

JULY 22, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 22, 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
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Dianne Leubert, 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
Adrian Garcia, Fire Chief
Ricardo Torres, Police Chief
Joseph Ramirez, Engineers Assistant
Bill Donnell, Public Works Director
Robert Rodriguez, Library Director
Cynthia Martin, Downtown Manager
David Soliz, Risk Manager
Janine Reyes, Tourism Director

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Leubert 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)**July 8, 2019 - Regular Meeting**

Motion made by Commissioner Lopez to approve the minutes of July 8, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹ ** This item will be held at 6pm as per the public hearing notice.****1. Public Hearing on ordinance to change the zoning of 10th, Block 6, Lot N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District). (Director of Planning & Development Services).**

Mayor Fugate read and opened this public hearing at 6:00 p.m.

Mr. Ginter stated that the purpose of the rezoning is that the lot size at 429 West Doddridge is too small to build in R1 which the minimum lot size to build in R1 is 5,500 square feet. The lot size is 50x70 which is 3,500 square feet, which is the reason for him to rezone to R2 which the minimum lot size is 2,200 square feet. The applicant would like to build a single-family residence.

Mr. Robert Gutierrez, 429 W. Doddridge, commented that this request is due to lot size restrictions. He stated that it seems odd to rezone to an R2, but without the rezone he is unable to build a single-family home.

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, Mayor Fugate closed this public hearing at 6:04 P.M.

Mr. Ginter stated that the Planning and Zoning Commission vote 4-0 to recommend approval for the rezone. He stated that two people came in to speak with staff and after the conversation, they were in approval of the rezone.

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. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for Monday, August 12th with the deadline for staff to submit agenda items by August 2nd.

Mayor Fugate requested for an update on demolitions at the next meeting of August 12th.

IV. Public Comment on Agenda Items.³

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

No public 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 by Commissioner Lopez to approve the consent agenda as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Hinojosa, Lopez, Fugate voting "FOR".

1. **Motion to approve final passage 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).**
2. **Motion to approve final passage 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).**
3. **Motion to approve final passage 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).**
4. **Motion to approve final passage 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).

5. Motion to approve final passage 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).
6. Motion to approve the reappointment of Lance Hancock and Jonathan Plant to the Hotel Occupancy Tax Advisory Board each for a two-year term. (Tourism Director).
7. Motion to approve a resolution authorizing release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys and Girls Club of Kingsville for drug and alcohol prevention programs. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider appointment of Kamlesh Bhikha to the Hotel Occupancy Tax Advisory Board for a two-year term. (Tourism Director).

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

9. Consider approval of certification of 2018 excess debt collection and certification of 2019 anticipate collection rate. (Finance Director).

Mrs. Deborah Balli, Interim City Manager commented that this is something that is done every year. The city has received a letter from the Tax Assessor of Kleberg County stating the submittal of the certification of 2018 excess debt collection and certification of 2019 anticipate collection rate.

Motion made by Commissioner Pecos to approve the certification of 2018 excess debt collection and certification of 2019 anticipate collection rate, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

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

Commissioner Pecos stated that he would like to appoint is Al Garcia.

Mayor Fugate stated that he would like to appoint Brad Womack with an alternate being Lupita Mendoza.

Commissioner Lopez's stated that she would like to appoint Dan Morales; with no alternate.

Commissioner Hinojosa stated that he would like to appoint Ben Figueroa.

Mayor Fugate commented that he believes that Commissioner Leubert was going to appoint Clarice Williams, but not sure if she had an alternate.

Mrs. Alvarez commented that each Commissioner would name one individual and as a whole, they would need to name two other individuals.

Commissioner Hinojosa mentioned Albert Garcia, Realtor.

Mayor Fugate commented that they had talked about it earlier and he is very busy, but it is up to the Commission.

Commissioner Lopez commented that Mr. Garcia would probably be able to serve on this committee.

Mayor Fugate asked if the Commission would need to vote on this. Mrs. Alvarez responded that on the two appointees yes, but not on the individual appointees.

Motion made by Commissioner Lopez to appoint Lupita Mendoza and Albert Garcia as the two additional members for the Charter Review Committee, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Fugate voting "FOR".

11. Consider a resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal District (for 2020-2021 term). (City Attorney).

Motion made by Commissioner Hinojosa to nominate Al Garcia as candidate for election to the Board of Director for the Kleberg County Appraisal District for

2020-2021 term, seconded by Commissioner Lopez. The motion was and approved by the following vote: Pecos, Hinojosa, Lopez, Fugate voting "FOR".

12. Consider a resolution nominating a certain person as a candidate for election to the Board of Directors for the Kleberg County Appraisal District to fill an unexpired vacancy (expiring December 31, 2019). (City Attorney).

Mrs. Alvarez commented that staff had previously notified the Commission that the County had appointed Al Higginbotham. The Commission is not required to appoint, but they can if they choose too. If that appointment is fine, you can wait until later when the ballot is received and cast the city's votes for him, or the city could elect to place someone else on the ballot.

Mayor Fugate and Commissioner Lopez recommended to not take action on this item.

No action taken.

13. Consider a resolution authorizing the Interim City Manager to enter into a Fifth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language and to add sewer service. (City Attorney).

Mrs. Alvarez commented that recently the Public Works Director was contacted that there would be some revisions to the agreement with the Base to provide the water services. She stated that staff received this modified contract which was reviewed by herself and Public Works staff. It is staff's recommendation for the Commission to move forward with it.

Mayor Fugate asked a question but was not picked up on audio.

Motion made by Commissioner Pecos to approve the resolution authorizing the Interim City Manager to enter into a Fifth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language and to add sewer service, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

14. Consider a resolution authorizing the City to purchase 38.09 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the Interim City Manager to execute any necessary documents on the City's behalf. (Director of Planning & Development Services).

Mr. Ginter stated that about two years ago the city applied and received grant money to purchase properties to prevent encroachment. The city has purchase one piece of property from Jody VanFleet. The Kingsville Area Industrial Development Foundation is one of the owners that we have come to an agreement with for the 38.09 acres for \$80,000.

Mayor Fugate asked if there were any other pieces of property that the city was looking into.

Mr. Ginter stated that there was one other property belonging to David Schubert which was more about getting an easement about the water area. Ginter stated that staff has tried to make contact with him but has not returned the call back.

Mr. Ginter displayed a map showing the properties that were purchased. A map was not submitted for the record.

Motion made by Commissioner Lopez to approve the a resolution authorizing the City to purchase 38.09 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the Interim City Manager to execute any necessary documents on the City's behalf, seconded by Commissioner Pecos and Commissioner Hinojosa.

Mayor Fugate asked what the plan was to do with this property after it being purchased.

Mr. Ginter commented that he thinks that the Navy well then turn around and purchase it from the City.

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

15. Consider a resolution authorizing participation in Federal 2019 Safe Routes to Schools-Infrastructure Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program. (City Engineer).

Mr. Mora stated that this an application for a grant for federal funds. It is a two-step process in being selected. A preliminary application was submitted in April 2019 and if wanting to move forward, the next deadline would be August 15, 2019. He stated that this resolution is part of the detailed application and is for Safe Routes to School which will include bike lanes, sidewalks, and ADA ramps. The improvement would be around the Harvey Elementary, Jubilee Leadership Academy, and Harrel Elementary. The project cost would be around \$850,000. The Engineering Services will be complete in-house. There is support letters for this project from State Representative J.M. Lozano, Harvey Elementary and Jubilee Leadership Academy.

Commissioner Lopez asked if Memorial School would not be included? Mr. Mora stated that this was correct. Commissioner Lopez commented that this is the school with the most traffic and further asked what would be done at Harvey.

Mr. Mora stated that it would include sidewalks on Kenedy Ave, Lott ST., 17th, Henrietta and 19th Street. He stated that on the preliminary application he had Memorial, Harvey and Jubilee, but after meeting with TXDOT they mentioned that the city's best advantage would be Harvey and Jubilee. Reason was because of all the work that was done on State roads. Earlier this year they completed the sidewalk and ADA Ramps on 14th Street and King Ave., so tying those back in to the school was the advantage which would give the city a better score rating.

Mayor Fugate commented that it was unfortunate that there was a fatality this year in front of Harvey School. He asked if this was factored in and have, they been aware of what had occurred. Mr. Mora responded that this would become part of the application.

Commissioner Lopez commented that this is a great thing, although she would have hoped to include Memorial Middle School, but maybe next time it can be the focus as she has received a lot of concerns about kids walking on Armstrong.

Commissioner Hinojosa asked if the City of Kingsville was submitting the grant or is there a third party involved. Mr. Mora responded that he will be submitting the application on behalf of the City. He further stated that they are also performing the engineering services in-house with the State reimbursing the City, after the grant funding is executed.

Motion made by Commissioner Pecos to approve resolution authorizing participation in Federal 2019 Safe Routes to Schools-Infrastructure Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

16. Consider a resolution authorizing participation in the Federal 2019 Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program. (City Engineer).

Mr. Mora stated that this is similar project as previously discussed, but with a different name. The difference is, is a 20% match on this project that the city would need to meet. Funds for this project would be coming from fund 100, which is created by the Finance Department.

Mayor Fugate asked where this project would be located. Mr. Mora responded in the same location as discussed in the previous item. He further stated that there is one grant with no match and this grant with a 20% match. Reason for applying for both is that after speaking with TXDOT Coordinator, it was mentioned that if the city does not receive the award for the first one, they may be considered for the grant with the 20% match, as there are a lot of competitive applications that will be submitted.

Motion made by Commissioner Lopez to approve resolution authorizing participation in the Federal 2019 Transportation Alternatives Set-Aside Program through the Texas Department of Transportation for installation and design of sidewalks, authorizing the Mayor to act on the City's behalf with such program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for permanent pens for the annual National Professional Bull Riding Event to be held at the JK Northway. (Tourism Director).

Mayor Fugate asked staff that with the County receiving the grant for the JK Northway, is the City only spending about \$10,000.

Mrs. Balli responded that the \$10,000 will be coming from the Tourism budget and with the left-over money from the insurance fund of about \$3,800 to offset the \$10,000 in cost.

Mayor Fugate asked if the pens would be able to use in this particular project with the County.

Mr. Sosa replied that what they plan on doing is using the existing pens that were removed. He further stated that they have gone with Edward Bardowski from the Rodeo Association and others they are working with to lay out the pens that will work for them. He stated that all they are doing is drilling holes on the ground placing the poles and weld everything together to get things going. The work will be done in-house and most of the money that will be used will be materials. He further commented that if the city decides to flip-flop the arena, as stated on the plans, everything would need to be taken out.

Introduction item.

18. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for water well #19 repairs. (Public Works Director).

Mr. Donnell stated that this water well is 52 years old which was drilled in 1967. It does pump 900 gallons per minute which one of the city's best producing wells the city has. This well was last serviced in 2013 where the column pipe was replaced as well as the anodes and the checked valve. He further stated that in early June 2019, the pump locked up which caused the motor to short-out which the city then got a company in to pull it. When the motor was pulled it was noticed that the cable was busted and the column pipe where the water flow through was pitted very bad and deteriorated. The recommendation is to replace the pipe as well as the pump and the motor. The quote for this is \$119,544.00.

Introduction item.

19. Consider a resolution authorizing the use of excess cash match funds for pre-award expenses for Kleberg County's application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center. (Mayor Fugate).

Mayor Fugate stated that the city has agreed to pay \$600,000 for the match which was for the full amount of the grant. But due to the grant award being \$4.3 million dollars, it will drop the match down to \$...

Mrs. Alvarez mentioned the dollar amount being \$537,500.00.

Mayor Fugate further stated that with the added expenses that the County had with the people that assisted the County in putting this grant together and the archeological study came up to \$47,250.00, which is the City's half. He stated that the County Judge has asked the city to pay this amount, since both the City and County are going halves on this.

Motion made by Commissioner Pecos and Commissioner Lopez to approve the resolution authorizing the use of excess cash match funds for pre-award expenses for Kleberg County's application to the U.S. Department of Commerce, Office of Economic Development Administration under the Disaster Supplemental Funding Economic Adjustment Program for a Regional Public Safety Training Facility and Emergency Operations and Command Center, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos Lopez, Hinojosa, Fugate voting "FOR".

20. Consider appointments to the JK Northway Renovation Professional Oversight Committee. (Mayor Fugate).

Mayor Fugate asked staff if the County would be naming individuals to this Committee as well.

Mrs. Alvarez commented that she hasn't heard from the County Judge's office since it was met on a few weeks ago. With regards to a number on the committee, but she recalls that there would be a committee to oversee the project to make sure it meets everybody's needs and community members as well as staff from both the city and county on this committee.

Mayor Fugate asked what was the Committee that was put together for the Master Plan for the JK Northway.

Mrs. Alvarez responded that she doesn't recall.

Mayor Fugate commented that as this is not time sensitive and ask the Commission not to take any action on this item, in order to give more time on the creation of the committee members.

Commissioner Hinojosa commented that he hopes that the City has more people in the Committee or is it going to be divided equally?

Mayor Fugate commented that he doesn't foresee any problems with the creation of this committee.

No action taken.

21. Consider out-of-state travel for Commissioner Leubert to attend the Logistics Development Forum on August 5-7, 2019 in Vail, Colorado. (Commissioner Leubert).

Motion made by Commissioner Pecos to approve the out-of-state travel for Commissioner Leubert to attend the Logistics Development Forum on August 5-7, 2019 in Vail, Colorado, seconded by Commissioner Lopez.

Commissioner Lopez commented that when ever there is something that one of the Commissioners can attend, she would like for the other Commission members to receive the same information as well.

Mrs. Alvarez commented that the Interim City Manager received an email from that Commissioner, and she got an email from the EDC Director, so it wasn't anything that city staff received, otherwise it would had been disbursed to everyone on the Commission

Commissioner Lopez commented that at the time the Interim City Manager received the email, the information should have been forwarded to the other Commission members.

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

22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for revised fees for the L.E. Ramey Golf Course. (Parks Director).

Mrs. Susan Ivy stated that this is a new slate of fees of which most of them are the same fees that were approved previously. There was some inconsistency in what has transpired at the Golf Course and over the last several years with the fees being charged. What staff is wanting to do is correct all of these things now. Some of the things on the schedule of fees were not being followed, so now staff would like to correct this and place this fee back in, which is what Commission will be approving tonight. She stated that one big change is the membership fees. As there is a six month and annual membership fee, it wasn't design correctly therefore staff has realigned it. She stated that the fees that were approved had somehow bumped down to the monthly fee of \$50 per month.

Mayor Fugate commented that this is not what the ordinance states. As a practical matter this is what was being charged.

Mrs. Ivy further stated that this is what the ordinance said but staff finds it difficult to go from \$50 to \$96 in one big swoop. What staff has asked is that Commission allows staff to charge \$65 per month and graduate that in an appropriate step scale for the six month and the annual membership. As the golf course improves, staff would like to then step it up again.

Commissioner Lopez stated that she has received several calls on the fees and asked if there is anyway that the fee schedule could be posted so that members will know what the cost is. Mrs. Ivy responded yes.

Introduction item.

The Commission took a recess at 5:41 p.m. until 6:00 p.m. in order to hear the Public Hearing which was published in the Kingsville Record to be heard at 6:00 p.m.

23. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10th, Block 6, Lot N/2 1-2 also known as 429 West Doddridge, Kingsville, Texas from R1 (Single Family District) to R2 (Two-Family District). (Director of Planning & Development Services).

This item was announced at 6:05 p.m., after the public hearing was heard.


Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:05 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, EMC, City Secretary