

MARCH 10, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 10, 2014 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 4:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Al Garcia, Commissioner
Noel Pena, Commissioner
Arturo Pecos, 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
Robert Isassi, Director of Planning & Development Services
Diana Gonzales, Human Resources Director
David Mason, Purchasing/IT Director
Tony Verdin, Information Systems Technician
Willie Vera, Task Force Commander
Rose Morrow, Municipal Court Manager
Ricardo Torres, Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 4:00 p.m. and announced quorum with four Commission members present. Commissioner Pecos arriving late.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Waived

4:08 p.m. Commissioner Pecos arrives to meeting.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Special Meeting – February 13, 2014
Regular Meeting – February 24, 2014

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Garcia made a motion to approve the minutes as presented, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, and Fugate voting: “FOR”.**

WORKSHOP- Discussion on technology issues & mid-year budget update/financial overview.

Update Historic H.M. King School.

Vince Capell, City Manager began the meeting by giving the City Commission and update on the Historic H.M. King School.

Robert Isassi, Director of Planning & Development Services, reported that the first contract was for the installation of a new roof and structural repair to the interior of the building. This has been completed 100% as of last week. An invoice has been submitted by the contractor for final payment. There is a 50% completion on the plans for the project on the mechanical, plumbing,

Commissioner Leubert asked for the estimated timeframe for completion of this project. Mr. Isassi stated that it would be a one turnaround from the date plans are approved.

Commissioner Garcia asked if carbon fiber will be placed on the interior of the building. Mr. Isassi responded it will be in the interior concrete column with reinforcement which gives it stability.

Mayor Fugate asked for copies of the layout plans be provided to the City Commission for their review.

Mr. Capell continued the discussion regarding funding of the reconstruction of the Historic H.M. King High. Capell reported that the total estimated cost of the reconstruction is \$7,000,000 with the City's portion being \$3,547,552. This excludes costs for renovation of the Cottage Building, Larking Building and Gymnasium. Also excludes costs for proposed new telephone, video surveillance, audio visual systems or other furniture and fixtures that may be required and/or desired for full building utilization and occupancy. Exact cost will not be known until engineering design is completed and bids are received by the Foundation. These project cost estimates are provided by the Foundation's Project Consultant AGCM. This excludes any additional fundraising appeals not yet awarded as of March 10, 2014. Capell further stated that recommendation is to take possession of these buildings from KISD and hold them while developing a funding plan for their renovation and or use by other entities. Discussions to date have focused on the Utility Billing function moving to the Cottage Building and the Municipal Court moving into the Larkin Building. Capell further stated that no serious discussions have been held concerning the future use of the Gymnasium. Costs of renovation and associated funding sources for these buildings are presently under review by staff. It is anticipated that the City's utilities, maintenance and other recurring operating costs for the H.M. King School will exceed that of the existing City Administration Building located on E. Kleberg. Also, until such time as there is other suitable space for occupancy by the Municipal Court and Utility Billing Departments, these functions will likely remain at the current City Administration Building causing the City to temporarily incur additional maintenance and utilities expenditures. These additional operating expenditures will be planned for and incorporated into the Proposed Annual Budget for the first and subsequent years of occupancy beginning in FY2015.

Discussion continued on technology issues and updates.

Mr. Isassi stated that the last time the website was updated was two years ago. Additional improvements are needed to the existing website. Staff is looking into hiring a new company to make these updates to the City website. Isassi introduced Mr. Jonathan Swindle of Hi-Res Creative. Mr. Swindle made a PowerPoint presentation to the City Commission on the improvements that need to be implemented on the City website. Mr. Swindle met earlier in the week with city staff to hear their wants and needs on the city website.

Mayor Fugate recessed the meeting for a five minute break at 5:55 p.m.

Mayor Fugate called the meeting back to order at 6:03 p.m.

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

1. Public hearing on amending the zoning ordinance by changing the zoning map in reference to Lots 17-26, (Mobile Home Park), Block 7, Hoffman Subdivision known as 210 E. Miller from R1-Single Family Residential District to C4-Commercial Business District, applicant Bill Cumberland. (Director of Planning & Economic Development).

Mayor Fugate announced and opened this public hearing at 6:04 p.m.

Mr. Isassi reported that this is a request for a change in zoning of Lots 17-26, Block 7 of the Hoffman subdivision addressed as 210 E. Miller from R-1 to C-4 to expand the car lot located on the corner of E. Miller & 6th street. The Planning & Zoning Commission unanimously approved the request by a 5-0 vote.

Mayor Fugate asked if there were any complaints opposing the rezone from surrounding neighbors. Mr. Isassi stated that no complaints or oppositions were received.

Mayor Fugate closed this public hearing at 6:06 p.m.

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.”

Courtney Alvarez, City Attorney reported that there will be a special workshop meeting on Thursday, March 20, 2014 to discuss additional planning ordinance revisions.

IV. Public Comment on Agenda Items ³

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.

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

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

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 Budget for Fund 001 the General Fund to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with Kleberg County. (Finance Director).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter IX, General Regulations, Article 7, Sections 9-7-1 through 9-7-6, providing for adoption of the International Property Maintenance Code, additions and amendments to said code, prohibited acts, and administrative fees. (Director of Planning and Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 3, Section 57, providing for street trees. (Director of Planning and Development Services).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 6, adopting Section 26-Home Occupations. (Director of Planning and Development Services).
5. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Land Use, Article 6, Section 92, changing rear yard regulations for accessory buildings. (Director of Planning and Development Services).
6. Motion to approve final passage of an ordinance authorizing the acceptance of three deeds from the Kingsville Independent School District for land near the Old High School building and authorizing the City Manager to execute any documents necessary for this transaction. (City Attorney).
7. Motion to approve final passage of an ordinance amending the Code of Ordinances

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. Consider authorizing City's participation in the 2014 Wings Over South Texas Airshow to be held March 29 & 30, 2014 at Naval Air Station-Kingsville. (Director of Tourism).

Bob Trescott, Tourism Director reported on events that will be happening during the weekend of March 28th. Meet the Blues will take place on Friday, March 28th at the Henrietta Memorial Center. He further reported that the NAS Kingsville has offered the City of Kingsville Tourism Department a canopy at the airshow to market tourism. Trescott further reported that the Police Department has been requested to provide security support on/near the base that will result in \$7,705.39 of overtime. The Task Force will provide security support on/near the base that will result in \$3,747.08 of overtime. Fire Department will provide emergency services support on/near the base that will result in \$2,000 in overtime.

Motion made by Commissioner Garcia to authorize the City's participation in the 2014 Wings Over South Texas Airshow, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

Mayor Fugate asked if there were no objections from the City Commission, he would like to take agenda item #13 before discussing agenda item #10. No objections made.

10. Consider a resolution authorizing the City Manager to enter into an Advance Funding Agreement with the Texas Department of Transportation for construction of drainage upgrades, sidewalks and landscaping on General Cavazos (FM1356) from 6th Street to 14th Street. (City Engineer/Public Works Director).

Charlie Cardenas, City Engineer/Public Works Director, reported that this item authorizes staff to enter into an Advanced Funding Agreement between Texas Department of Transportation (TXDOT) and the City of Kingsville. This will be for drainage upgrades, sidewalks on the north side of General Cavazos from 6th Street to 14th Street and install landscaping on the north side of General Cavazos from 6th Street to 14th Street. Mr. Cardenas further stated that in 2011 the City Commission approved a similar agreement with TXDOT relating to drainage improvements on Caesar Street during the US 77 Caesar overpass construction. He further stated that the design and construction work for these improvements will cost the City \$110,000. Funding of \$70,000 will come from 2014 budget item 068 CO Fund Capital Projects, \$40,000 of the funding will come from budget item 001 General Fund.

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

11. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 17-26, (Mobile Home Park), Block 7, Hoffman Subdivision known as 210 E. Miller from R1-Single Family Residential District to C4-Commercial Business District, applicant Bill Cumberland. (Director of Planning & Economic Development).

Introduction item.

12. Consider request to waive interest on weed liens for redevelopment of four properties at the request of George Hernandez. (Director of Planning & Economic Development).

Mr. Isassi reported that this is a request to waive interest on weed liens. An interesting party is considering purchasing this property if the City can forgive these liens. After discussing the issue with the requestor, City staff has agreed to request that Commission consider waiving only the interest accrued as a result of the liens. The requestor has agreed with City staff's recommendation. The proposed buyer has stated that he would maintain the property after purchase and that he would like to infill these lots with new housing. The request is for the waiver of \$2,625.35.

David Mason, Purchasing/IT Director reported that staff has met with representative from Riviera Communications regarding their request to secure a lease of space on a water tower for Wi-Fi equipment.

Commissioner Pecos asked if this was a staff recommendation. Mr. Mason stated that staff recommends the approval of this resolution.

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

Mayor Fugate asked if there were no objections from the City Commission, he would like to take agenda item #16 before discussing agenda item #10. No objections made.

14. Consider authorizing staff to proceed with the acquisition of lease funds necessary to complete the leasing of equipment. (Director of Purchasing & IT).

Mr. Mason reported that this item allows City staff to proceed with the acquisition of lease funds necessary to complete the leasing of equipment. The City has budgeted \$85,000 for FY14 to begin a seven year lease for asphalt lay machine and an oil distributor. The approximate cost of the two machines is \$540,000. It is recommended we are authorized to proceed with a lease agreement with Capital City Leasing, of Austin, TX who has the lowest rate and require no fees. Isassi further stated that upon final agreement this lease will expend no more than \$85,000 per year for the seven year length of the lease.

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

15. Consider authorizing out-of-state travel for a member of the Commission to attend meetings with Congressional Officials in Washington, D.C. on March 23-26, 2014. (City Manager).

Mayor Fugate stated that the Coastal Bend Coalition will be traveling to Washington, DC to promote our military bases in Kingsville and Corpus Christi. He further stated that he would like to recommend Commissioner Leubert to travel to Washington, DC.

Motion made by Mayor Fugate to authorize this out-of-state travel for Commission Leubert, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

16. Consider accepting a donation from ExxonMobile to the Kingsville Fire Department for participation in recent refinery fire. (Fire Chief).

Mr. John Joiner, representative of ExxonMobile, presented a donation check to the Kingsville Fire Department for their assistance in recent fire that occurred on November 18, 2013.

Motion made by Commissioner Garcia to accept donation from ExxonMobile, seconded by Commissioner Leubert and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

17. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 General Fund Budget for the City of Kingsville to accept a donation made from ExxonMobile to the Kingsville Fire Department. (Director of Finance).

Introduction item.

18. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Fund 017 PD Grant Border Star (LBSP) for the City of Kingsville to accept a grant award from the Texas Department of Public Safety to the Kingsville Police Department. (Director of Finance).

Mrs. Balli stated that this is an introduction to accept a grant in the amount of \$66,125 which will be used for overtime and operational cost for the Kingsville Police Department.

Introduction item.

20. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 Budget for the General Fund to finance the contracting costs of removing a nuisance, abandoned sign structure. (Director of Finance).

Mrs. Balli stated that this is for the removal of an abandoned sign located at 201 US77 which has been declared a nuisance and is in violation of City ordinance Section 15-6-131.

Introduction item.

21. Consider a resolution authorizing the City Manager to execute a consent to modify existing equipment request pursuant to the Communications Facilities License Agreement with T-Mobile. (City Attorney).

Mrs. Alvarez reported that in 2004, the City entered into a communication facility license agreement with T-Mobile West. The last two years, they have asked for consent to sublease to what was essentially called Crown Castle. She further stated that they would like to use the same footprint that they currently have at our sites, but switch out some equipment. Alvarez further stated that before they can go onto our property to switch out equipment, they need the City's consent in writing.

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

22. 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. (Commissioner Leubert).

Mayor Fugate announced and convened the Executive Session at 6:40 p.m.

Mayor Fugate reconvened the meeting into open session at 6:58 p.m.

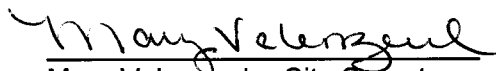
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:58 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary