

JULY 27, 2020

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 27, 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
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Derek Williams, IT
Ricardo Torres, Police Chief
Janine Reyes, Tourism Director
Uchechukwu Echeozo, Director of Planning & Development Services

STAFF PRESENT VIA CONFERENCE CALL OR VIDEOSTREAM

Bill Donnell, Public Works Director
Emilio Garcia, Health Director
Diana Gonzalez, Human Resources Director
Deborah Balli, Finance Director
Cynthia Martin, Downtown Manager
Alicia Tijerina, Special Events Coordinator
Susan Ivy, Parks & Recreation Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 p.m. with four Commission members present. Leubert being 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)

Regular Meeting – July 13, 2020

Motion made by Commissioner Pecos to approve the minutes of July 13, 2020 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Pecos, Fugate voting "FOR". Lopez "ABSTAINED".

****AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COMMISSION.** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Commission. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Commission shall be provided in written format and presented to the City Secretary and/or designee prior to the start of each meeting of the City Commission. This testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's outdoor public bulletin board at City Hall and on the City website and allow for electronic submission. The written public testimony shall be provided to members of the City Commission prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This written testimony shall serve as the required public testimony pursuant to Texas Government Code section 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference; and, if so conducted, the public may participate remotely by following the instructions of the City Secretary which would be posted on the City Secretary's outdoor public bulletin at City Hall and on the City website.

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

1. Public Hearing on ordinance amending the zoning ordinance by granting a special use permit for general business use in C1 (Neighborhood Service District) at 1131 E. King Ave. (a/k/a 201 S. 16th Street), Kingsville, Texas, also known as Lund Addition, Block 7, Lots 8-9. Jacklyn Gonzalez (applicant), Guadalupe Alvarez (owner). (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:02 P.M.

Request for a Special Use Permit by applicant Jacklyn Gonzalez and property owner Guadalupe Alvarez. Applicant is looking at carrying out several business endeavors that include cooking classes, nutrition shakes, Spa parties, and women empowerment and weight loss challenges. Notices were sent to relevant neighbors. The Planning Department staff received citizen feedback who was for the proposal. The Planning & Zoning Commission met and reviewed the application and voted to approve the request with a 6-0 vote.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:03 P.M.

2. Public hearing regarding condemnation proceeding for structure (auxiliary building) located at 626 N. 6th Street, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 5:03 P.M.

Mrs. Alvarez explained that the structure up for condemnation is the metal auxiliary building only.

Mr. Echeozo stated that the inspection report shows that this building is unsafe and non-repairable.

Mayor Fugate mentioned that this structure and the structure next door need to be condemned as they are unsafe.

Mrs. Alvarez stated that this property does not have water or electricity service.

The inspection report shows that this structure is an attractive nuisance to children; a harbor for vagrants, criminal and immoral people; evidence of roach, rat, mouse, or other vermin found. The structure has an uncovered roof and graffiti.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:06 P.M.

3. Public hearing regarding condemnation proceeding for structures located at 429 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Echeozo stated that the inspection report shows that this structure is an attractive nuisance to children; a harbor for vagrants, criminal and immoral people; evidence of roach, rat, mouse, or other vermin found. The structure has an uncovered roof and graffiti.

The report shows the Building Official comments stating that this structure is found to be in severe and hazardous state of disrepair. It is unsecured and very dangerous allowing easy access for animals, vagrants and criminal activity.

Mrs. Alvarez reported that this location has had no water service since 1992.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so now with a five-minute time limit. Additional time cannot be extended by City Commission.

There being no further comments, Mayor Fugate closed this public hearing at 5:08 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. McLaughlin, City Manager updated the City Commission on Hurricane Hanna. No damage to the City or personal property as the hurricane made a turn heading south of Kingsville. He further thanked staff for their hard work in preparation for the hurricane. He also updated on Miller Ave. Work has come to a halt due to the hurricane. Once the area dries, crews will begin working on it again. Mr. McLaughlin further gave a report of the budget report. Considering that we are in a pandemic, the city is doing well. He further gave a report on the City's third quarter investment report Total Cash & Investments are at \$26,932,961.41 with Texas Class ending balance as of June 30, 2020 at \$13,925,173.82. The City is doing well considering the situation we are in currently with the pandemic. Mr. McLaughlin further updated the Commission on the testing site for COVID-19.

Mayor Fugate commented that it was great that the city is doing great considering the pandemic we are currently in at this moment.

Commissioner Hinojosa thanked staff for their hard work in preparation of the hurricane.

Commissioner Lopez stated that she had received a complaint for a citizen regarding Caesar ditch. Stating that city crews clean up the ditch but don't pick up the debris that is within the ditch which causes drainage problems. She further asked for staff to look into the situation.

Mrs. Alvarez reported that the next scheduled commission meeting is scheduled for Monday, August 10, 2020. The deadline for staff to submit their agenda items for this meeting is Friday, July 31st. She further announced that the City will also be having budget workshop proceedings beginning August 17th through August 19th and continuing August 24th through August 26, 2020. Alvarez further stated that there is a minor correction that needs to be made to the ordinance that is being introduced tonight, which has already been corrected and will be presented for final passage on August 10, 2020. Alvarez also mentioned that Mrs. Cynthia Martin, Downtown Manager will be retiring from the City at the end of the week.

IV. **Public Comment on Agenda Items.³

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

No public comments received.

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 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, Pecos, Lopez, Fugate voting “FOR”.

1. Motion to approve the reappointments of Mr. Octavio Alvarez and Dr. Carol Tipton to the Library Board for three-year terms. (Library Director).
2. Motion to approve final passage of an ordinance amending the FY19-20 Budget to accept and expend the DEAAG Grant reimbursement for land purchased near NAS Kingsville. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider the appointment of Mrs. Jeri Morey to the Historical Development Board for a three-year term. (Downtown Manager).

Motion made by Commissioner Hinojosa to approve the appointment of Mrs. Jeri Morey to the Historical Development Board for a three-year term, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Fugate voting "FOR".

4. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for general business use in C1 (Neighborhood Service District) at 1131 E. King Ave. (a/k/a 201 S. 16th Street), Kingsville, Texas, also known as Lund Addition, Block 7, Lots 8-9, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Introduction item.

5. Consider condemnation of structure (auxiliary building) located at 626 N. 6th Street, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos, motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances, and cannot be corrected without substantial reconstruction; then 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 Hinojosa. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Fugate voting "FOR".

6. Consider condemnation of structure(s) located at 429 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

Motion made by Commissioner Pecos, motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances, and cannot be corrected without substantial reconstruction; then 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 Lopez. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

7. Presentation and discussion on the review of the Master Plan/Production of a Comprehensive Plan. (Director of Planning & Development Services).

Mr. Uchechukwu Echeozo, Director of Planning & Development Services gave a report to the City Commission on the city's Comprehensive Master Plan. The planning process begins with visioning and goals identification which include public participation and vision statement. Evidence gathering include analysis of current problems; identify land use, demographic, housing, economic and transportation characteristics and trends. Creation alternatives include develop alternatives and evaluate alternatives (public participation involved). The final steps are to create the plan, formally adopt the plan, implement the plan, and review and revise the plan. Introduction – Comprehensive Plan: Policy Context, Standard City Planning Enabling Act (1928), and Standard State Zoning Enabling Act (1924). Key Components are Local Development Scheme (Timetable), and Statement of Community Involvement. *Any community development strategy depends on a creative, participatory and collaborative assessment of local circumstances.* Annual Monitoring Report and Development Plan Document (Including the Master Plan and Proposal Maps). How much money is needed? Circumstances vary. Largely dependent on duration of the planning process; community involvement procedures; details of the plan; the planning environment. It is worth to note the potential for federal monies. Time that is needed, it can take between 9 months and up to 2 years. It all depends upon a number of factors including: is it an initial effort; will there be widespread public involvement; are there divisions in the municipality about what the future of the community would be; are staff available and on board; are there legislative requirements, and budget constraints. Key concepts are community and

neighborhood planning. Based on the principles of combining advantages of city life, access to jobs, commerce and recreation. Possible goals for community development include facilitation of local economic growth and job creation, improvement of the physical design and condition of public facilities available to citizens, and provision of public services tailored to meet the identified needs of the community members. Consultation, community involvement includes activity week, planning for real, briefing workshops. Sustainability appraisal, having regard to sustainable development. Development that meets the needs of the present without compromising the needs of future generations or the ability of future generation. Conclusions: need for a vision statement that reflects where we need to go; plan is comprehensive in nature with aspects of incremental planning. Emphasis on economic development; money matters and timeline; community involvement is crucial; and overall regard for sustainable development.

Mayor Fugate commented as there are no hospital district in Kingsville, he feels that the hospital will need to be involved. He further commented that it is important to have community involvement in this as well. Fugate asked for the timeline. Mr. Uche responded that the timeline would be presented during the next cycle.

8. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Attorney and Municipal Court Judge. (Mayor Fugate).

Mayor Fugate read the executive session agenda item and convened the meeting into close session at 5:54 P.M.

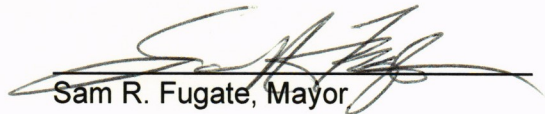
Mrs. Courtney Alvarez entered the executive session at 5:58 P.M. and stepped out of executive session at 6:12 P.M.

Municipal Court Judge was not available for his evaluation. The Commission moved forward in the evaluation of the Municipal Court Judge in closed session.

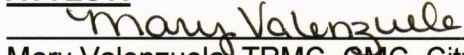
Mayor Fugate reconvened the meeting into open session at 6:14 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:15 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary