

NOVEMBER 12, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, NOVEMBER 12, 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  
Bill Donnell, Public Works Director  
Cynthia Martin, Downtown Manager  
Rudy Mora, City Engineer  
Derek Williams, IT Department  
Charlie Sosa, Purchasing Director  
Janine Reyes, Tourism Director  
Susan Ivy, Parks Director  
Jessica Montalvo, Health Department  
Jason Torres, Health Department

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

Mayor Fugate opened the meeting at 5:02 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 28, 2019

**Motion made by Commissioner Pecos to approve the minutes of October 28, 2019 as presented, seconded by Commissioner Lopez. 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. None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: 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. Susan Ivy, Parks Director gave a brief update on Parks & Recreation Departments. She spoke briefly on the Texas Parks & Wildlife Grant. She further gave an update on the Golf Course. At the Golf Course the exterior of the club house has been painted. Receive



the greens roller that was ordered. Submitted 33 soil samples to Texas A&M to determine a plan of action for the future of the fairways project. Provided water sample from irrigation pond to determine the salinity levels. Staff is waiting on top dresser to arrive, which should be here in about a week from now. Ivy also gave an update on the Splash Pad. She stated that controller to Splash Pad must be replaced and is backordered for several more weeks. She also stated the annual schedule for the Splash Pad will be discussed at the next Parks Advisory Board meeting to recommend whether the facility will remain open or close for the Winter Season. After speaking with several surrounding communities, it will be recommended that we close after Labor Day during the week and closed for the season from October 1<sup>st</sup> through Spring Break. The Brookshire Pool is closed until Spring. Currently, ongoing maintenance of water and systems continues regularly. As for the Santa Gertrudis Tree project, boring is complete. One of three taps have been installed. Crews will begin working on connection and tap into main water line. Once taps have been installed, backflow preventors will also be attached. Tree removal and re-planting contracted scheduled for week of January 22<sup>nd</sup>. At the Dog Park, public works has finished water lines and the parking lot has been primed. Purchasing is finalizing quotes for sidewalks, irrigation, and amenities. Signage to follow the design with Macareno Signs. At the Xeriscape Garden, Parks and Engineering Interns are currently working on mapping the plants at the Xeriscape Garden to be marked with plant markers which will have QR codes that will provide information and map of garden. The markers are being provided by Keep Kingsville Beautiful. The Purchasing Manager will be working on quotes to renovate the pathways in the Garden to be more stable. Wayfinding signs are in progress for the Pavilion area to lead visitors to restrooms and downtown.

Mrs. Courtney Alvarez, City Attorney announced that the next Commission is scheduled for Monday, November 25<sup>th</sup> with agenda item deadline to staff on Friday, November 15<sup>th</sup>. She further announced upcoming events in the City.

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to receive and expend Park donations for the Healthy Family Recreational Programs. (Parks Director).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2019-2020 budget to receive and expend donations for downtown holiday decorations. (Parks Director).**
3. **Motion to approve final passage 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).**
4. **Motion to approve a resolution casting the City of Kingsville's votes for candidate Alfonso "Al" Garcia to the Board of Directors for the Kleberg County Appraisal District. (City Attorney).**

#### REGULAR AGENDA

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



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

5. **Consider accepting donations from La Posada de Kingsville, the King Ranch, and the South Texas Specialized Crimes & Narcotics Task Force for Park's Healthy Family Partners programs and events. (Parks Director).**

Motion made by Commissioner Pecos to accept accepting donations from La Posada de Kingsville, the King Ranch, and the South Texas Specialized Crimes & Narcotics Task Force for Park's Healthy Family Partners programs and events, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. **Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to accept and expend donations from La Posada de Kingsville, the King Ranch, and the South Texas Specialized Crimes and Narcotics Task Force for the Healthy Family Partner's Recreation Programs. (Parks Director).**

Introduction item.

7. **Consider appointments to Complete Count Committee for 2020 Census. (Interim City Manager).**

Mrs. Deborah Balli stated that staff needs Commission recommendations on who they would like to sit on the Complete Count Committee for the 2020 Census as the City's representative. She further stated that there is a list of individuals that staff would recommend based on their specialties and contact. These individuals are Manny Salazar, Susan Ivy, and Janine Reyes.

It was the consensus of the Commission to go with the individuals Mrs. Balli named. No vote taken.

8. **Consider a resolution providing for a revised credit/debit card convenience fee for credit/debit card transactions with the City of Kingsville. (Finance Director).**

Mrs. Balli stated that the city has been approved for a \$2.50 flat fee for convenience fee, so staff began working with the current processors to implement the \$2.50 fee. There have been some changes via recent court cases that changes the way municipalities can charge convenience fees. VISA will no longer allow a flat fee to be assessed and makes it a requirement for additional fees to be variable. If we want to retain the \$2.30 flat fee that staff recommends and Commission approved based on staff's recommendation, we would no longer be allowed to take VISA credit cards. In keeping with the need to offset some of the costs of credit card discount fees, staff recommends going to the 2.75% variable rate on all debit/credit card transactions. For all credit/debit card payments under \$100 a 2.75% fee plus \$.50 would be assessed. No fee would be assessed on an eCheck payment. From the current provider PSN, the City would be charged a monthly \$79.95 gateway fee and fees for declined transactions. Going with the variable rate also solves the issue on smaller transaction amounts at the Golf Course, Park and Tourism events. Mrs. Balli further stated that staff is asking for approval to change it from \$2.50 flat fee that was approved to 2.75% variable fee. By going to a variable rate, the City would no longer pay any credit/debit card fees.

**Motion made by Commissioner Pecos to approve this resolution providing for a revised credit/debit card convenience fee for credit/debit card transactions with the City of Kingsville, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".**

9. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission, Section 10-Agenda. (Commissioner Lopez).**

Commissioner Lopez stated that agenda items that do not get the approval vote should not be brought back at a following meeting. She further stated that by implementing the 180 days before the agenda item could be brought back to the Commission would allow staff to research and work on the item.

Introduction item.

10. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII-Traffic Code, Article 1-School Zones, Parades, Commercial Vehicles, Temporary Street Closures, Section 15-Speed Limits in School Zones, Special Hours; providing for updated times for school zones. (Police Chief).**

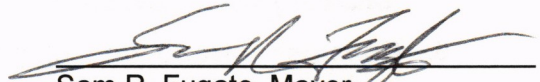
No discussion took place for this item at this time.

**11. Discuss potential changes to the Interlocal for the City-County Health Unit and to City Ordinances regarding the Health Board and Department and other matter related thereto. (Mayor Fugate).**

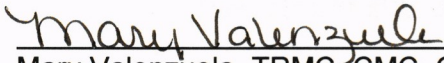
No discussion took place for this item at this time.

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 5:32 P.M.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, CMC, City Secretary