

City of Kingsville, Texas

AGENDA CITY COMMISSION

**TUESDAY, OCTOBER 22, 2013
SPECIAL MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
5:00 P.M.**

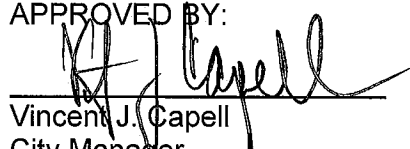
I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law
Regular Meeting – October 14, 2013

APPROVED BY:


Vincent J. Capell
City Manager

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

1. NONE.,

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor,. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items³

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

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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)

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 Fund 054 Utility Fund Capital Projects Fund and Fund 091 General Fund Capital Projects Fund to utilize fiscal year 2012-2013 unexpended funds for welding shed, wastewater shed, and 20" valve rehab project. (Finance Director).
2. Motion to approve final passage of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Fire Department. (Human Resources Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution in support of Texas Department of Transportation constructing a two-way access road north from the west intersection of US 77 and East Corral Avenue to Sage Road. (Mayor Fugate).
4. Discuss the City's downtown area and tourism topics such as branding, wayfinding, advertising, and other related issues. (Tourism Services Director).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

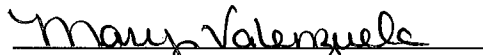
NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail

mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

October 17, 2013 at 10:00 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Mary Valenzuela
City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 14, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 14, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Noel Pena, Commissioner
Arturo Pecos, Commissioner
Al Garcia, Commissioner
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
James Bryson, Accounting Manager
Courtney Alvarez, City Attorney
Charlie Cardenas, Public Works Director/Engineer
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Cynthia Martin, Downtown & Volunteer Manager
Joey Reed, Fire Chief
Ken Starrs, Assistant Task Force Commander
Ricardo Torres, Chief of Police
Robert Isassi, Planning & Development Services Director
David Mason, Purchasing/IT Director
Jennifer Bernal, Community Appearance Supervisor
Bill Donnell, Assistant Public Works Director
Ruthie Valdez, Interim Library Director
Bob Trescott, Tourism Services Director
Pete Pina, Landfill Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. with all members of the City Commission present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Sister Elizabeth followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – September 23, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented.

Motion made by Commissioner Pecos to approve minutes as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert, Fugate voting “FOR”.

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

1. Public hearing regarding condemnation proceeding for structures located at 225 ½ W. Alice, Kingsville, Texas. (Director of Planning & Development Services).

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

Mr. Jose Silguero, 225 ½ W. Alice stated that he is here tonight representing his mother who owns this property. Mr. Silguero is requesting for additional time to be able to repair this structure as it is his mom's property. He further stated that if the Commission agrees to allow him 90 days he will repair the structure or demolish it himself. Mr. Silguero stated that all utilities are still connected in this property.

Mr. Robert Isassi, Director of Planning & Development Services reported that notices were mailed in April, 2013. This property was also re-inspected in May, 2013 where reports show that there is severe rotted wood and ceiling is overhanging. This structure is being used as a storage area for property located in the front of this structure. He further reported that this structure is in close proximity to neighboring lot which could cause damage to the neighbor's property.

Commissioner Garcia asked how long this property has been unoccupied. Mr. Isassi responded that he wasn't sure but stated that the structure located in the front of the structure is livable.

Mayor Fugate asked Mr. Isassi how hard it would be for the property owner to bring this structure back up to code. Mr. Isassi stated that this structure is beyond repair and it would require them to rebuild the structure from scratch.

Mayor Fugate closed this public hearing at 6:09 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 210 E. Richard, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:09 p.m.

Mr. Isassi reported that this structure is approximately 20x34 foot commercial structure. The building official has inspected the structure and has reported that it is an unsecured structure. The structure has rotted wood with some water damage to the interior walls. An inspection of this structure was done in December, 2012 in which notices were mailed. The first notice was returned so a second notice was mailed in which it was signed and received. The Appraisal District has the property valued at \$0.00 for the structure itself.

Mayor Fugate asked if the taxes were current at this property. Mr. Isassi stated yes, the taxes are current on this property.

Mayor Fugate closed this public hearing at 6:12 p.m.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects,

Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor,. No formal action can be taken on these items at this time."

Mr. Vince Capell, City Manager introduced Mrs. Deborah Balli as the new Finance Director. He stated that Mrs. Balli's first day of work was on October 7, 2013.

Mrs. Balli stated that she is looking forward in working with Commission and staff.

Mrs. Courtney Alvarez, City Attorney reported that there will be a Special Commission Workshop on Tuesday, October 22, 2013 at 5:00 p.m. She further reported that the next regularly scheduled Commission meeting is Monday, October 28, 2013. Mrs. Alvarez reminded staff that the deadline for agenda items for the October 28th meeting is Thursday, October 17, 2013 before 5:00 p.m. This deadline has been moved up a day early due to the City Secretary will be attending a conference next week. She further reported that the City of Kingsville will be hosting its Safe Trick or Treat Fall Festival on Friday, October 25, 2013 from 4:00 p.m. to 6:00 p.m. in the 200 and 300 blocks of E. Kleberg. Mrs. Alvarez further reported that there has been a minor change to agenda item #15. Also, staff is recommending that the Commission not take any action on agenda item #13.

Mayor Fugate and Commissioner Pecos addressed some issues with Mr. Capell regarding potholes throughout the City.

Commissioner Pena stated that he would like for the City to look into possibly passing an ordinance on no texting or talking on any mobile devices while driving. He stated that the City of Corpus Christi has recently approved an ordinance with regards to no texting and talking on any mobile devices and would like to see the City of Kingsville do the same.

IV. Public Comment on Agenda Items⁻³

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

Mr. Glenn Jones, Vice President-President Elect for the Chamber of Commerce read a resolution regarding development of Interstate 69 and improvements to US Hwy 77. The resolution read as follows; Whereas, development of Interstate 69 and improvements to US Hwy 77 are a high priority of the City of Kingsville, Kleberg County and the Greater Kingsville Economic Development; and Whereas, improvements to US 77, bringing it to interstate standard, have been supported and encouraged by the Kingsville EDC through the US 77 and I-69 Alliances; and Whereas, the Texas Department of Transportation (TXDOT) has announced plans to improve US 77 from Bishop South to the intersection with E. Corral Ave; and Whereas, TXDOT original planned to construct an overpass near the Fulenwider Dealership so that northbound traffic on US 77 would have easy access to their property; and Whereas, when TXDOT announced their plans to move the overpass seven-tenths of a mile north of the original site, the Fulenwider Dealership expressed concern with the inability of people traveling north from Kingsville to have easy access to their property; and Whereas, in a meeting with TXDOT and Fulenwider, it was agreed that making the access road in front of Fulenwider Dealership two way would be the best alternative; and Whereas, TXDOT has now proposed a new plan that would improve Sage Road from US 77 west to the intersection with 27th street, then construct improvements to 27th street south to the intersection with E. Corral Road as a way from Kingsville residents to access the dealership; and Whereas, the Fulenwider Dealership

has reviewed both options and feels strongly that the first option, a two-way access road from E. Corral Ave. north to Sage Road, would be best. Now, therefore, be it resolved that the Kingsville Chamber of Commerce strongly supports the Texas Department of Transportation constructing a two-way access road north from the west intersection of US 77 and E. Corral Ave. to Sage Road so as to provide easy access to prime commercial property. Passed and approved this 10th day of October, 2013 and signed by Chad Stary President.

Mr. Mike Fawntane Vice President and Operating Partner of Fulenwider Dealership stated that he is not in favor of Plan B as proposed by TXDOT and is asking the City Commission for their support.

Ms. Lynn Yaklin, Economic Development Council, stated that they have also approved the same resolution and is in favor of Plan A of TXDOT.

Rudy Galvan, 1400 Palm Drive stated that he supports Fulenwider Dealership and is asking the City Commission to support the dealership as well in regards to the TXDOT improvements.

V.

Consent Agenda

Notice to the Public

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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)

Mayor Fugate asked for a motion to approve the consent agenda as presented.

Motion made by Commissioner Leubert to approve consent agenda items as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

- 1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.17 acres out of Lot 1, Block 10, McBryde Addition Subdivision known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4-Business District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning and Development Services).**
- 2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resources Director).**
- 3. Motion to approve membership renewal with Electric Reliability Council of Texas ("ERCOT") for 2014 membership year. (City Attorney).**
- 4. Motion to approve a resolution authorizing the City Manager to file liens for expenses incurred for substandard structure nuisance abatements pursuant to**

Section 15-1-172 of the City of Kingsville Code of Ordinances. (Director of Planning and Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

Mayor Fugate asked if they weren't any objections from the City Commission he would like to address agenda item #20 before item #5. No objections were made by the City Commission.

20. Consider waiver of water tap fee for "Weavers of Love". (Mayor Fugate).

Mayor Fugate asked Mr. Tadeo Reyna to address the Commission with regards to the "Weavers of Love".

Mr. Tadeo Reyna, 1325 Michael, stated that he has been assisting Sister Elizabeth and Ms. Pam Mills to establish a permanent soup kitchen within the City of Kingsville to serve the hungry, poor, needy, and the sick. He further stated that there are 3,835 kids on the free lunch program in which there is a need to provide this type of service in our community. Mr. Reyna stated that prior to Sister Elizabeth retiring, she has catered to 30 families that were in need of food. Mr. Reyna is requesting the City Commission to waive the water tap fee for the placement of a 2" water meter, on a two acre tract of land north of St. Martin's School so that they may plant their own vegetable garden.

Motion made by Commissioner's Pena and Garcia, seconded by Commissioner's Leubert and Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Pena, Fugate voting "FOR".

5. Consider condemnation of structures located at 225 ½ W. Alice, Kingsville, Texas. (Director of Planning and Development Services).

Mayor Fugate stated that this structure is too far gone and doesn't see how it can be rehabilitated. Mayor Fugate asked how long has it been since anyone has occupied this structure. Mr. Silguero responded that it has been three years since the structure has been occupied.

Mr. Isassi commented that if the structure is rebuilt, it will have to meet the new guidelines from the setbacks due to the structure being in violation now, of the setback guidelines.

Commissioner Pecos asked Mr. Silguero if he is willing to put more money into the structure than what it is worth. Mr. Silguero stated that the structure belongs to his mother and would like the opportunity to repair and bring the structure up to code. Commissioner Pecos asked Mr. Isassi if this structure would fall under the grandfather clause. Mr. Isassi responded that it would, but if the structure is completely demolished by the owner, and the owner decided to rebuilt, the owner would need to build the structure according to the current codes.

Commissioner Leubert asked Mr. Silguero for a timeline for the repairs to this structure. Mr. Silguero stated that he would start repairs in the middle of November and would have it completed in three months.

Commissioner Garcia asked staff if they were able to go inside the structure to see the condition of the interior.

Ms. Jennifer Bernal, Community Appearance Supervisor stated that pictures were only taken from the outside of the structure and through a broken window. She could only see rotted wood and roof sagging into the interior of the structure.

Mayor Fugate commented to Mr. Silguero that if he gets to the point where he realizes that this structure is beyond repair, would Mr. Silguero tear it down himself. Mr. Silguero responded he would tear it down if it comes to that point.

Motion made by Commissioner Pecos to allow Mr. Silguero 90 days to repair this structure as per the rules of the City, if not the condemnation will take place.

Mayor Fugate asked Mrs. Alvarez if any action is required by City Commission or can they just pass on this item. Mrs. Alvarez stated that it probably be best if Commission just passes on this item. She further stated that staff can bring it back at a later time and revisit the issue. Mayor Fugate asked staff to bring this condemnation back to the City Commission in January, 2014.

Commissioner Pecos withdrew his motion and the Commission took no action.

6. Consider condemnation of structures located at 210 E. Richard, Kingsville, Texas. (Director of Planning and Development Services).

Motion made by Commissioner Pecos that findings not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; and declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within 30 days. City shall abate in any manner it deems necessary and proper, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Garcia, Pena, Pecos, Fugate voting "FOR".

7. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement for Cooperative Purchasing of goods, products and/or services between the City of Kingsville and National Joint Powers Alliance (NJPA). (Director of Purchasing/IT).

Mr. David Mason, Director of Purchasing/IT reported that this item authorizes an interlocal agreement for cooperative purchasing with the National Joint Powers Alliance. It has been determined the pricing structure offered under the NJPA cooperative for the purchase of GPS vehicular services from Premier Technology is of financial benefit to the City of Kingsville. Mason further stated that it is recommended to enter into this interlocal agreement with the Nation Joint Powers Alliance for the mutual benefit of all entities.

Motion made by Commissioner Pecos to approve resolution authorizing the City Manager to enter into an Interlocal Agreement for Cooperative Purchasing of goods, products and/or services between the City of Kingsville and National Joint Powers Alliance, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert, Fugate voting "FOR".

8. Consider authorizing the purchase of six Tahoe's for the Police Department, one Equinox for the Permits Division of the Planning Department, and one One-Ton Truck for the Water Construction Department from Caldwell Chevrolet through BuyBoard, as per staff recommendation. (Director of Purchasing/IT).

Mr. Mason reported that this item is to authorize the purchase of six vehicles from Caldwell Chevrolet through the BuyBoard Purchasing Cooperative. This purchase includes six Tahoes for the Police Department and one Equinox for the Permits Division and one Ton Truck for the Water Construction Department.

Motion made by Commissioner Leubert to authorize the purchase of vehicles, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

9. Consider authorizing the purchase of one crawler dozer for the Landfill that provides the best value to the City, through BuyBoard as per staff recommendation. (Director of Purchasing/IT).

Mr. Mason stated that this item will authorize the purchase of one crawler dozer for the landfill. The crawler dozer with six way blade is necessary for erosion control and stormwater diversion activities. He stated that the best value for the City is a John Deere 550K per the provided specifications from Doggett Heavy Machinery Service for \$127,962.00. This price includes a 5 year/7500 hour extended warranty and a 5 year/7000 hour preventative maintenance contract. Mason stated that the John Deere has the fastest delivery time of approximately thirty days and this item can be purchased through the BuyBoard.

Motion made by Commissioner Pena to authorize the purchase of one crawler dozer for the landfill, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Pena, Fugate voting "FOR".

10. Consider authorizing the purchase of one truck with refuse body for the Sanitation Department that provides the best value to the City, through BuyBoard as per staff recommendation. (Director of Purchasing/IT).

Mr. Mason stated that this item authorizes the purchase of one truck with refuse body for the Sanitation Department. This truck will primarily be for commercial collection but will also be equipped with a grabber arm to provide backup for residential collection. Mason further stated that the best value for the City comes from Kann Manufacturing Commercial Side Loader with Grabber option on a Peterbilt 320 Chassis. The chassis is available through Rush Truck Centers of Texas and the body directly from Kann. As both are available through BuyBoard quotes, competitive bidding regulations are satisfied. The chassis is \$122,772.00 and the body, from Kann, is \$86,349.00 for a total of \$209,121.00

Motion made by Commissioner Leubert to approve this purchase, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Garcia, Pena, Pecos, Fugate voting "FOR".

11. Consider resolution authorizing participation in the TCEQ FY 2014/2015 Regional Solid Waste Grants Program through the Coastal Bend Council of Governments for improvements to the City's Recycling Center facilities, authorizing the City Engineer/Public Works Director to act on the City's behalf with such program. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, City Engineer/Public Works Director stated that this item is to consider a resolution to apply for a grant from the TCEQ's FY 2014-2015, Regional Waste Grants through the Coastal Bend Council of Governments to improve the City's Recycling Center facilities. He stated that as recycling efforts are improving, so is the amount of recyclables and traffic volume at the Recycling Center. The City is proposing to fence the property to maintain proper equipment storage. It is proposed to pave portions of the fenced area to improve traffic flow and recyclable drop offs.

Commissioner Leubert asked what the total cost will be for this project. Mr. Cardenas stated that the cost would be around \$15,000 to \$20,000.

Commissioner Garcia asked if there is any cash match. Mr. Cardenas stated that there is no cash match.

Motion made by Commissioner Pena to approve resolution authorizing participation in the TCEQ FY 2014-2015 Regional Solid Waste Grants Program through Coastal Bend Council of Governments, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert, Fugate voting "FOR".

12. Consider resolution authorizing participation in the TCEQ FY 2014/2015 Regional Solid Waste Grants Program through the Coastal Bend Council of Governments for efforts to host a Household Hazardous Waste Trash Off, authorizing the City Engineer/Public Works Director to act on the City's behalf with such program. (City Engineer/Public Works Director).

Mr. Cardenas stated that this particular grant is similar to the Trash Off event the city recently hosted. This item is to consider a resolution to apply for a grant from the TCEQ' to host a Community Household Hazardous Waste Trash Off. Cardenas further stated that currently the City's landfill is not permitted to accept household waste such as motor oils, pesticides, paints, solvents, and other chemicals. He further stated that the household hazardous waste would be collected in bulk and hauled off by a contractor to an appropriate site.

Commissioner Leubert asked what the total cost will be for this project. Mr. Cardenas stated that the cost would be around \$15,000 to \$30,000.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

13. Consider resolution authorizing participation in the TCEQ FY 2014/2015 Regional Solid Waste Grants Program through the Coastal Bend Council of Governments for the purchase of a Roll Off Truck and three (3) forty-yard Roll Off Containers, authorizing the City Engineer/Public Works Director to act on the City's behalf with such program. (City Engineer/Public Works Director).

City Commission did not discuss or take any action on this item.

14. Consider resolution authorizing participation in the TCEQ FY 2014/2015 Regional Solid Waste Grants Program through the Coastal Bend Council of Governments for the purchase of add-on equipment to the existing "skid loader" tractor for Community Appearance, authorizing the City Engineer/Public Works Director to act on the City's behalf with such program. (City Engineer/Public Works Director).

Mr. Cardenas stated that this item is to consider a resolution to apply for a grant from the TCEQ's FY 2014-2015 Regional Waste Grants Program through Coastal Bend Council of Governments to purchase add on equipment to the existing skid loader tractor for the Community Appearance Division. Cardenas stated that the Community Appearance Division has increased their efforts in beautification by assisting with the cleaning of curbs and gutters.

Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia, Pena, Fugate voting "FOR".

15. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Fund 054 Utility Fund Capital Projects Fund and Fund 091 General Fund Capital Projects Fund to utilize fiscal year 2012-2013 unexpended funds for welding shed, wastewater shed, and 20" valve rehab project. (Finance Director).

Mr. Capell stated that this project was budgeted for last fiscal year but was not completed and would like to complete it this fiscal year. This will be expended through fund 054.

Introduction item only.

16. Consider introduction of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Fire Department. (Human Resources Director).

Ms. Diana Gonzales, Human Resources Director reported that the proposed ordinance is to clarify and designate the number of classifications and positions per classification within the Kingsville Fire Department. The City of Kingsville implemented civil service in the Kingsville Fire Department in November 1969. An ordinance has been unable to be located designating classifications and the number of positions per classification when civil service was originally implemented or at any time thereafter. One of the first references located is the collective bargaining contract from 1978 designating Fire classifications as follows: Captains (6), Drivers (6) and Firefighters (15). The contract starting October 1, 1984 no longer referenced the classification titles with the number of personnel per classification. The first reference to a Lieutenant position in a collective bargaining contract appears in the contract for October 1, 1999 - September 20, 2003. Since the 1999 contract, the classification of civil service positions is as follows: Fire Marshal, Captain, Engineer and Firefighter. For the last fourteen years the following classifications have existed in the Kingsville Fire Department with the number of positions listed as Fire Marshal (1), Captain (3), Lieutenant (3), Engineer (6), and Firefighter (18).

Introduction item only.

17. Consider resolution establishing Historic District Façade Grant Program Guidelines, and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (City Manager).

Mrs. Cynthia Martin stated that staff has reviewed the guidelines for a Historic District Façade Grant and have worked with the Historic Development Board. A special meeting of the Historic Development Board was held on October 7, 2013 where the Board approved a resolution for these guidelines.

Mayor Fugate asked if this money that is allotted will be coming out of hotel/motel tax funds. Mr. Capell stated yes, unless a high demand is received.

Commissioner Leubert asked if this would be up to \$50,000 per applicant. Mr. Capell responded yes. Commission Leubert further asked if this is per year grant. Mr. Capell stated that the minimum would be \$50,000 per year, unless needing additional funds.

Mayor Fugate read a section of the guidelines under section of Façade Grant Amount. Mayor Fugate asked if this money is coming from the city budget. Mrs. Alvarez stated that this does not come from the taxes the tax payer pays with their M&O and I&S.

Mayor Fugate asked if the applicant has to put up a performance fund before receiving grant money. Mr. Capell stated that the way this will work is that the applicant will spend their money first and for every dollar spent the City will match up to \$50,000. If the applicant chooses not to spend their money first and wants the City to advance the funds, the applicant would have to have a performance bond.

Commissioner Leubert asked if any additional information will be included to each application such as a picture of what the finishing project will look like. Mr. Capell stated that the applicant will be required to provide more information. Commissioner Leubert

further stated that she would like to see pictures of what the finished products would look like.

Mr. Bob Trescott, Tourism Services Director stated that what staff will require is a historical picture, before picture, and an after picture to attach to the application.

Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Leubert. The motion was passed by the following vote: Leubert, Garcia, Pena, Pecos, Fugate voting "FOR".

18. Consider resolution approving an application and agreement for Historic District Façade Grant Program from Cal Collins for the Texas Theater. (Director of Tourism).

Mayor Fugate stated that Mr. Cal Collins is unable to be in attendance at tonight's Commission meeting.

Commissioner Garcia asked if Mr. Cal Collins has received a copy of the Façade guidelines. Mrs. Alvarez stated that Mr. Collins has signed and received a copy of the guidelines.

Motion made by Commissioner Leubert to approve this resolution approving an application and agreement for Historic District Façade Grant Program from Cal Collins for the Texas Theater, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Leubert, Fugate voting "FOR".

19. Consider resolution approving an application and agreement for Historic District Façade Grant Program from Henry Molina for Domino's Pizza. (Director of Tourism).

Commissioner Garcia if the Mr. Henry Molina has received a copy of the Façade guidelines. Mrs. Martin stated yes.

Motion made by Commissioner Pena to approve resolution approving an application and agreement for Historic District Façade Grant Program form Henry Molina for Domino's Pizza, seconded by Commissioner Garcia. The motion was passed and approved by the following Pena, Pecos, Leubert, Garcia, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:43 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

CONSENT AGENDA

AGENDA ITEM #1



Engineering Department

361-595-8007
361-595-8035 Fax

DATE: October 2, 2013
TO: City Commission through City Manager
FROM: Juan Carlos Cardenas, Director of Public Works/City Engineer
SUBJECT: Utility Fund Budget Amendment (Fund 054)

SUMMARY

This item authorizes a budget amendment to the FY14 Utility Fund Capital Projects (Fund 054) for expenditures occurring this fiscal year for the completion of building the Wastewater shed.

BACKGROUND

In FY13, \$96,215.00 was budgeted with \$74,441.52 expensed. Funds were not carried over during the FY14 budget process. Due to September rains totaling 9 inches the project was not able to be completed in FY13. The Total for this budget amendment is \$23,063.00 to complete the project in FY14.

Fund (054) – Utility Fund Capital Projects:

Original Adopted Budget FY13: \$96,215.00

Spent until September 30, 2013: \$74,441.52

Budget Amend Increase for FY14 Utility Fund Capital Projects: \$23,063.00

RECOMMENDATION

The proposed budget amendment is very important to finish the projects in a timely manner. Staff recommends proceeding with approval of the proposed budget amendment.

FINANCIAL IMPACT

Detail of the Budget Amendment is mentioned above.

Approved

Vincent Capell, City Manager

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 FUND 054 UTILITY FUND CAPITAL PROJECTS FUND AND FUND 091 GENERAL FUND CAPITAL PROJECTS FUND TO UTILIZE FISCAL YEAR 2012-2013 UNEXPENDED FUNDS FOR WELDING SHED, WASTEWATER SHED AND 20" VALVE REHAB PROJECT.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2013-2014 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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Fund 054 Utility Fund Capital Projects

Capital

2-000.0 Fund Balance	- Fund Balance (FY 2013)	610.0		<u>\$40,379</u>	
				<u>\$40,379</u>	

Expenditures

5-600.1 Water Construction - Water Lines & Fixtures		717.00	\$17,316		
5-700.1 WW - North Plant - Building (Shed)		713.00	<u>\$23,063</u>		
			<u>\$40,379</u>		

Fund 091 General Fund Capital Projects

Capital

2-000.0 Fund Balance	- Fund Balance (FY 2013)	610.0		<u>\$9,101</u>	
				<u>\$9,101</u>	

Expenditures

5-302.0 Garage	- Building (Shed)	713.00	<u>\$9,101</u>		
			<u>\$9,101</u>		

[To amend FY14 Fund 054 Utility Fund Capital Projects and Fund 091 General Fund Capital Projects to utilize FY13 unexpended funds as per the attached request dated October 2, 2013 from the City Engineer/Director of Public Works.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 14th day of October, 2013.

PASSED AND APPROVED on this the 28th day of October, 2013.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

ORDINANCE NO. 2013-_____

AN ORDINANCE RATIFYING CLASSIFICATIONS AND PRESCRIBING THE NUMBER OF POSITIONS IN SUCH CLASSIFICATIONS FOR THE CLASSIFIED SERVICE IN THE FIRE DEPARTMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, CODIFICATION INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

WHEREAS, the City desires to clarify and designate the number of personnel per classification in the Kingsville Fire Department.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT the City of Kingsville Fire Department has maintained the classification of civil service personnel as follows since October 1, 1999: Fire Marshal, Fire Captain, Fire Lieutenant, Engineer and Firefighter.

II.

THAT in accordance with section 143.021, Texas Local Government Code, the City Commission ratifies the following classifications and hereby prescribes the number of civil service positions in each classification by Ordinance duly passed, to wit:

<u>CLASSIFICATION</u>	<u>NUMBER OF POSITIONS</u>
Fire Marshal	1
Captain	3
Lieutenant	3
Engineer	6
Firefighter	18

III.

THAT all ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

IV.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite

intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

V.

THAT this Ordinance shall be and become effective on and after adoption and publication as required by law.

INTRODUCED on this the _____ day of _____, A. D., 2013.

PASSED AND APPROVED on this the _____ day of _____, A. D., 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney



MEMORANDUM

From
The Human Resources Department

Date: October 2, 2013

To: Vincent Capell
City Manager

From: Diana Gonzales, SPHR
Human Resources Director

A handwritten signature in black ink, appearing to read "Diana Gonzales".

Subject: Fire Department Classifications

SUMMARY

The proposed ordinance is to clarify and designate the number of classifications and positions per classification within the Kingsville Fire Department.

BACKGROUND INFORMATION

The City of Kingsville implemented civil service in the Kingsville Fire Department in November 1969. An ordinance has been unable to be located designating classifications and the number of positions per classification when civil service was originally implemented or at any time thereafter.

One of the first references located is the collective bargaining contract from 1978 designating Fire classifications as follows: Captains (6), Drivers (6) and Firefighters (15). The contract starting October 1, 1984 no longer referenced the classification titles with the number of personnel per classification.

The first reference to a Lieutenant position in a collective bargaining contract appears in the contract for October 1, 1999 – September 30, 2003. Since the 1999 contract the classification of civil service positions is as follows: Fire Marshal, Captain, Engineer and Firefighter.

For the last fourteen (14) years the following classifications have existed in the Kingsville Fire Department with the number of positions listed below.

<u>Classification</u>	<u>Number of Positions</u>
Fire Marshal	1
Captain	3
Lieutenant	3
Engineer	6
Firefighter	18

FINANCIAL IMPACT

None

RECOMMENDATION

It is recommended to clarify the classifications and number of positions per classification in the Kingsville Fire Department.

REGULAR AGENDA

AGENDA ITEM #3

RESOLUTION #2013-_____

RESOLUTION IN SUPPORT OF TXDOT CONSTRUCTING A TWO-WAY ACCESS ROAD NORTH FROM THE WEST INTERSECTION OF US 77 AND EAST CORRAL AVENUE TO SAGE ROAD.

WHEREAS, development of Interstate 69 and improvements to US Hwy 77 are a high priority of the City of Kingsville, Kleberg County and the State of Texas; and

WHEREAS, improvements to US 77, bringing it to interstate standard, have been supported and encouraged by the City of Kingsville through the US 77 and I-69 Alliances; and

WHEREAS, the Texas Department of Transportation (TXDOT) has announced plans to improve US 77 from Bishop south to the intersection with E. Corral; and

WHEREAS, TXDOT originally planned to construct an overpass near the Fulenwider Dealership, which is located in Kingsville off of US 77 between Sage Road and Corral Avenue, so that northbound traffic on US 77 would have easy access to their property; and

WHEREAS, when TXDOT announced their plans to move the overpass seven-tenths of a mile north of the original site, the Fulenwider Dealership expressed concern with the inability of people traveling north from Kingsville to have safe and easy access to their property; and

WHEREAS, in a meeting with TXDOT and Fulenwider, it was agreed that making the access road in front of Fulenwider Dealership two-way would be the best alternative; and

WHEREAS, TXDOT has now proposed a new plan that would improve Sage Road from US 77 west to the intersection with 27th St., with construct improvements to 27th St. south to the intersection with E. Corral Avenue as a way for Kingsville residents to safely access the dealership; and

WHEREAS, the City and the Fulenwider Dealership have reviewed both options presented by TXDOT and feel strongly that the first option, a two way access road from E. Corral Ave. north to Sage Rd., would be best.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE:

I.

THAT the City Commission of the City of Kingsville strongly supports the Texas Department of Transportation constructing a two-way access road north from the west intersection of US 77 and E. Corral Avenue to Sage Road so as to provide easy access to prime commercial property within the City;

II.

THAT this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission on the 22nd day of October, 2013.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #4