

OCTOBER 15, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, OCTOBER 15, 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
Deborah Balli, Interim City Manager
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Adrian Garcia, Fire Chief
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
Joseph Ramirez, Engineers Assistant
Ron Lee, Fire Marshall

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)

Special Meeting- August 20, 2019
Regular Meeting- August 26, 2019
Special Meeting- August 27, 2019
Regular Meeting- September 9, 2019
Regular Meeting- September 23, 2019

Motion made by Commissioner Lopez to approve the minutes of August 20th, August 26th, August 27th, September 9th, and September 23rd, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

II. Public Hearing - (Required by Law).¹

1. Public Hearing on a request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas. (Interim Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:03 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services stated that the new Kingsville Steakhouse will be opening in a location formerly occupied by another restaurant, since closed, which had no liquor license. The owners of the new steakhouse hope to increase their business by being able to serve liquor in their restaurant, a move that would serve to increase sales tax revenue. Letters were mailed to those within the 300-foot radius. Staff did not receive any complaints.

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, Mayor Fugate closed this public hearing at 6:04 p.m.

2. Public Hearing on a request to rezone 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).

Mayor Fugate read and opened this public hearing at 6:04 p.m.

Mrs. Martin stated that Mr. Ted Figueroa, La Mision Restaurant would like to purchase and occupy the property at 1120 E. Senator Carlos Truan from the Rio Texas Conference of the United Methodist Church. In order to occupy the former church building as a restaurant and entertainment center, he needs to rezone to C2 Retail District. Mrs. Martin stated that staff did not receive any phone calls regarding this rezone.

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, Mayor Fugate closed this public hearing at 6:07 p.m.

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 introduced the new Building Official Mr. Albert Vilches.

Mayor Fugate presented a proclamation for Domestic Violence Prevention Month.

Mrs. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for Monday, October 28, 2019 with agenda items due by October 18th. She further stated that there may be a need to call a special meeting on Monday, October 21st at 5:00 p.m., this is still to be determined.

No other comments were made.

IV. Public Comment on Agenda Items.³

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

Mr. Lupe Hernandez, 713 E. Henrietta commented on the removal of barricades located between N. 10th Street and N. 12th Street. He stated that his family has lived in this area for many years. He has built a home on his parents' property and for as long as he remembers, these barricades have been there for many years. He further commented that history has it that these barricades were placed due to two families having a dispute. He stated that he doesn't understand why the barricades are still in place. He stated that a few neighbors are in favor of brining those barricades down.

Mr. Wayne Grant, 315 S. 23rd stated that he started a non-profit security organization in February 2018. Since they are a non-profit organization, they rely on grant funding. He stated that the grant funding window opens on September 1st and has written to date a little over \$3 million dollars in grants for the organization. He is asking if the city can do a resolution as there are so many grants that require city or county government to be on them and stated that they his organization can be a sub-grantee to that grant. He further stated that if there could be a resolution done where his organization can be a sub-grantee and the grants that he writes for the city, they are willing to have a 60/40 split, with the City getting 60% of the grant money.

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 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 2018-2019 budget to receive and expend funds for the donation from AEP for the TML Region 11 Meeting. (City Secretary).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend funds for the donation from the Civitan Club for a therapeutic swing and a generational swing for Corral Park. (Parks Director).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to set aside additional cash match for the City's commitment to the County's EDA Grant for JK Northway Renovations. (Interim City Manager).**
4. **Motion to approve support of and participation in certain events and parades for Fiscal Year 2019-2020 as stated in the memo and attachments. (Downtown Manager).**
5. **Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2020. (City Attorney).**
6. **Motion to approve a resolution authorizing the City to execute grant documents for the Texas Parks and Wildlife Department's Local Park Grant Program for the purpose of making park improvements at Dick Kleberg Park, with an anticipated cash match, authorizing the Parks & Recreation Director to submit the grant, execute the agreement, and act as the Grant Official on the City's behalf with such grant program. (previously named Jason Alfaro, now Susan Ivy). (Parks Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. **Consider a request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas. (Interim Director of Planning & Development Services).**

Motion made by Commissioner Lopez to approve the request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

8. **Consider introduction 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).**

Introduction item.

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

Mayor Fugate commented that it is his understanding that this item was on a previous agenda where it failed due to a lack of a motion. Fugate further asked Mrs. Alvarez is this something that can be reheard? Mrs. Alvarez commented that the item died for a lack of a motion. Mayor Fugate further asked if this item could be resurrected. Mrs.

Alvarez responded yes, it could be brought back since there was no motion made for one way or the other.

Commissioner Pecos commented that Mr. Hernandez visited with him on this issue and after saying that this barricade has been here since the 1970's. For safety reasons this area cannot be used for emergency vehicles as they would need to go around. He also stated that the no accessibility to the residents that are living there he felt that Mr. Hernandez needed to come to the meeting and speak as there was no one at the last meeting that spoke on the item, which is why he has requested for the item to be brought back to the Commission.

Mayor Fugate commented that he appreciates Commissioner Pecos bringing this item back, but the problem is that some of the other neighbors were not notified of this hearing. Mayor Fugate asked that if there was any objection if this item could be placed in a future agenda so that notification could be sent out to those that reside in the area.

Commissioner Pecos commented that he is ok with the item being tabled and allow staff to send out letters to those that reside in the area.

Commissioner Hinojosa asked if letters were sent out regular mail or registered mail. Mr. Rudy Mora, Engineer responded that letters were sent out regular mail.

Mayor Fugate asked for staff to send out the letters registered mail, this will make sure that everyone gets their letter.

Commissioner Lopez commented that these barricades were placed there in the late 80's or early 90's.

No action taken on this item.

10. Discuss Caesar Street drainage and street improvement needs. (Commissioner Lopez).

No discussion or action taken on this item.

11. Consider aesthetic design for new US 77 Overpass between General Cavazos and CR 2120. (City Engineer).

No action taken.

12. Consider a resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2015 Ford Interceptor. (Police Chief).

Mr. Ricardo Torres, Chief of Police reported that the police department is requesting to enter into an MOU with the Kleberg County Attorney Specialized Crimes and Narcotics Task Force. The Task Force has a 2015 Ford Interceptor and a 2016 Ford Interceptor which they have agreed to transfer care, control and maintenance of said vehicle to the Kingsville Police Department for our use. The vehicles will need some minor repairs.

Commissioner Hinojosa asked if the repairs could be done by staff in the Garage Department. Chief Torres responded no.

Motion made by Commissioner Leubert to approve the resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2015 Ford Interceptor, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

13. Consider a resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2016 Ford Interceptor. (Police Chief).

Motion made by Commissioner Pecos to approve the resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2016 Ford Interceptor, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

14. Consider out-of-state travel for the Tourism Director to attend the 2019 Cowboy Christmas Expo during the National Finals Rodeo in Las Vegas, New Mexico from December 12-15, 2019. (Tourism Director).

Motion made by Commissioner Lopez to approve the out-of-state travel for the Tourism Director to attend the 2019 Cowboy Christmas Expo during the National Finals Rodeo in Las Vegas, New Mexico from December 12-15, 2019, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

- 15. Consider a resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized City representatives with full authority for investment purposes and providing for disclosure of financial interest. (Finance Director).**

Motion made by Commissioner Leubert to approve the resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized City representatives with full authority for investment purposes and providing for disclosure of financial interest, seconded by Commissioner Pecos.

Commissioner Hinojosa commented that the City Accounting Manager is not part of the committee and asked if there was any reason why?

Mrs. Balli commented that it has never been included as she sits on this committee as Finance Director.

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

- 16. Consider authorizing purchase of a mobile jetter unit for the Wastewater Department. (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated that the current mobile jetting unit was purchased in 2011. This unit needs replacement due to corrosion and pump issues. The new unit is a very similar trailer mounted high pressure sewer cleaner and mounted on a tandem axle trailer with a 700-gallon capacity water tank and an 800-foot hose reel used for jetting sewer mains where the large vector is unable to enter.

Commissioner Leubert asked if this can be used for stormwater? Mr. Donnell responded yes.

Motion made by Commissioner Pecos to authorize purchase of a mobile jetter unit for the Wastewater Department, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

- 17. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission). (City Attorney).**

Mrs. Alvarez stated that this change was brought about due to a new State Statue. She stated that looking at some articles that have interpreted this section as well as looking at what some other cities are doing, the city already has a public comment section at the beginning of the agendas which has been in place for a very long time. Prior to the new State Statue, there was no requirement for public entities to allow the public to speak during any portion of their meeting. Other cities would have it but would have it at the end of their meeting which would allow their citizens to speak but not prior to any actions being taken. Alvarez stated that after looking into this, it is not required that the public be allowed to comment on each item as the item is being addressed. This only requires that we have a public comment section at the beginning of the meeting prior to taking any action on items, which is what we currently do now. She further stated that there is one other change made, that if an individual requires a translator, those individuals are allowed double time. She stated that if the Commission would like to have the comments at the beginning of the meeting verses during each item, staff can modify what is in the agenda packet and remove that and keep with the current practice, while adopting the other parts of the statue.

Motion made by Commissioner Leubert to have the public comments continue at the beginning of the meetings, as it is now, and changing the time limit from 5 minutes to 3 minutes and allowing the extra time for anyone that would require a translator and changing the start of the Commission meetings from 6:00 p.m. to 5:00 p.m., seconded by Commissioner Hinojosa. The motion was passed and

approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting 'FOR'.

18. 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 announced the executive session and convened the meeting into closed session at 6:40 p.m.

Mayor Fugate reconvened the meeting into open session at 6:50 p.m.

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, TRMG, CMC, City Secretary