

JANUARY 27, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 27, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Noel Pena, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Charlie Cardenas, Public Works Director/City Engineer
Bob Trescott, Tourism Director
Melissa Perez, Risk Manager
Robert Isassi, Director of Planning & Development Services
Willie Vera, Task Force Commander
Robert Rodriguez, Library Director
Cynthia Martin, Downtown & Volunteer Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:03 p.m. and announced quorum with four Commission members present. Commissioner Pena 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) – Required by Law

NONE.

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."

Mr. Vince Capell, City Manager, reported that on the City of Kingsville will be hosting Trash off Day on Saturday, February 1, 2014 from 8:00 a.m. to 12:00 p.m.

Mrs. Courtney Alvarez, City Attorney, reported that the next regularly scheduled Commission meeting is on Monday, February 10, 2014. Agenda items for this meeting are to be turned in by Friday, January 31, 2014.

Commissioner Leubert asked for an update on the anti-texting ordinance. Mrs. Alvarez stated that an ordinance has been drafted. Staff is working on the mapping of the signs so we can come up with a cost estimate. Commissioner Leubert further asked for a timeline. Mrs. Alvarez stated that she has asked for the information to be provided to her by the end of this month. Leubert further asked for staff to look into encouraging people to stop at crosswalks when citizens are crossing.

Commissioner Pecos reported that he has received a lot of positive feedback from citizens regarding streets. Pecos further stated that he would like for staff to look into bringing the Petra Vela Kenedy House project back to the Commission.

Commissioner Garcia asked for staff to explore the possibilities of a cover at school bus stops for kids that are waiting for the school bus.

Mayor Fugate presented a proclamation for National Catholic School Week.

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)

Commissioner Leubert made a motion to remove agenda item #1 from the consent agenda and place under the regular agenda for discussion. The motion was seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Fugate voting "FOR".

1. 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 Letter Agreement and designating Downtown Manager, Cynthia Martin, as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Tourism Director).

Commissioner Leubert asked how the city will benefit from this program. Mr. Bob Trescott, Tourism Director stated that this program is modeled to help organize and develop a public/private effort to revitalize their main street area. Trescott further stated that this is a marketing and networking tool. He further stated that this program has helped with the Pavilion located on 6th Street. Trescott further stated that there are 90 cities participating in this program in Texas. Commissioner Leubert asked how this program has assisted the city with the Pavilion. Mr. Trescott stated that when the idea came up of taking a canopy and moving it into a different location, the State send some rendering at no charge to the city.

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

2. 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).

3. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.175 acres of K.T.& I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre tract in 1400 Block of West Santa Gertrudis Avenue from AG-Agricultural District to R3-Multi-Family 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).

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to waiver of certain planning fees in exchange for certain land. (City Attorney).

Mayor Fugate stated that the City has negotiated with KISD for property located near the new City Hall in exchange for waiving certain permitting fees for the new High School and other in-kind services.

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

5. Consider a resolution authorizing the City Manager to enter into 2014 Election Services Agreement between City of Kingsville and Kleberg County Clerk. (City Secretary).

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

6. Consider a resolution authorizing the City Manager to enter into a Fourth Revised Water Utility Supply Contract (Gov. Contract #N69450-12-C-0011) between the City of Kingsville, Texas and the Federal Government for Naval Air Station-Kingsville for TCEQ requested language. (City Attorney).

Mrs. Alvarez stated that the Federal Government has its own supply contracts and any changes made would require Commission approval. She further stated that there is no financial impact to the City.

Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Leubert.

Commissioner Garcia asked about the .6 gallons per connection, who will be monitoring the per minute rate. Mrs. Alvarez responded that LNV has done some water calculations for the City which help to ensure the amount water the city is able to produce and flow through the lines. It meets the requirements, not just for NAS Kingsville but for the other entities the City has water supply contracts with.

Commissioner Garcia asked if the calculation of .6 gallons per minute, will we have to have a pressure pump to keep up with the rate. Mr. Cardenas stated that gallons per minute is the volume how much water it's going to be supplying, PSI is the pressure it's going to produce. Cardenas further stated that the worst case scenario is a larger pipe due to more flow which will make a necessary for a larger pipe. Cardenas stated that as for pumping capacity it will be there.

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

7. Consider a resolution abandoning a 1905 water and drainage easement within 21.175 acres of K.T.&I. Co., Block 9, Lot PT 3, 4, & 6 in the 1400 block of West Santa Gertrudis Avenue. (Director of Planning and Development Services).

Mr. Isassi reported that this is a request from Domus Development who is developing student housing along the 1400 block of West Santa Gertrudis. He further stated that while performing a title search, by Kingsville Title, the development group noted a blanket City water easement, referenced in a 1905 deed. After this discovery, they are requesting the release of this blanket easement to ensure that the development of this property continued unencumbered. Mr. Isassi stated that the owner is requesting the full release of this easement based on existing City ordinances that already easements on property for water transmission.

Motion made by Commissioner Leubert to approve this resolution, seconded by Commissioner Garcia and Commissioner Pecos.

Commissioner Garcia asked if what the Commission is about to vote on, is to give up this easement which is abutting or within the meets and bounds of the 21 acres. Mr. Isassi stated that this is what is being asked by Commission to approve.

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

8. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the Kingsville Specialized Crimes & Narcotics Task Force to pay for expenses related to disposal of hazardous waste materials. (Finance Director).

Mrs. Deborah Balli, Finance Director stated that the Task Force is in need of additional funding to properly dispose of hazardous waste materials. This was budgeted last fiscal year but due to some delays the project was not completed which now require a budget amendment this fiscal year.

Introduction item only.

9. Consider writing off bad debt by accepting payment for contested billing for EMS Service provided to the City of Bishop in prior years. (Finance Director).

Mayor Fugate commented that this is not a bad debt due to the City never having a contract in place, to which this service should not have been provided. Mayor Fugate further asked Mrs. Alvarez for her legal opinion.

Mrs. Alvarez responded that acceptance of the payment is probably in the best interest of the City.

Motion made by Commissioner Leubert to accept payment for contested billing for EMS Service provided to the City of Bishop in prior years, seconded by Commissioner Garcia.

Commissioner Garcia stated that he recalls this being more of a verbal contract.

Motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund to incur bad debt expense by accepting payment for contested billing for EMS Services provided to the City of Bishop. (Finance Director).

Introduction item only.

11. Consider authorizing City Manager to enter into letter agreement with Eric and Belinda Purdy for a sewer line extension along Chandler Street across Jay Vee Street. (City Engineer/Public Works Director).

Mr. Cardenas reported that this is a request for the City of Kingsville to enter into a partnership with Mr. Eric Purdy of 325 S. Jay Vee to extend wastewater service. Currently the residence relies on an outdated septic system. Mr. Purdy will be required to pay for the street cut and tap into the extended line, providing a plumber to re-route his service line from the septic system.

Mayor Fugate asked if this opens up to any other residents in the area. Cardenas responded not at this time. Cardenas stated the financial impact to the City of Kingsville is estimated at \$3,627.47.

Commissioner Garcia asked if the work the City will be performing is a shared cost of 50% with the owner. Mr. Cardenas stated that the city's share cost is more of 75% due to the property owner having to pay for the street cut. Cardenas further stated that the property owner would also have to provide their own private plumber which could cost around \$10,000.

Motion made by Commissioner Garcia to authorize the City Manager to enter into letter agreement with Eric and Belinda Purdy for a sewer line extension, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Leubert, Fugate voting "FOR".

12. Consider authorizing cost sharing with Kleberg County for new ADA compliant veterans' van. (City Manager).

Mr. Capell reported that this item authorizes the participation with Kleberg County for the purchase of a new van for the Veteran's Service Office. The action will expend no more than \$17,000 from the General Fund.

Motion made by Commissioner Garcia to authorize the cost sharing with Kleberg County for a new ADA compliant Veteran's Van, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Fugate voting "FOR". Pecos "ABSTAIN".

13. Consider introduction of an ordinance amending the fiscal year 2013-2014 budget for the General Fund to provide funding for ½ the purchase costs needed

for the Kleberg County Veteran's Service Office to acquire a van with ADA specifications. (Finance Director).

Introduction item only.

14. Consider a resolution approving the emblem determined suitable by the Kingsville Historical Development Board for marking buildings, structures, and sites within historic districts and for designated landmarks both public and private. (Tourism Director).

Mrs. Cynthia Martin, Downtown Manger, stated that Section 15-15-15 of the City of Kingsville Code of Ordinances, task the Kingsville Historical Development Board to determine suitable emblem for marking buildings, structures, and sites within the historic district and for designated landmarks, both public and private. The emblem has been submitted to the Texas Historical Commission for their approval. Mrs. Martin further introduced Mrs. Maggie Salinas, Chairperson of the Historic Board. Mrs. Martin and Mrs. Salinas further displayed the emblem that will be used if approved by the Commission.

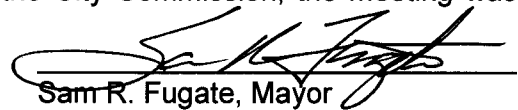
Commissioner Leubert asked how the emblem will be attached to a building. Mrs. Salinas stated that it all depends on the type of building it will be placed on.

Commissioner Garcia asked if the emblem will be available in different sizes. Mrs. Martin responded that it depends on the type of building it will be attached too.

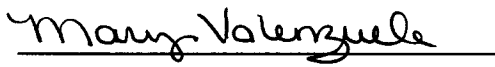
Motion made by Commissioner Leubert to approve this resolution, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Leubert, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:03 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary