

JUNE 23, 2014

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 23, 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
Noel Pena, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Al Garcia, Commissioner

CITY STAFF PRESENT:

Vince Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Robert Isassi, Director of Planning & Development Services
Charlie Cardenas, Engineer/Public Works Director
David Mason, Purchasing/IT Director
Bill Donnell, Assistant Public Works Director
Luke Stevens, Sanitation Supervisor
Diana Gonzales, Human Resources Director
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 6:00 p.m. and announced quorum with four Commission members present. Commissioner Garcia absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – June 9, 2014

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

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

1. Public hearing regarding condemnation proceeding for structures located at 708 S. 12th, Kingsville, Texas. (Director of Planning & Development Services).

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

Mr. Robert Isassi, Director of Planning & Development Services reported that this property is for 708 & 706, which is one structure duplex with two addresses. Both 708 & 706 S. 12th have no water or power connected and owes back taxes in the amount of \$1,800. This property is not in the Historical District but across the street from the historical boundary. Isassi further stated that staff has not received any contact with the property owner. The house is in very bad shape as it shows in the photos that were provided to the Commission during tonight's meeting. Isassi stated that staff recommends this for condemnation.

Commissioner Leubert asked what the dollar amount was owed in back taxes. Isassi responded \$1,800.

Mayor Fugate stated that this is the second piece of property the Commission has received for condemnation from the same property owner in the last month. He further stated that the property owner is not taking care of his business.

Mr. Isassi stated that on the previous property there was an interested party that wanted to intervene and try to save that property. Isassi further stated that he received an email from that person stating that he could not get a hold of the owner and stepped back and stated for the City to do what it had to do with the previous property. Isassi stated that staff was willing to work with them, but staff did not receive a response from the owner.

Mayor Fugate closed this public hearing at 6:07 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 611 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:07 p.m.

Mayor Fugate stated that he has forgotten to mention that these items are public hearings and if anyone wants to speak about either one of the two presented tonight, they may do so at this time. Fugate stated that if anyone is here to speak about the first public hearing, he will reopen that hearing and give them the opportunity to speak. Anyone wanting to speak about either hearing would need to state their name, address, and have five minutes to speak.

Mr. Isassi stated that this is for 611 W. Huisache which is located south of MoPac Field between Armstrong and Wells. This property is in very bad disrepair and recently with highwinds come through the front porch fell down. Photos will show before the roof went down. There is no power or water in this structure. This structure is a tax foreclosure property which now belongs to Kleberg County Trustees. There is \$7,300 owed in back taxes and structure is not in the Historical District and there hasn't been anyone that wants to save this property.

Mayor Fugate asked why the taxing trustee's agencies agree to a voluntary demolition. Isassi stated that a letter was mailed to the Judge and no response was received.

Mr. Capell stated that even if a voluntary demolition was signed, there would be a cost initiated.

Mayor Fugate closed this public hearing at 6:10 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. Capell reported that he will be out of the office attending a conference on Thursday, June 25th and Friday, June 26th. He will return to the office on Monday, June 30th. Mr. Capell reported that Mr. Leo Alarcon has been selected as the new Tourism Director. Mrs. Cynthia Martin will still assume the Interim Director position until Mr. Alarcon takes his position the first week of August. Mr. Capell further stated that he would like for Mr. Isassi and Mr. Cardenas to give a quick presentation to the Commission on Wayfinding.

Mr. Isassi stated that he would like to give the Commission and the audience a quick synopsis of what Wayfinding and the status of the project. Isassi reported that what is being done with this project is to emphasize Kingsville as a destination, which is something that was inherited by Tourism. This is to highlight the key attractions and all of its destinations around town. For those visiting for the first time utilize those signs and put our place forward on the signs. This will improve mobility so that visitors aren't driving around town lost. For the citizens who reside in Kingsville and drive by the sign, it will show that Kingsville has tourist spots. Isassi spoke about Wayfinding terminology and highway destination signs which will guide you to your destination. Isassi further spoke about Wayfinding destinations for Kingsville. Isassi reported on the project status stating that early June, 2014, staff met with Kingsville Alliance and gave them an explanation as to why certain locations were not on the list as NAS-Kingsville is not on the list, due to it not being a tourist destination. Isassi further stated that they continue to meet with those Wayfinding destinations as Coastal Bend College, Mother Julia Shrine. On June 10th, the plan was shared with Texas Department of Transportation in which they preliminarily approved the plan although they want to make sure that we have all of our destinations set in stone, as they don't want to go back and change anything. Once those signs are in place, that the City is going to install in place, they will stay there forever. Isassi further stated that the plan is for himself and Charlie to have a set of plans by late July and have it out for implementation. Charlie will work on ordering signs and

getting everything setup and by August, depending on budget, may bring a resolution to Commission and once approved staff will implement the plan.

Mr. Cardenas stated that there are certain criteria's that need to take place in order to be on the Wayfinding signs. It's a civic cultural destination visitor and recreational destination. Dick Kleberg Park is a recreational destination as City Hall and Courthouse are a civic cultural destination. Cardenas stated that they are still looking into the educational institutions such as TAMUK and Coastal Bend College and looking into considerations for the new high school which maybe consider recreational once the high school games begin. Cardenas stated that a different criteria is called a traffic generator sign. Those signs have to meet a certain criteria for the size of the city which is so many visitors to that destination. This is really not part of the Wayfinding, but it is something staff is looking into because if a certain group doesn't meet the Wayfinding criteria, it might meet the traffic generator criteria. This is the type of plan staff plans to present to the Texas Department of Transportation. Due to signs being on TXDOT right-of-way, it will require Commission approval by resolution. Cardenas further reported on the no cell phone signs. The no cell phone signs have arrived and staff is working on installing them today on Corral and US 77 Highway. The cost for 15 no cell phone signs was \$7,000 which includes post, concrete and labor.

Mrs. Alvarez reported that the next regularly scheduled Commission meeting is on Monday, July 14th with items due on July 3rd. She further reported that City will be closed on Friday, July 4th in observance of Independence Day. Alvarez reported that once all no cell phone signs are installed, she will notify KPD to begin active enforcement.

Mayor Fugate announced activities taking place for the 4th of July weekend. Fugate further presented Keep Kingsville Beautiful Because You Care Awards to the following individuals. David Cantu and Danny Rios. He also presented the Keep Kingsville Beautiful Volunteer Award 2014 to Mr. Michael White.

IV. Public Comment on Agenda Items ³

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

Ms. Mary Freelon owner of Day & Night Club spoke to the City Commission regarding the movement of her business dumpster. She stated that city crews went out and moved her dumpster from the front location of her business to the alley directly behind her business. Freelon further stated that she came to City Hall and spoke with Mr. Isassi who stated that a letter was mailed to her but was returned to the City. Ms. Freelon responded to Mr. Isassi that all he had to do is get the correct address from the Water Department and she would have received the letter. Ms. Freelon stated that this makes it difficult for her to throw out her trash when the dumpster is located a good distance from her business. Ms. Freelon further showed the Commission pictures she had taken of before and after where her dumpster was and is located. She further stated that she pays her taxes and pays for her dumpster service and sees it unfair for the City to come by and move it from one place to another.

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 Pena to approve the consent agenda as presented, seconded by Commissioner Pecos. The motion was passed and approve by the following vote: Pecos, Pena, Leuber, Fugate voting "FOR".

1. Motion to approve reappointments of Lupita Perez and Sandra Rexroat to the Historic Development Board for a three year term each. (Interim Tourism Director).
2. Motion to approve reappointments of Lupe Alvarez, Steve Zamora, Debbie Tiffie, Robert McCreight, Bill Aldrich, Albert Garcia, Ramon Perez to the Planning and Zoning Commission for a two year term each. (Director of Planning & Development Services).

3. Motion to approve reappointments of Stephan Nix, Ricki Cunningham, Wayne Quandt, and Albert Garcia to the Board of Adjustment for a two year term each. (Director of Planning & Development Services).

4. Motion to approve 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 & Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider condemnation of structures located at 708 S. 12th, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate stated that photos show that this structure is beyond repair and no further discussion is needed unless members of the Commission would like to discuss it further.

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

6. Consider condemnation of structures located at 611 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate stated that photos show that this structure is beyond repair and no further discussion is needed unless members of the Commission would like to discuss it further.

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

7. Consider introduction of an ordinance renaming South 27th Street, also known as FM 3320, to Golf Course Road within the city limits. (Director of Planning & Development Services).

Mr. Isassi stated that staff is proposing to rename South 27th Street which extends from General Cavazos to US 77 to Golf Course Road which currently ranges from the southern city limits to General Cavazos. South 27th street has traditionally been inferentially recognized as Golf Course Rd. and extending the naming will avoid confusion for emergency services and further addressing. Isassi stated that this name change will not inconvenience businesses or homes within this area.

Commissioner Leubert state that this a great idea, as everybody already knows it as Golf Course Rd.

Introduction item.

8. Consider introduction of an ordinance changing the zoning map in reference to 2.0661 acres, lot out of 6, block 6, KT&I Co, known as 1600 North 14th Street from C2 Retail District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning & Development Services).

Mr. Isassi stated that this is basic housekeeping issue. This is the rezoning of the K.C.Hall from C2 Retail to C4 Commercial. Staff needed to provide a public hearing notice in the newspaper, which wasn't stated in the ordinance to do but it states it in the state statute, so staff has decided to go back and re-introduce this item.

Introduction item.

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 21.17 acres of K.T. & I. Co., Block 9, Lot PT 3, 4, & 6 out of a 64.67 acre plat addressed as 1331 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).

Mr. Isassi stated that this is the same exact issue as the agenda item above.

Mayor Fugate asked when these two items will be heard and brought to commission for consideration. Mr. Isassi responded that they will be brought back during a special meeting scheduled for July 1st.

10. Consider resolution authorizing the Mayor to execute a Standing Steering Committee Participation Agreement. (City Attorney).

Mrs. Alvarez stated that for over the last 10 years, the City has participated in issues whenever they would come up regarding electric utility rate making cases and sometimes rule making cases with the TCC. Normally we would get notice there would be another sister city that would head the program and would invite other communities in South Texas to participate, some had a sku of 13 city participate and some had as many as 90 cities going in and participate. Because of rule making changes which seem to be more than norm lately than the rate making matters, and the expedited time frames in which entities have to react, because do have jurisdiction over the rate making. Alvarez further stated that normally there are 60 to 90 days from start to finish in a rule making case before the TCC and there about 185 days from start to finish in a rate making case. So the ability to have people join and act quickly, has become more necessary in order to effectively represent not just to cities but the constituents interest. Alvarez further state that by having a standing steering committee in place, which would mean that the committee is already got x-number of cities on board and participating in things as needed and as they come up. Alvarez stated that this initial resolution authorizes participation in the committee, and would not require the city to expend any funds. Once certain number of cities agree to participate and the standing steering committee, as oppose as doing on an at HOT basis as done in the past where you send out a notice and then hopefully try and get people to respond within enough time before the action will take place. We would already have the committee authorize to act on certain cities we have and so they would act on the group's behalf then the group would be noticed, if the city chose to the city can opt out of that particular rule making or rate making proposition. This is something that the city has participating in the past but as an HOT basis.

Mayor Fugate asked for a timeline. Mrs. Alvarez stated that if approved, we would send it off to the Law Firm that is managing the standing committee for us, the Lloyd Gosselink Firm and the City of Victoria. Mayor Fugate asked that if the fee the City has to pay, would it needed to be paid out of this budget year. Mrs. Alvarez responded that by approving this resolution would not obligate the city into anything. It would only say that the City is interested in participating, assuming they get enough cities to participate, then an executive committee would be formed and they would set a budget. Based on the budget they would determine what per capita rate from the members would cover. Mayor Fugate asked what if we don't like what they bid. Mrs. Alvarez stated that the city has the right to opt out.

Commissioner Pecos asked if more cities participate, the less the city would have to pay. Mrs. Alvarez responded yes.

Motion made by Commissioner Pecos to authorize the Mayor to execute a Standing Steering Committee participation agreement, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Fugate voting "FOR".

11. Consider resolution the City Manager to execute a Pipeline Crossing Agreement with Union Pacific Railroad for 18" water transmission line project. (City Engineer/Public Works Director).

Mr. Cardenas stated that this is an agreement to place an 18" water transmission line under and across the railroad property between 5th & 6th Street.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:52 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary