

JULY 14, 2014

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 14, 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  
Al Garcia, Commissioner

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
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  
Robert Rodriguez, Library Director  
Tony Verdin, Information Systems Technician  
Cynthia Martin, Interim Tourism Director  
Charlie Sosa, Street 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. and announced quorum with four Commission members present. Commissioner Pecos 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**

None.

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Mike's Stop & Shop located at 1105 N. 14<sup>th</sup> St. (Director of Planning & Development Services).

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

Mr. Robert Isassi stated that originally this was a Quickmart and now Mike Stop & Shop on the corner of Avenue D and 14<sup>th</sup> Street. This establishment is under new ownership and need to change the name on the alcohol license. This establishment falls within 1,000 feet of a church which according to the ordinance would require an alcohol variance. Proper notifications were mailed to individuals within 300 feet of the establishment to which staff did not receive any objections.

Mayor Fugate closed this public hearing at 6:04 p.m.

**III. Reports from Commission & Staff.<sup>2</sup> (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 currently staff is working on FY 2014-2015 budget and has tentative dates for upcoming budget workshops and asked Commission to check their calendars to see if this schedule fits theirs. The tentative dates are Monday, August 25<sup>th</sup> and Tuesday, August 26<sup>th</sup> and Wednesday, September 3<sup>rd</sup> and Thursday, September 4<sup>th</sup>. He asked if there is a conflict with the dates just mentioned, please contact his office.

Mrs. Alvarez reported that the next Commission meeting is scheduled for July 28<sup>th</sup> with agenda items due on Friday, July 18<sup>th</sup>.

Mayor Fugate recognized the Construction Technology of Texas A&M University-Kingsville who are in attendance to observe the Commission meeting.

#### IV. Public Comment on Agenda Items<sup>.3</sup>

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)*

None.

##### REGULAR AGENDA

##### CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

#### VI. Items for consideration by Commissioners.<sup>4</sup>

1. Consider authorizing a request for an alcohol variance for a Wine and Beer Retailer's Off-Premise Permit for the establishment known as Mike's Stop & Shop located at 1105 N. 14<sup>th</sup> St. (Director of Planning & Development Services).

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

2. Consider authorizing city participation in downtown parades and events from August 2014 through July 2015 as stated in memo and attachments. (Interim Director of Tourism).

Mrs. Cynthia Martin, Interim Tourism Director reported that in the past these events were brought to the Commission one at a time. Martin further stated that for efficiency Tourism is bringing before Commission one request that will cover all the known events and parades for the entire upcoming year. Should additional events be proposed for the downtown area in the upcoming year, these will come before the City Commission individually. Mrs. Martin further stated that the list was provided to all the downtown businesses.

**Motion made by Commissioner Garcia to authorize city participation in downtown parades and events from August 2014 through July 2015, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".**

3. Consider resolution authorizing the City Manager to enter into an Agreement with the Texas Department of Transportation for Construction, Maintenance and Operation of Continuous Highway Lighting Systems within a Municipality (Freeways or Expressways) for lighting at the crossover to South Creek Subdivision at 0.9 miles South of FM 1717 on US 77. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Engineer/Public Works Director reported that this item is to authorize an agreement to maintain the proposed lighting South Creek Subdivision on US

Hwy 77. This is for two luminaires that TXDOT will be constructing and installing with the City responsible for the electric bill. Cardenas further stated that Engineering recommends three lighting installations at this intersection with one lighting on US 77 / 169, one at the South Creek entrance wall and an additional lighting within the subdivision. Cardenas reported that TXDOT's safety lighting policy is based on existing crashes. Crashes at this intersection do not meet TXDOT's lighting policy, but the potential exist.

Commissioner Garcia asked about the maintenance of \$350.00 will cover. Mr. Cardenas stated that it will cover the electric bill. Cardenas further explained that the maintenance to the luminaries would need to be contracted out.

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

4. Consider authorizing award of a contract for concrete work for curb, gutter, and driveway repair work to E-Tech Construction, as per staff recommendation, based on unit prices with a contract renewal for FY 2015 with no more than a five percent escalation clause. (Bid No.14-14). (Director of Purchasing and IT).

Mr. David Mason, Purchasing/IT Director reported that we advertised for sealed bids on June 8, 2014 and June 15, 2014 and proposals were accepted until 1:30 p.m. on June 24, 2014. Two bids were received that being from E-Tech Construction and Bonco LLC. Staff based their recommendations off the unit cost with E-Tech Construction coming in at \$7.50 curb/linear foot and Bonco LLC at \$8.50 curb/linear foot. The driveway was \$32.00 versus \$55.00. A total on the bid was done to give staff an idea on the recommendation. Mason further stated that this all depends on exact amount spent on how many feet of load we actually paid. This would be for the curb and gutter on the asphalt street. The grand total of \$123,000, if staff gets real busy and do more than 30,000 linear feet of asphalt streets, the total will increase. The bid is being based on the unit cost to which E-Tech Construction gives a lower unit cost on both the curb and driveway. Mason further stated that staff recommends for the contract to be awarded to E-Tech Construction.

Mayor Fugate stated that E-Tech Construction has done some work for the City and asked if staff was satisfied with the performance. Mr. Charlie Cardenas stated that staff is satisfied with their work.

**Motion made by Commissioner Leubert to authorize the award of a contract for concrete work for curb, gutter, and driveway repair work to E-Tech Construction, as per staff recommendation, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR".**

5. Consider authorizing the purchase of one 2014 Bomag BW-211PD-50 padfoot single drum vibratory roller for the Street Department from Anderson Machinery via BuyBoard, as per staff recommendation. (Director of Purchasing & IT).

Mr. Mason reported that this item authorize the purchase of one Bomag BW-211PD-50 padfoot single drum vibratory roller for the Street Department from Anderson Machinery via BuyBoard. Mason further stated that the best value for the City is a new 2014 model Bomag BW-211PD-50 purchased through the BuyBoard cooperative purchasing contract for \$111,502.05. Delivery of the new machine is September 2014. Mason further reported that in order to keep the City's paving program on tract, Anderson Machinery has offered the use of a loaner machine. The loaner machine is only available through the Rent to Own Program at \$4,510.30 per month plus time charges of approximately \$140.00 per month. Mason continued to state that Anderson Machinery has agreed to apply the \$4,500.00 principal payments toward the purchase price of the new machine. The only sunk cost would be the time charge of approximately \$560.00 and heavy equipment charge of \$41.20. Purchase cost and sunk costs will be \$113,000.00 from CO65 Street Improvements. Mason reported that \$896.75 will be used for any incidentals to get the equipment operational.

**Motion made by Commissioner Garcia to authorize the purchase of one 2014 Bomag BW-211PD-50 padfoot single drum vibratory roller, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pena, Garcia, Fugate voting "FOR".**

6. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the General Fund to provide funding for the Street Department to purchase paving equipment to be used in operations. (Director of Finance).

Mrs. Deborah Balli, Finance Director, reported that this item goes right along with the item Commission has just approved. Funds will be taken from unreserved fund balance.

**Introduction item only.**

7. Consider introduction of an ordinance amending the Fiscal Year 2013-2014 budget for the General Fund to provide funding for building improvements to city property located at 2211 South Brahma Blvd. (Director of Finance).

Mrs. Balli reported that this item was brought to the Commission in a prior meeting. It is for improvements to a city-owned building located at 2211 S. Brahma Blvd. in preparation for the lease of the building as discussed in the memo dated July 3, 2014 by Mr. Isassi. The repair cost will total up to \$20,000.

Commissioner Garcia asked staff if they saw any major repair needed to be done to the air conditioning unit at this building.

Mr. Isassi reported that the \$4,800 estimate is what is needed to get it up and running. He further stated that he does not foresee any additional monies needed for the unit.


**Introduction item only.**

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:25 P.M.

  
Sam R. Fugate, Mayor

ATTEST:

  
Mary Valenzuela, City Secretary