were sent out either last Monday or Tuesday. Commissioner Lopez stated that as they weren't able to see the letters, did staff give the citizens receiving the letters a time that they could respond with their concerns. Mr. Mora stated that staff mentioned in the letter that this item was being brought to the City Commission and if they would like their opinion to be heard to show up to the meeting, today at 5:00 p.m. Mora stated that it was very specific for the time and location for this. Commissioner Lopez asked if he had only received the two letters that said no. Mr. Mora responded this is correct.

Commissioner Hinojosa asked if those two letters that said no, were they the same ones that said no the previous time or are they new citizens responding?

Commissioner Lopez asked for the individuals names, as she has the list of names from the previous time. Mr. Mora responded that one was Guadalupe Garza and the other is Hope Ramos. Commissioner Lopez commented that these are two new citizens saying no to the removal of the barricades.

Commissioner Leubert asked what the count is of individual for or against the removal. Mr. Mora responded that out of the sixteen that were sent out, four were denying the removal of the barricades and three were for removing the barricades. Mora also stated that the only received, this time, two that were against the removal and did not receive any for the removal of the barricades.

Commissioner Hinojosa asked if the two that were received had stated no previously. Mr. Mora responded no. Commissioner Hinojosa commented that with the additional two, this would make it six against the removal. Mr. Mora responded that this was correct.

Commissioner Lopez commented that she would have liked to have seen updated information included into the packet for this agenda item.

**Motion made by Commissioner Pecos to approve the removal of barricades from an alley that runs between North 10<sup>th</sup> and North 12<sup>th</sup> Streets (parallel to E. Ave. A and E. Nettie).**

**Mayor Fugate asked for a second to Commissioner Pecos motion.**

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**Mayor Fugate asked for a second to Commissioner Pecos motion.**

**Motion dies for a lack of a second to the original motion.**

6. **Consider an alcohol variance for a Beer Retail Dealer's Off-Premise License (BF) and Wine Only Package Store permit (Q) and Package Store Tasting Permit (PS)**

for the Walmart Store (Store #442) at 1133 General Cavazos Boulevard, Kingsville, Texas through its authorized agent, Quality Licensing Corp. (Interim Director of Planning & Development Services).

Motion made by Commissioner Leubert to approve alcohol variance for an alcohol variance for a Beer Retail Dealer's Off-Premise License (BF) and Wine Only Package Store permit (Q) and Package Store Tasting Permit (PS) for the Walmart Store (Store #442) at 1133 General Cavazos Boulevard, Kingsville, Texas through its authorized agent, Quality Licensing Corp, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

7. Consider accepting three donations for Park's Healthy Family Partners events. (Parks Director).

Motion made by Commissioner Leubert to accept three donations for Park's Healthy Family Partners events, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to receive and expend Park donations for the Healthy Family Recreational Programs. (Parks Director).

Introduction item.

9. Consider accepting donation from La Posada de Kingsville for downtown decorations. (Parks Director).

Motion made by Commissioner Lopez and Commissioner Pecos to accept donation from La Posada de Kingsville for downtown decorations, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to receive and expend donations for downtown holiday decorations. (Parks Director).

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to rollover funds for projects not completed in FY18-19 and items ordered in FY18-19 but not received until FY19-20. (Finance Director).

Introduction item.

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

Mayor Fugate asked Mrs. Alvarez if all three executive sessions could be taking at once. Mrs. Alvarez responded that the Commission could do that, but times would need to be taken at the start and finish of each executive session.

Mayor Fugate announced all three executive sessions and convened the meeting into closed session at 5:21 p.m.

This executive session ended at 5:26 p.m.

13. Consider a resolution authorizing the sale of the City's 5.077 acres of land located off West General Cavazos Blvd. (KT&I Co., Block 19, Lot Pt 24) in Kingsville, Texas. (Purchasing Manager).

Motion made by Commissioner Lopez to approve the resolution authorizing the sale of the City's 5.077 acres of land located off West General Cavazos Blvd. (KT&I Co., Block 19, Lot Pt 24) in Kingsville, Texas, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

14. 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).

This executive session started at 5:27 p.m. and ended at 5:34 p.m.

15. Consider a resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and Libertas Real Estate Group, LLC. (Chapter 380 Agreement). (Interim City Manager).

Motion made by Commissioner Leubert to approve the resolution authorizing the Mayor to execute an Economic Development Agreement between the City of Kingsville, Texas and Libertas Real Estate Group, LLC. (Chapter 380 Agreement) and authorizing the City Attorney to finalize the definition of sales and use tax in the agreement seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

16. Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the City Manager position. (Mayor Fugate).

This executive session started at 5:35 p.m. and ended at 5:58 p.m.

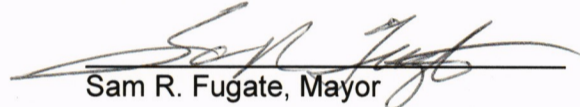
Mayor Fugate reconvened the meeting into open session at 5:58 p.m.

17. Consider acting on the City Manager position and employment agreement. (Mayor Fugate).

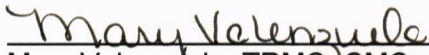
Motion made by Commissioner Leubert to appoint Mark McLaughlin as the City of Kingsville's City Manager and to approve the employment agreement as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

#### VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:03 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary