

AUGUST 12, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 12, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Commissioner
Hector Hinojosa, Commissioner
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R. Fugate, Mayor

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
Gary Fusilier, Landfill Supervisor
Rudy Mora, City Engineer

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Pro-tem Lopez opened the meeting at 6:00 P.M. with four Commission members present. Fugate 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 22, 2019 - Regular Meeting**

Motion made by Commissioner Hinojosa to approve the minutes of July 22, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez "FOR". Leubert "ABSTAINED".

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

1. Public Hearing on ordinance to change the zoning of Colonia Mexicana, Block 5, Lot 30-32 also known as 510 E. Avenue D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use District), Robert Saldana, owner/applicant. (Director of Planning & Development Services). (Director of Planning & Development Services).

Mayor Pro-tem Lopez read and opened this public hearing at 6:02 P.M.

Mr. Tom Ginter, Director of Planning & Development Services reported that Mr. Robert Saldana who operates Big Bob's Barber Shop would like to operate a Barber Shop on his property at 510 E. Avenue D, which is at his residency. In order for Mr. Saldana to do this he would need to request a rezone to a Mixed-Use Zoning District which allows that to occur.

Mayor Pro-tem Lopez 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.

Mr. Robert Saldana, 510 E. Avenue D stated that he would like to request this rezone so that he can be closer to home. He wants to do this the right way by asking for the rezone verses just doing it without the proper permissions. Mrs. Saldana stated that

with the neighborhood having an older crowd, she feels that the Barber Shop will be utilized.

Mr. Ginter further stated that staff has received one phone call which was for the rezone. The Planning & Zoning Commission has heard this item during their meeting to which they have voted 5-0 to recommend approval.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:07 P.M.

2. Public Hearing on ordinance to change the zoning of McBryde AC, Block 5, Lot W/2 5, also known as 1100 East Avenue B, Kingsville, Texas from R1 (Single Family District) to RP2 (Planned Two-Family Residential District), Ivan Luna, applicant for owner Gustavo Gonzalez. (Director of Planning & Development Services).

Mayor Pro-tem Lopez read and opened this public hearing at 6:07 P.M.

Mr. Ginter stated that the applicant, Mr. Gonzalez who is the current owner of the property has been considering housing development project, which is clearly a duplex type of project. He would like to set up four duplexes for a total of eight units within this property.

Mayor Pro-tem Lopez 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.

Mr. Ivan Luna, Kingsville resident spoke on behalf of the applicant, Mr. Gonzalez. Mr. Luna mentioned Mr. Gonzalez's background. He further stated that this would be for four duplexes for a total of eight units at about 1200 sq. ft. for each unit. The structures would be built with hardy plank materials. If the first four duplexes work out for Mr. Gonzalez, then Mr. Gonzalez would more than likely build more units in Kingsville.

Commissioner Leubert asked staff if there were any phone calls received from citizens regarding this project.

Mr. Ginter stated that staff did receive 2 phone calls, one for the project and one against the project.

There being no further comments, Mayor Pro-tem Lopez closed this public hearing at 6:14 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."*

Mr. Ginter gave a quick update on condemnations. He stated that crews started on demoing today properties on 630 W. Fordyce and 1729 S. 7th Street. Tomorrow crews will start on 1503 E. Santa Gertrudis and on Wednesday they will demo 513 W. Johnston and on Thursday they will demo 510 E. Avenue B. Owners of 721 E. Johnston were able to obtain a grant from the Texas General Land Office, and in that grant they are able to use monies to demo the structure that is currently there, then rebuild on the same property. Property located at 213 W. Santa Gertrudis, property owners obtained a building permit on June 11th and have 90 days to complete the project which is by September 11th. Ginter further stated that the property located at 213 W. Santa Gertrudis has been listed to be sold at the courthouse steps. The property owners of the sale and the County's deadline as well as the City's deadline.

Mayor Pro-tem Lopez asked if the city's deadline was after the county's deadline? Mr. Ginter responded yes.

Mr. Ginter further stated that staff has been keeping up with inspections of this property located at 213 W. Santa Gertrudis. Improvements are being made in sections, as there is only two individuals working on it. He further stated that the next demos to happen are 428 E. Santa Gertrudis, 406 E. Santa Gertrudis, 425 E. Santa Gertrudis, 719 E. Nettie and 918 E. Alice. He stated that as the ordinance states, the Condemnation Officer must be the Building Official. He stated that at this time staff is working with a company named Bureau Veritas to see if they may be able to provide staff with condemnation procedures/process as the Building Official. He further stated that a contract from this company should be received sometime this week.

Commissioner Leubert asked if individuals are paying their condemnation fees. Mrs. Deborah Balli responded that she would need to check with the Collections Manager with regards to this and would get back to the Commission.

Mrs. Courtney Alvarez, City Attorney reminded the Commission and Staff that budget workshops are scheduled for Monday August 19th, Tuesday, August 20th and Monday, August 26th and Tuesday, August 27th. If an additional meeting is necessary for a budget workshop, it will be for Wednesday, August 28th. She further reminded staff that agenda items are due for the August 26th meeting by Friday, August 16th. The City will be hosting a TML Region 11 Quarterly on Friday, September 13th. She also stated that staff had published notice for a rezone for 1200 N. 15th Street. This rezone will not be needed, as the applicant has withdrawn his request.

Commissioner Hinojosa asked how many meetings it will take to do the entire budget. Mrs. Alvarez stated that historically it has taken four meetings.

IV. Public Comment on Agenda Items.³

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

Mr. Sam Gonzales, 711 W. Ella commented regarding an ordinance that was approved back in 2011 restricting parking on streets that surrounded the University. He stated that he has received numerous citations for parking in front of his house. This ordinance makes it hard for him to park anywhere near his residency. He stated that each citation was for an amount of \$175 each. He would like to know how the Police Department can charge you \$175 for a citation when the ordinance states that the cost of the citation is \$30. He would like to see the Commission look into this ordinance and maybe create a system that will give residents a parking permit allowing them to park in front of their property. As he just recently had surgery, this ordinance makes it very difficult for him to park to far from his home.

Mr. Larry Lee, 342 Anthony Lane commented on agenda item #3, Golf Course Fees that is scheduled to be adopted tonight. He stated that when fees are increased 100%, 120%, 30%, and 25% it is concerning. He stated that you raise your fees a little at a time and not increase 100% to 120% at once. Due to these increases, some of the individuals that play in his group are unable to play. He stated that they had a \$50 fee per month and \$7 to \$10 for a golf cart. Now the fees are from \$50 to \$98 per month, plus pay the golf cart fee. Yearly fee was raised from \$1,920 to \$2,500. This is a large increase in one swoop. Due to the condition of the golf course, fees should not be raised so high. He requests for the Commission to investigate these fees. He further stated that he tried to pay his annual dues of \$1,920 in June and was told that he could not pay the fee. He tried again at the end of June and was told again that he couldn't pay the fee. He attempted to pay again in July, and he was told that the annual fee would be \$2,500. He stated that he doesn't have a problem with management for the golf course, the Golf Course Manager is doing his best with what is being provided to him, but the golf course is not getting better. He stated that he would like to request for the Commission to come out to the golf course and see its condition.

Mr. Lance Hamm, 912 South Creek commented on highway safety and its speeds. He stated that he doesn't have time to talk about sidewalks, 45mph speed limit in front of Walmart. He stated that what he is here to speak about is the speed limit in front of his subdivision is set at 65mph. This is the only intersection within the City of Kingsville that is 65mph. He further stated that South Creek has 32 residents and a school bus from Ricardo that use this intersection. He met with TXDOT on Monday and it is his understanding that they will not be reducing the speed limit in that area. He stated that the danger in this area is that the speed limit goes from 60mph to 65pmh just as people approaching that intersection. Residents of this subdivision are slowing down to enter into the subdivision as others are speeding right by the subdivision, which presents danger. He stated that he is here today to ask the City Commission to review the ordinance, of which a copy was given by him to the Commission as well as a copy of

the TXDOT rule that says that if the City Ordinance does not agree with what TXDOT is doing, there is a mechanism within the TXDOT organization where they present two strip maps to the Texas Transportation Commission in Austin. One strip map will show their speed limit and the other map would show the city ordinance speed limit, at that time the Texas Transportation Commission votes on which one should rule. Since the bypass went into place back in the late 70's there has been 30 fatalities on this highway. He stated that he requests for the City Commission to look at the issue, as he has been here multiple times to speak about this and nothing has been done. He would like for the Commission to investigate it and resolve the issue.

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 Hinojosa to remove agenda item #3 from the consent agenda and be placed on the regular agenda for discussion, seconded by Mayor Pro-tem Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

Motion made by Commissioner Pecos to approve consent agenda items 1, 2, 4, and 5 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert voting "FOR".

1. **Motion to approve final passage 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).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for water well #19 repairs. (Public Works Director).**
3. **Motion to approve final passage 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. Balli stated that the fees would be going from \$50 a month to \$65 per month and going to the \$96 per month as previously commented.

Commissioner Hinojosa asked if the Commission had already adopted an ordinance raising to \$96 per month and now this ordinance today brings it down to \$65.

Mrs. Balli stated that one of the original ordinances, when the city first took over the golf course, the fee that was out there was \$96 per month as it hadn't been addressed. She stated that back then the ordinance didn't not have a month fee which is why now, staff is bringing it forward so that the fees can be set, and customers could be charged as per what the ordinance states.

Mrs. Susan Ivy, Parks & Recreation Director stated that when the City took over the Golf Course, there was an ordinance set. In June 2018, the Commission approved a change to those fees. All this was entirely differently as to what was going on at the Golf Course. When staff started looking at what fees were being charged, as people were complaining about fees going up so high, but, those fees had already been approved at that rate by ordinance back in 2018. Ivy further stated that what staff is doing today is trying to set the fees so that there a little higher and they step according to a monthly fee of \$65, six-month membership up to \$360 and annual membership to \$660.

Commissioner Hinojosa commented that he is a bit confused as he has the master fee schedule that has different dates. He commented that what would be best, is to go with what is on the ordinance and ask the gentlemen to come back during the budget hearing for the Golf Course and voice their opinion on the fees for the Golf Course.

Mrs. Ivy commented that in September 2014 the commission approved the monthly fee of \$96. In June 1028, the ordinance approved the same amount. What she found while

at the golf course, she found out that they were not charging the correct amount therefore now, staff is trying to correct this.

Mayor Pro-tem Lopez suggested for staff to meet with the golfers and discuss the fees with them.

Commissioner Leubert commented that if we want a golf course, fees will have to go up in small increments. This is a work in progress.

Motion made by Commissioner Hinojosa to approve the fees that were presented today, \$65 monthly fee, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

4. **Motion to approve final passage 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).**
5. **Motion to approve a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2018-2019 Fiscal Year Audit. (Finance Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **Consider appointment of Tom Di Francesca to the Main Street Advisory Board for a two-year term. (Downtown Manager).**

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

7. **Consider introduction of an ordinance to rezone Colonia Mexicana, Block 5, Lot 30-32 also known as 510 E. Avenue D, Kingsville, Texas from C2 (Retail District) to MU (Mixed Use District). (Director of Planning & Development Services).**

Introduction item.

8. **Consider introduction of an ordinance to rezone McBryde AC, Block 5, Lot W/2 5, also known as 1100 East Avenue B, Kingsville, Texas from R1 (Single Family District) to RP2 (Planned Two-Family Residential District). (Director of Planning & Development Services).**

Introduction item.

9. **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).**

Mrs. Balli stated that this resolution sets the fees for the TAMUK Women's Golf Team for the use of the L.E. Ramey Golf Course. This agreement does not change the monetary terms other than there being a requirement for them to leave two to three lockers available for the other customers and locker room must be accessible by other female customers.

Commissioner Hinojosa asked how many locker rooms there at the Golf Course are. Mrs. Ivy responded that there are 13 lockers.

Motion made by Commissioner Pecos to approve the 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, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

10. **Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Albert Garcia for property located at 224 W. King Avenue, Kingsville, Texas. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager read an email received from Mr. Albert Garcia. The email stated that approximately one year ago I purchased the building at 224 W King Ave. In the last year we have completely remodeled both the interior and exterior of the building. We have spent in excess of 50K doing so. I still need to install awnings on the outside and redo the entire parking lot. This is estimated to cost \$28K.

We love our building and happy to be located in the Historic district of Kingsville. I hope you will consider and approve my application for the facade grant so that we can install the awnings on our building.

Motion made by Commissioner Leubert to consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Albert Garcia for property located at 224 W. King Avenue, Kingsville, Texas at the 10% for Mr. Garcia, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

11. Consider accepting donations for the Park's Department Healthy Family Partners' Events. (Parks Director).

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

12. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend Park donations for Healthy Family recreational programs. (Parks Director).

Introduction item.

13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for storm debris remediation. (Public Works Director).

Mr. Bill Donnell, Public Works Director stated that this request is to allow staff to mulch the debris from the June 6th storm. There is 22,000 cubic yards of debris that has been accumulated since the storm. It will take more than six months to burn this debris, once staff obtains permission from TCEQ, which is still being worked on. A contractor was located that will mulch the debris for \$1.10 per cubic yard and haul off this debris within 30 days from starting. The cost is estimated to be approximately \$25,000. This mulching proposal will eliminate more than six months of unplanned burning and equipment use which would keep staff and equipment from their regular duties.

Introduction item

14. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to expend funds for repairs to the South Treatment Plant Turblex blower and North Plant lift station pumps. (Public Works Director).

Mr. Donnell stated that this item authorizes funding for professional services related for unplanned repairs to wastewater repairs to the South Treatment Plant Turblex Blower. It was determined by the service technician that the oil pump was not working properly. Due to pressure being low, the system had to be shut down. A Class II maintenance repair consisting of replacing oil pump and bearings was the recommended action. A Class II was not planned until next budget year but since it was going to be disassembled to replace the oil pump the Class II maintenance was done. Tow pumps at the North Treatment Plant lift station failed due to holes in the volume housing. The first pump failed in June and the second was in July. Staff installed a volute from an old pump to maintain operations with one pump. These pumps are assumed to have failed due to small debris in the wastewater. To remain in compliance with TCEQ equipment regulations, funds were transferred within the divisions to cover expenses for repairs.

Introduction item.

15. Consider accepting 2019 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Finance Director).

Mrs. Melissa T. De La Garza, Kleberg County Tax Assessor-Collector reported on the 2019 Certified Values. She stated that pursuant to the Texas Property Tax Code Sec. 26.04(b) & (e), I, Melissa De La Garza, do hereby submit the total appraised, assessed and taxable values of all property and the total taxable value of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. The 2019 certified appraisal roll on CD may be viewed in the Tax Office. She further stated that the 2019 values certified by the Kleberg County Appraisal District, the estimated adjusted net taxable value is \$882,204,022.

Commissioner Hinojosa asked Mrs. De La Garza about the \$40 million that is under review.

Mrs. De La Garza responded that the \$40 million dollars that is under review are properties that are still under protest. She stated that her office has already started receiving supplemental values to correct those protest that have been outstanding

which she was discussed with Mrs. Balli already. She further stated that she has received some 2019 protest that have now been settled.

Motion made by Commissioner Pecos to approve the acceptance accepting 2019 certified total appraised assessed and taxable values of all and new property in the City of Kingsville as certified by the Kleberg County Appraisal District, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

16. Consider proposed tax rate, take record vote, and schedule public hearings for August 26 & September 3, 2019. (Finance Director).

Mrs. De La Garza stated that the 2019 Governing Body Summary #1A, which is a benchmark of the City's tax rate. Effective tax rate for 2019 is \$.81247. The effective tax rate would be the rate that would bring in the same amount of money from last year to this year. The rollback tax rate is at \$.89361 and last year's tax rate at \$.83000 and looking at a proposed tax rate of \$.83000 for 2019. She stated that the proposed rate is the rate that we have to work with right now while staff is preparing budget, and at that time you can go down but cannot go up, but you can come down at any time at that point if the Commission decides that this is what they want to do.

Mrs. Balli commented that normally while staff is working through the budget, staff goes right underneath the rollback rate so that it gives staff room to work with on the budget process. She further stated that it is staff's recommendation to do a post rate of \$.89000 which is underneath the rollback rate. The budget is built on the prior year rate, but it gives staff some flexibility and room to work with if it is needed during the budget process.

Mrs. De La Garza stated that with, the information that was provided to the Commission will need to change the proposed rate to the \$.89000. The notice that will go to the Kingsville Record on Thursday will be changed to \$.89000. De La Garza stated that the Commission would need to take a record vote to accept the proposed rate and schedule two public hearings. She stated that something that needs to be mentioned is that the governing body of the City of Kingsville proposes to use the revenue attributed to the tax increase for the purpose of quality of life improvements which includes increase of maintenance of city facilities, parks, golf course, and IT infrastructure.

Motion made by Commissioner Hinojosa that the proposed property tax rate be \$.89000 and that two public hearings be set for Monday, August 26, 2019 and Tuesday, September 3, 2019 at 6:00 p.m. in the Helen Kleberg Groves Community Room, City Hall, 400 W. King Ave., Kingsville, TX, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Hinojosa, Lopez voting "FOR".

17. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meet at which this resolution is passed is open to the public as required by law; requiring reimbursement of cities' rate case expenses; requiring notice of this resolution to the company and legal counsel. (City Attorney).

Mrs. Alvarez reported that back in May city staff received notice about AEP's proposed rate increase. At that time, Commission approved a resolution to temporarily suspend the rate increase for a period of 90 days, which is the maximum allowed by law, in order to hire some experts and counsel, which none will be paid by the city, in order to evaluate the proposed rate increase to see if it is fully necessary or if there are some items which may be unnecessary. She stated that it is her understanding that this is what the experts have determined, however we are coming up on the expiration of the 90-day time period for the temporary denial of the fee increase, so at this time, staff has brought a resolution for the Commission to permanently deny the rate increase. She stated that what this would do is that if the Commission should approve the permanent denial of their rate increase, then that along with the resolution of several other cities that permanently deny the rate increase would then go before the PUC, Public Utility Commission for the State of Texas; at which time they would determine what rates, after hearing evidence and testimony would then actually be imposed.

Motion made by Commissioner Leubert to approve the resolution of the City of Kingsville, Texas finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meet at which this resolution is passed is open to the public as required by law; requiring reimbursement of cities' rate case

expenses; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

18. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, revising the schedule of permit fees. (Director of Planning & Development Services).

Mr. Ginter stated that as it has been discussed, State law has dictated to us that we cannot use valuation for our permit fees when it comes to residential remodels. The Planning and Zoning Commission has reviewed the options and recommend going to a flat fee. He further stated that the flat fee will be \$100 which will include one or more inspections, depending upon the project, and recommending that a permit for roof repairs go \$0.06 per square foot up from \$0.03 per square foot. When the work performed does not meet the code requirements and a reinspection is required, a reinspection fee of \$25 will be charged for each reinspection. The Planning & Zoning Commission has approved this recommendation by a vote of 5-0.

Commissioner Hinojosa asked the if the flat fee will be \$25. Mr. Ginter responded that the flat fee will be \$100.

Introduction item.

19. Consider a resolution of the City of Kingsville to continue receiving a share of bingo prize fees pursuant to Texas House Bill No. 914. (Interim City Manager).

Mrs. Balli stated that staff received notice from the Texas Lottery Commission stating that a municipality currently receiving prize fees the municipal governing body must affirmatively vote to do so and submit proof of that vote the Texas Lottery Commission by November 1, 2019. If no eligible local governments vote to continue receiving their share of the prize fee, the bingo organizations will keep that share for themselves to fund their charitable purposes.

Commissioner Hinojosa asked if the city receives much fees from the bingo tax? Mrs. Balli stated no, as the City does not have that many organizations that do the bingo. Commissioner Hinojosa further asked that if the city approves taking the 50%, they may be out of business. Mrs. Balli commented that this is just to continue to collect what the city collects already. If the Commission does not vote, then they get to keep it all. Commissioner Hinojosa asked if the city would collect 50% of the proceeds that they bring in?

Commissioner Lopez asked what is the percentage that the city collects? Mrs. Balli responded that the letter states that local governments would collect 50% of the prize fees they collect on a quarterly basis. Balli further stated that this is what is being collect now and if the city wants to continue collecting it, then the vote must be taken.

Commissioner Lopez asked how much does the city collect?

Commissioner Hinojosa stated that by looking at the budget, it seemed that it was about \$2,700 that was collected.

Mrs. Balli commented that it's not that much that is collected as there isn't many organizations doing bingos.

Commissioner Lopez asked how many organizations have bingos now. Mrs. Balli responded that she didn't have that information but would be able to provide it at a later time. Commissioner Lopez further asked if the Planning Department would be keeping up with this matter. Mrs. Balli responded that more than likely she would probably get the Collections Department could do the billing.

Motion made by Commissioner Pecos to approve the resolution of the City of Kingsville to continue receiving a share of bingo prize fees pursuant to Texas House Bill No. 914, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez voting "FOR". Hinojosa "AGAINST".

20. Discussion on state legislative changes to planning and development laws caused by Texas House Bill No. 3167. (Director of Planning & Development Services).

Mr. Ginter stated that House Bill No. 3167 that was passed during the last legislative session could impact the city's subdivision ordinance and zoning ordinances. This could affect the deadlines and timetables on approving preliminary and final plats as well as a subdivision plan. Ginter further stated that an ordinance should be coming forward to the Commission in the next few weeks regarding this change.

Discussion item only.

21. **Consider request to transfer of money from City Commission Training & Travel for Commissioner Lopez from Fund 001 to Grounds and Permanent Fixture in fund 054 for potential water tower painting project. (Commissioner Lopez).**

Motion made by Commissioner Pecos to approve the request to transfer of money from City Commission Training & Travel for Commissioner Lopez from Fund 001 to Grounds and Permanent Fixture in fund 054 for potential water tower painting project, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Pecos, Hinojosa, Leubert, Lopez voting "FOR".

22. **Consider a resolution authorizing the Interim City Manager to execute an interlocal agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments. (Interim City Manager).**

Mrs. Balli stated that staff has received a letter from the Council of Governments informing us that the city is required to execute a contract for 911 service with the Commission on State and Communication every two years in order to continue providing emergency services 911 in the region of Texas. She further stated that in the contracts for 9-1-1 Service between the CSEC and the COGs or RPCs, there is an Article 4 that requires an interlocal agreement between the COG and a local government entity operating a Public Safety Answering Point (PSAP).

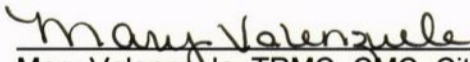
Motion made by Commissioner Pecos to approve the resolution authorizing the Interim City Manager to execute an interlocal agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:23 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary