

JANUARY 13, 2020

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 13, 2020 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:**

Mark McLaughlin, City Manager  
Mary Valenzuela, City Secretary  
Kyle Benson, IT Manager  
Deborah Balli, Finance Director  
Emilio Garcia, Health Director  
Bill Donnell, Public Works Director  
Cynthia Martin, Downtown Manager  
Rudy Mora, City Engineer  
Charlie Sosa, Purchasing Director  
Courtney Alvarez, City Attorney  
Adrian Garcia, Fire Chief  
Ron Lee, Fire Marshall  
Joe Casillas, Water Production Supervisor  
Diana Gonzales, HR Director  
David Solis, Risk Manager  
Janine Reyes, Tourism Director  
Jennifer Bernal, Parks Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 5:00 p.m. with all five Commission members present.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting- December 17, 2019**

**Motion made by Commissioner Lopez and Commissioner Pecos to approve the minutes of December 17, 2019 as presented, seconded by Commissioner Hinojosa. 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."*



Mr. Mark McLaughlin, City Manager reported that the budget is in good standing at this time. Staff is tracking versus what was budgeted, the city is doing well. He further stated that the Investment Report and Quarterly Budget Report will be coming forward to the Commission within the next couple of weeks. McLaughlin further reported that he has received emails on grant awards that the City will be receiving. He further gave the Commission an update on his attendance of the ICSC Conference that occurred in Dallas last week.

Mr. Adrian Garcia, Fire Chief announced that his last day with the City of Kingsville is January 17<sup>th</sup>. He further thanked Commission and staff for all their assistance that have given him while with the City.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is on Monday, January 27<sup>th</sup>, with agenda items being due on Thursday, January 16<sup>th</sup>. Alvarez further state that City offices will be closed on Monday, January 20<sup>th</sup>, in observance of Martin Luther King Day. She further announced that she has been elected as President for the next two year for the Texas Coalition of Affordable Power (TCAP).

Commissioner Leubert commented that she had contacted the City Manager on scheduling a joint meeting with County Officials. She further commented that she is the President of the organization she will be commenting about. She stated that the organization is Kingsville Animal Advocates (KAA). She stated that KAA had 299 days to work with this year and were able to save 483 dogs. KAA is averaging almost 2 dogs per day, on a working day. She commented that for the size of this community, this is a high number. She stated that this is only KAA and not any other organization that have saved this many dog. She further stated that they have spent thousands of dollars helping rescues and animals in this community. Rescues from out-of-state have spent thousands of dollars in our community. She also commented that the organization has saved the city about \$9,660, at an average of \$20 per animal that it would cost to euthanize them. In January they have 27 dogs plus 3 more tomorrow that they have pulled in 13 days. She stated that they pull 5 dogs and 6 will come in. She further stated that we have people in this city and in the county that care enough to spend a lot of time and a lot of money to save the animals in this community.

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

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

Mr. Tim Acosta, Kingsville Record and Bishop News Publisher commented that the local newspaper will continue in Kingsville. There are still some things that are being worked on for the paper. The paper has freed up a lot of unnecessary items from being published in the paper, such as comics section of the paper. Mr. Acosta continued by introducing his staff that will be working with the paper.

Mr. Lance Hamm, 912 S. Creek commented that he would like to discuss some of the Charter amendments that will be proposed at tonight's meeting. He stated that a couple of years ago they were against the RV Park that went in next to his subdivision. He stated that the Planning & Zoning Board voted against the rezoning of the RV Park. He further stated that in the City Charter it states that votes not to rezone and to overrule that the city commission needs a  $\frac{3}{4}$  vote. With there being five Commissioners and for a  $\frac{3}{4}$  vote, four of the Commissioners would have to vote to overrule the Planning & Zoning Commission. He further state that for the City to do business in general it takes three votes from the City Commission. He stated that you can see the difference, to overrule the Planning & Zoning vote, four votes are required; regular city business requires three votes. Hamm further commented that during this episode, there was a special meeting on a Thursday in order to take the vote where one of the Commissioners was on vacation, so instead of five commissioners present there were only four. For a  $\frac{3}{4}$  vote with four commissioners present it would only require three votes again. Normal business is three votes but on that special meeting it only required three votes to overrule the Planning & Zoning Commission. He stated that it is his proposal to put in language that will get rid of this loophole. He stated that it should state that all Commissioners must be present and vote as it requires a  $\frac{3}{4}$  vote. He stated that this is what the Charter is designed to do. He stated that there may be an exception such as if a Commissioner may have financial interest in the zoning and might recuse themselves, which language should be added to the Charter as well. Mr. Hamm further commented on the language to be proposed for removal requiring for a candidate to not be in arrears in local taxes.

At this time, the City Commission approved additional time for Mr. Hamm to finish his comments.

Mr. Hamm continued by commented that by taking out a stipulation that requires Commissioners to be in compliance with local taxes rules and laws doesn't make any



sense. He further asked is language being removed that we as the people of this community expect the Commissioners to uphold the laws. He commented that he is advocating against removing this language from the Charter and recommends for the Commission to keep the language as it currently stated in the Charter.

### **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 Lopez and Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".**

2. **Motion to reappoint Norma Sue Adrian to the City-County Health Board for a three-year term. (Health Director).**
3. **Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2020 contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).**

### **REGULAR AGENDA**

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

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

4. **Consider a resolution of the City of Kingsville authorizing the Parks Department to sponsor the Youth Baseball/Softball League. (Parks Director).**

Mrs. Susan Ivy, Parks & Recreation Director stated that the Parks Advisory Board has recommended that the Parks Department take over the sponsorship of the youth baseball and softball league. If approved, this will be a division of the Parks & Recreation Department which will add another division in the Parks & Recreation Budget. Revenues and expenditures will be done through the Finance Department just the way all other expenditures are handled with city funds. Any extra funds accumulated or raised will be carried over to the following year which could be used for field improvements, equipment or other things that will benefit the baseball and softball facilities and league as voted and approved by the league board and as approved as following the priorities of the league, Parks Department and the Parks Master Plan. Ivy further stated that the entry fee will be \$70.00 per child with additional sibling registered at \$60 each. There will be an online registration service with a small fee for this service. Based on 16 teams for boy and 18 teams for girls at \$70.00 per child times 12 per team the expected revenue is \$28,560.00 Each team will be asked to obtain a \$300.00 sponsor which would total \$10,200. These funds will be used for uniforms, equipment, umpires, insurance, sanctioning fees, end of season awards and all-star expenses. The league will be overseen by a Board of Directors, Parks Staff and Parks Advisory Board members. President and Treasurer will be appointed by Parks and Advisory Board members. Parks Advisory Board Members Ruben Cantu and DJ Flores both have experience with the leagues and will serve as advisory board members. Jennifer Bernal will serve as league treasurer. City employee and board member of the past league, Aaron Vela, will be appointed President of the League and other officers will be voted on formally by the Board members. Umpires will be paid weekly to an Umpire organization that will distribute funds to umpires. It is being budgeted \$35.00 for each umpire per game. She also stated that we will contract concessions with a percentage benefitting the league. A percentage of fees will also be received from league pictures taken and sold. The league will be sanctioned through Pony League.

Commissioner Pecos asked for clarification when it was said that the Parks Department to sponsor the youth, does this mean that sponsor will not be taken to sponsor the team.



Mrs. Ivy responded that the Parks Department will only be the organizing organization. Commissioner Hinojosa asked that as for the insurance, will that be covered on its own and covered by City insurance.

Mrs. Ivy stated that the requirement for Pony League baseball is a general liability insurance policy plus a policy that covers the Board members and a medical policy that covers the kids. She also stated that she is in the middle of a question with Risk Management about the possibility of them using the City's insurance for the general liability part, but if this is not possible it will be purchased. She further stated that there is a sports insurance that is used by everyone in the sports industry uses.

Commissioner Hinojosa asked that in the sponsorship there is \$15,000 projected in coming in, what happens if that money doesn't come in?

Mrs. Ivy responded that she feels that it will come in. She stated that \$12,000 of the money will be coming from the \$300 per team.

Commissioner Lopez asked what if a child is not able to pay the entry fee?

Mrs. Ivy responded that this is being discussed at this time.

**Motion made by Commissioner Pecos to approve the resolution of the City of Kingsville authorizing the Parks Department to sponsor the Youth Baseball/Softball League, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".**

5. **Consider introduction of an ordinance amending the Fiscal Year 2019-2020 budget to setup the budget for the new Parks division for Youth Baseball and Softball League to be run by the City of Kingsville. (Parks Director).**

Introduction item.

6. **Consider authorizing the purchase of an articulated dump truck for the Landfill from John Deere Inc., via BuyBoard as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8949) between Government Capital Corporation and the City of Kingsville for an articulated dump truck. (Purchasing Manager).**

Mr. Charlie Sosa, Purchasing Manager stated that this item authorizes the entering into a public property finance contract with Government Capital Corporation to purchase a John Deere Articulating Dump Truck from Doggett Equipment through Purchasing Buyboard Purchasing Cooperative Contract 15-16 for the Sanitation Department. The existing earth moving equipment is a 2008 Caterpillar 615C that has gone through extensive repairs which have been very costly to the department. The amount of the trucks will be \$359,118.06 over seven years at an annual amount of \$51,302.58 for the first year. It is recommended that the City enter into a public property finance contract with Government Capital Corporation to cover the purchase of a John Deere Articulating Dump Truck.

**Motion made by Commissioner Pecos to authorize the purchase of an articulated dump truck for the Landfill from John Deere Inc., via BuyBoard as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8949) between Government Capital Corporation and the City of Kingsville for an articulated dump truck, seconded by Commissioner Lopez and Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

7. **Consider authorizing the purchase of five outfitted vehicles for the Police Department from Lake Country Chevrolet, via Goodbuy Purchasing Cooperative as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8950) between Government Capital Corporation and the City of Kingsville for police vehicles. (Purchasing Manager).**

Mr. Sosa stated that This item authorizes the entering into a public property finance contract with Government Capital Corporation to purchase Five (5) New outfitted Police Vehicles for Police Department from Lake Country Chevrolet through Goodbuy Purchasing Cooperative Contract 19-8F000 Vehicles for the City of Kingsville Police Department. Five (5) New Outfitted Police Vehicles are needed for the Police Department's deteriorating fleet, which has met and exceeded the life the of vehicles. The police department vehicle maintenance account has gone over budget over the past few years due to the outdated police vehicles. The five (5) new outfitted vehicles will replace the old police cruisers, which have lately spent more time in city garage than on streets for public safety. The Police Department has gone over 10 years without



asking for funds to replace police fleet due to the Chapter 59 Forfeiture Funds. Experiencing the decline of Chapter 59 Forfeiture Funds, the Police Department is requesting the allocation of 5 new outfitted Tahoe's for the City of Kingsville Police Department for fiscal year 2019-2020, which can be made possible through a 7-year capital lease agreement. Please see attached Government Capital Corporation contract. Funds are available through 001-5-2102-71100 Capital Lease, Year One of which \$70,655.00 are available this fiscal year. The amount of the five (5) vehicles will be \$344,956.32 over seven years at an annual amount of \$49,280.76 for the first year, please refer to contract attached and Exhibit B Schedule of payments. It is recommended the City enter into a public property finance contract with Government Capital Corporation to cover the purchase Five (5) New Police Vehicles for Police Department from Lake Country Chevrolet thorough Goodbuy Purchasing Cooperative Contract 19-8F000 Vehicles for the City of Kingsville Police Department. Goodbuy is a member of the Purchasing Cooperative which meets Local government code 271 Subchapter F allows for the use of a cooperative purchasing program, specifically 271.102 (c), states, "A local government that purchases good and service under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods and service." Therefore, competitive bidding statutes have been met.

Commissioner Leubert asked if this was for purchase. Mr. Sosa stated that this is for a purchase but will be a seven years lease that will be paid in seven years.

**Motion made by Commissioner Pecos to authorize the purchase of five outfitted vehicles for the Police Department from Lake Country Chevrolet, via Goodbuy Purchasing Cooperative as per staff recommendation, and a resolution authorizing the City Manager to enter into a Governmental Finance Contract (No. 8950) between Government Capital Corporation and the City of Kingsville for police vehicles, seconded by Commissioner Leubert and Commissioner Lopez.**

Commissioner Hinojosa asked for the interest rate. Mr. McLaughlin responded that the interest rate is 3.47%.

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

**8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Section 15-6-21-Definitions to include a definition for "climate-controlled self-storage". (Interim Director of Planning & Development Services).**

Mrs. Cynthia Martin, Interim Director of Planning & Development Services stated that this is a request to amend the City of Kingsville Code of Ordinances by amending Chapter XV, Zoning, Appendix A, Land Use Chart to allow the use of climate-control, self-storage by special use permit only in the C2 Retail Zoning District and as a permitted in C4 Commercial, I1Light Industrial and 12 Heavy Industrial Zoning Districts. The Planning & Zoning Commission has met on this item on January 8<sup>th</sup> where they accepted staff's recommendations with minor changes and voted 4-0 to recommend approval of the change to Appendix A.

Commissioner Hinojosa asked if all other agenda items to follow have the same information as it seems as the information is repetitive.

Mrs. Alvarez stated that with regards to item 7, it is a new definition that is being added to the zoning section of the Code of Ordinances. Item 8 is a new category of use for this newly defined use. She further stated that items 9 through 15 it's the same memo for those items.

Introduction item.

**9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6- Zoning, Appendix A-Land Use Categories to add "climate-controlled self-storage". (Interim Director of Planning & Development Services).**

Introduction item.

**10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 75, 76, 302, & 303, adopting the 2018 versions of the International Residential Code for One-and-Two Family Dwellings, the Mechanical Code, the Fuel Gas Code, and the Plumbing Code. (Interim Director of Planning & Development Services).**

Commissioner Leubert asked if this was just updating the current codes. Mrs. Martin responded yes, but each would need to be done separately.



Introduction item.

11. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 36, 37, 40, & 43, adopting the 2018 version of the International Fuel Gas Code. (Interim Director of Planning & Development Services).**

Introduction item.

12. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 135 & 136, adopting the 2018 version of the International Mechanical Code. (Interim Director of Planning & Development Services).**

Introduction item.

13. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 21 & 22, adopting the 2018 version of the International Plumbing Code. (Interim Director of Planning & Development Services).**

Introduction item.

14. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 402 & 403, adopting the 2018 version of the International Energy Conservation Code. (Interim Director of Planning & Development Services).**

Introduction item.

15. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 151 & 152, adopting the 2018 version of the International Swimming Pool and Spa Code. (Interim Director of Planning & Development Services).**

Introduction item.

16. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Section 15-1-156, adopting the 2017 Edition of the National Electric Code. (Interim Director of Planning & Development Services).**

Introduction item.

17. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 1, Building Regulations, Sections 1 through 99, adopting the 2018 version of the International Property Maintenance Code. (Interim Director of Planning & Development Services).**

Introduction item.

18. **Discuss and consider authorizing preparation of charter amendment proposals from the Charter Review Committee. (City Attorney).**

Mrs. Alvarez reported that in May 2019, the Commission voted to create a Charter Review Committee. At a later meeting the Commission appointed members to the Charter Review Committee. After the appointment of members, there were some meetings held for the Committee to review and amend the City's Charter. The last time the City Charter was reviewed was back in 2006. The Committee makes recommendations to the City Commission on the proposed changes to the Charter. It is the intent that any recommendations for changes to the Charter be determined by the Committee and then the City Commission would consider them in January 2020 for possible placement on the ballot for the next city election scheduled for May of 2020. Alvarez further stated that the Commission may accept, modify, or make their own recommendations. She further stated that the Committee has voted on the proposal that are being brought forward to the Commission. There was one proposal for term limits that was not brought forward, as it was not approved by a majority vote of the Committee. She stated that the item on the agenda reads to consider the item, but the Commission is not obligated to make a final vote tonight. This would give the Commission time to review and make any recommendations for a future meeting. Mrs. Alvarez stated that as for scheduled time, staff is looking at the Commission to make their final determination as to what they would like to see on the ballot by the end of this month. It is being scheduled that on the first meeting in February, the Commission will be calling for the regular general election and at that same time be calling for a special election, if needed for Charter proposals.

Commissioner Leubert commented that she agrees with a comment that Mr. Lance Hamm made with regards to owing any arrear taxes to a local taxing entity.



Mrs. Alvarez commented that with regards to Section 3, Qualifications, immediately proceeding election day, this is something that complies with the State Election Code. The second part which is being determined whether it should or shouldn't be considered for removal, there are differing opinions across the State as to whether somebody should be prohibited from running because of being in arrears. She further stated that depending on what Court of Appeal you are in, it may or may not be valid, but the State Supreme Court has not ruled on this.

Commissioner Leubert commented that it could be left in as she is not comfortable personally with taxes being in arrears. She stated that she feels that this language should be left in the Charter. She further stated that the other item she is hesitant about is the six months verses twelve months for a recall.

Mrs. Alvarez stated that if the Commission were to stay with two-year terms then the preference would be to stay with six months for the recall. However, if the Commission is going to be moving forward with potential four-year terms, it was thought that if someone is in for a four term you may want to give them about a year for people to see if that individual will be meeting their expectations.

Commissioner Leubert commented that a lot of damage can be done in twelve months. She also stated that she is on the mend with regards to this recommendation.

Commissioner Hinojosa stated that with regards to the term of office, he would like for it to be a four-year term across the board, instead of the way it is worded in the proposal. This way it could go hand in hand with the recall which could be one year.

Commissioner Leubert commented that what the Committee is considering is staggered terms which is not stated in the item being heard today.

Commissioner Hinojosa commented that this is his proposal to go four-year terms across the board which will also be saving money by not having an election every two years.

Mrs. Alvarez commented that currently proposal 1, terms of office does include staggering, which you would have to start the staggering somewhere which is why some of the position for the first election would be up for two and when they come up again they would be up for four; this would start the staggering every four years. But if there isn't a desire for staggering then it would be essentially having what we have now which is everybody runs for their term, you would just be expanding the term.

The Commission responded that this was correct.

Commissioner Leubert further stated that she is also on the mend about a full Commission to vote on a  $\frac{3}{4}$  vote for something that the tax payers have said that they want something but then making sure the whole Commission would override them and not just the  $\frac{3}{4}$  of a smaller Commission. It would also require for all Commissioners to be present.

Mayor Fugate commented that he has a problem with that. If the Commission loses a Commissioner and don't have a full Commission and there is only four left, is what Commissioner Leubert is stating that it needs to have all five Commission members vote on that item.

Commissioner Leubert stated that she is looking at the  $\frac{3}{4}$  vote to overwrite the Planning Zoning Commission decision.

Mayor Fugate commented that if you only have four members you would still have to have three members to vote, which would be a super majority. He further stated that he doesn't see the problem in the way it is now. He further state that if he recalls the vote was 4-0 for the RV Park.

Mrs. Alvarez stated that Commissioner Leubert is discussing, section 15-6-4 is in the City Code of Ordinances and not in the Charter. This is not appropriate discussion for this agenda item as this item deals with items that are listed on the City's Charter.

Commissioner Hinojosa commented that with regards to owing back taxes, this does not look good for the Commission to be in the arrears, when it is being asked for the tax payers to be current. He further stated that the Commission should wait until there is a ruling from the Supreme Court before trying to make the change.



Mrs. Alvarez commented that at the next Commission meeting, staff will bring back proposal 1 with it just being four-year terms, not staggered. With regards to proposal two, hearing from one Commissioner, to keep the six months verses the twelve months for a recall.

Commissioner Hinojosa commented that he would like to leave it for one year for a recall to be called. Hinojosa further commented that Commissioner Leubert asked that it not be changed.

Mrs. Alvarez stated that it could be brought to the Commission at the next Commission meeting where they can take a vote on it. If it stays with the one year, then there will be a proposal on the ballot. If not, then it stays as is at six months. She further stated that it seemed to have been the consensus of the Commission to keep the wording immediately preceding election day but retaining the language about the arrearages. She further asked the Commission if there were any other items they would like to see modified for the next meeting.

Commissioner Leubert commented that she would prefer the 5:00 p.m. verses 7:30 p.m. for the swearing-in of the newly elected officials.

Commissioner Lopez stated that she has been asked if there is a way of changing the word from Commission to Council, as the word Commission is not used anymore.

Mrs. Alvarez stated that staff can look into this and bring back something at the next meeting.

No action taken on this item.

**19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices, providing for a University Residential Parking District. (City Attorney).**

Mrs. Alvarez stated that there had been some discussion around the time frame of August, September with regards to certain residences in the University area where there are currently restricted parking timeframes. This restriction may work for some people but not necessarily everyone because in the older part of town, not everyone has a driveway where they can park their own vehicles. She further stated that there may be individuals who have disabilities or elderly that need to be able to have a place to park their own vehicles in front of their house as they may not have an alternate area to park within their property. She stated that there are cities that have residential parking districts so that individuals that live in those locations could come and fill out an application to get a parking permit to park in front of their house during the restriction time. This would also allow for them to obtain a visitors parking pass for their visitors. This would be limited in time and limited as to how many you can get per day.

Mayor Fugate asked if we have received a lot of complaints on this. Mrs. Alvarez responded no.

Commissioner Leubert commented that they have given up.

Mrs. Alvarez commented that one individual maybe two that she knows of that have complained.

Commissioner Lopez commented that while she was City Secretary, she received a lot of complaints.

Mayor Fugate asked if the current City Secretary has received any complaints. City Secretary, Mary Valenzuela responded no.

Commissioner Hinojosa asked where is the current ordinance that allows the city to issue citations on these streets. He further asked if there was an ordinance in place.

Mrs. Alvarez responded that there is an ordinance already in place.

Commissioner Leubert commented that she resides within this area, so this affects her a lot. She asked why residents would only be allowed to get one parking permit for their residence because when you have two or three people living in a house, it is very seldom that you have one car. She stated that if this was being done throughout the city she would understand, but we are restricting residents from parking in front of their own house and can only have one car. She stated that her other concern is only allowing people to have company and being restricted to two cars and must retrieve a parking pass each time you have a visitor. If someone has a visitor on a Sunday night,



city is closed this could cause a problem. She stated that the residents will not like this, and this is being very restricted to those that live in this area.

Mayor Fugate stated that those that live in the area want parking restrictions as they don't want those from the college parking in front of their homes. But then they want 5 to 6 parking passes and everyone who resides on that street have 5 parking passes, it will fill the street up with vehicles. Fugate further commented that he doesn't know where the dilemma is and doesn't know how to satisfy those that live within the area.

Commissioner Hinojosa commented that maybe the City needs to do away with the ordinance.

Commissioner Lopez commented that she can't recall how all this came about. Commissioner Leubert stated that this started when Mrs. Henderson who lived in Irma Rangel's house complained because the students were parking and blocking her driveway which is what started the parking restriction.

Mayor Fugate asked for staff to place this ordinance in the next agenda and allow for the Commission to vote on it. The Commission might just do away with the ordinance dealing with all the parking within this area.

Commissioner Leubert commented that with the Music Department coming in it will be a problem.

Mayor Fugate asked for Commissioner Leubert to come up with the right number of parking passes and bring it forward at the next Commission meeting.

Commissioner Hinojosa asked if staff had sent out letters to the residents that will be affected that this would be on the agenda.

Commissioner Leubert responded no, the city just showed up and started placing signs on people's yards.

Commissioner Hinojosa asked for this item. Mrs. Alvarez responded that letters were not sent out as this is an introduction item and staff will need to get the Commission's feedback to what if anything you will want to do with it and get it in a final form before considering having a public hearing on that.

Commissioner Hinojosa commented that a letter should have been sent out before to give them the opportunity to comment tonight.

Mrs. Alvarez stated that this is pretty much the same with every item that is being brought forward to the Commission and at some point, the public would need to become engaged.

Mayor Fugate commented that as this is an introduction item, he would like to wait and see what Commissioner Leubert comes up with at the next meeting.

Introduction item.

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

Mayor Fugate announced and convened the meeting into executive session at 6:07 p.m. Mayor Fugate reconvened the meeting into open session at 6:30 p.m.

21. **Consider a resolution authorizing the Mayor to execute a Quit Claim Deed with the Texas Department of Transportation for three utility easements needed for improvements to US77 From General Cavazos to the southern city limits. (City Engineer).**

No discussion or action taken on this item.

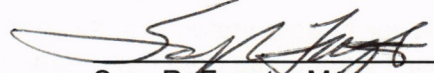
22. **Consider a resolution authorizing the Mayor to enter into a Standard Utility Agreement with the Texas Department of Transportation for reimbursement of part of the City's cost to relocate and adjust utilities due to improvements along US77. (City Engineer).**

V. No discussion or action taken on this item.

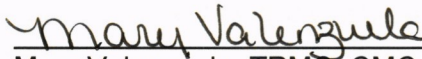


**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 P.M.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, CMC, City Secretary