

SEPTEMBER 22, 2014

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 22, 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  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing/IT Director  
Deborah Balli, Finance Director  
Leo Alarcon, Tourism Director  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Bill Donnell, Assistant Public Works Director  
Charlie Cardenas, Public Works Director/Engineer  
Emilio Garcia, Health Director  
James Creek, Fire Department  
David Guerra, Fire Department  
Joey Reed, Fire Chief

**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 all five Commission members present.

**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 - August 25, 2014

Special Meeting - August 26, 2014

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

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

1. Public hearing on an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-15 through 15-3-25, revising the platting procedures. (Interim Director of Development Services).

Mayor Fugate announced and opened this public hearing at 6:01 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services reported that this is for changes to the Land Use Code which was presented at a previous workshop on September 18, 2014. This will address deficiencies in the current code as well as a Developer's Guide.

No further comments were made.

Mayor Fugate closed this public hearing at 6:03 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.”*

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for Monday, October 13<sup>th</sup> with agenda items due on Friday, October 3<sup>rd</sup>. Alvarez further reported that the City of Kingsville will be hosting Trash Off Event on Saturday, September 27, 2014 from 8:00 a.m. to 12:00 p.m.

#### 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)*

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the refinancing costs for the 2014 limited tax refunding bonds. (Director of Finance).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2013-2014 budget for the City of Kingsville for deficit accounts at year end. (Director of Finance).**
3. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX-General Regulations, Article 8-Parks and Recreation, providing for regulations and fees for the Parks and the L.E. Ramey Golf Course. (City Attorney).**

#### REGULAR AGENDA

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

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

4. **Consider resolution approving the City of Kingsville’s 2014 Tax Roll pursuant to the Texas Property Tax Code, Chapter 26, Section 26.04(e). (Director of Finance).**

Mrs. Deborah Balli, Finance Director, reported that taxable amount is \$728,913,665 at our adopted rate of .84220 and the calculated levy is \$6,146,919.83

**Motion made by Commissioner Leubert to approve the City of Kingsville’s 2014 Tax Roll, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert Fugate voting “FOR”.**

5. **Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, providing for an increase in water rates (as per rate study of 1%). (Director of Finance).**

Mrs. Balli stated that this was presented by Mr. Grady of HDR. This is as per the five year study that was done which calls for a 1% increase in water rates. The 1% water rate increase will generate additional revenue of \$44,000. Balli further stated that the adopted budget for fiscal year 2015 did not include the 1% increase. Any CIP projects that will be coming up in the future will not be affected by the current rates or the projected 1% increase. The funding is already established for anything listed in that budget this year. This is just a matter of adopting to keep in line with the study.

Commissioner Pecos asked how much more increase will this be for a regular home. Mrs. Balli stated that if the regular water bill is around \$70.00 to \$100.00, it will increase by \$1.00.

Commissioner Leubert stated that she does not agree with the study.

Mrs. Balli stated that the study that's done takes a look at capital projects that need to be done. In order to set aside funding so that when these projects come up, the money will be there. This will prevent for larger percentage to be increased in the future.

Mayor Fugate commented that the study has its purpose but it's not taking into consideration the new water customers and new development in Kingsville. Mayor Fugate further commented that maybe this should be looked at next year.

**Motion made by Commissioner Garcia to approve this ordinance, seconded by Commissioner Pecos. The motion FAILED by the following vote: Garcia, Pecos voting "FOR". Leubert, Pena, Fugate voting "AGAINST".**

**6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 15-3-15 through 15-3-25, revising the platting procedures. (Interim Director of Development Services).**

Mrs. Martin stated that this is the same ordinance that was presented earlier during the public hearing.

Introduction item.

**7. Consider approval of a preliminary plat entitled Sage Estates Unit 2 for 11.686 acres located on Farm Lot 10, Section 2, KT&I Co. on Sage Road. (Interim Director of Development Services).**

Mrs. Martin stated that this is a request for approval of an 11.686 acre plat located on Farm Lot 10, Section 2, KT&I, property facing Sage Road. The petitioner is requesting approval of this plat which will create eight lots with varying widths. The lots are planned to sell off as individual lots. This plat was reviewed by the Director of Planning & Development Services and reviewed and recommended for approval by the Planning & Zoning Commissioner during a meeting on September 17, 2014. The Planning & Zoning Commissioner approved the request by vote of 6-0.

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

**8. Consider resolution approving changes to the entry level requirements for the Fire Department recommended by the City of Kingsville Civil Service Commission. (Director of Human Resources).**

Ms. Gonzales, Human Resources Director, reported that the Kingsville Civil Service Commission met on September 4, 2014 to consider a request from the Fire Chief to amend the hiring requirements for entry-level firefighter testing listed in the Civil Service Rules and Regulations Chapter 7, Classifications, Section 7.06. The requested change only affects criteria #4 requiring applicants to hold the Texas Commissioner of Fire Protection Basic Structure Fire Suppression certification to be eligible for entry-level testing. The requested change states, that an individual eligible to test must have their Basic Structure Fire Suppression Certification, before taking the exam. Previously it allowed up to 180 days to which acquire the certification, but the Fire Chief feels that it would be more prudent to have the certification to allow the individual to test.

Commissioner Leubert asked if anyone has come across this that did not agree with it. Mrs. Gonzales responded no.

Mayor Fugate asked if the Union has had any objections to this request.

Chief Reed commented that the Union has not objected to this. He further stated that they are willing to give it a try.

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

**9. Consider a resolution authorizing the Mayor to enter into a Water Supply Contract with the South Texas Water Authority. (City Attorney).**

Mrs. Alvarez stated that this agreement is a temporary, 1 year contract to which the primary purpose of this contract is to conduct a pilot study to determine the minimum amount of water that can be taken by the City while still maintain the chloramine residual in the Authority's 42-inch water transmission line near Kingsville at the level required by TCEQ. In the event the parties enter into a longer contract, neither party is required to consider this contract as a template for the long-term contract. Alvarez further stated that

there is a water tank at the Authority's Kingsville station to which they currently went out for bonds about two years to get a new tank built there so that the size would be smaller and change out the size of the pumps. One of the things that are required before this could be done is for the Authority to have a water supply contract in place. Once those facilities are built and certified, the Authority will then be presented some kind of transmittal documents so that the city can take ownership of the pumps. Currently the City is maintaining the pumps. Of the handling charge is the same in this agreement as it was in the prior agreement. The other cost involved in the rate of water is what the Authority passes through to its customers from the City of Corpus Christi.

Commissioner Garcia commented that it was mentioned that the City currently maintains the pumps and once this transmittal takes place, the city will continue those pumps. Mrs. Alvarez said that they will become the City's assets. Garcia stated that nothing was mentioned about the tank and once this takes place, will we be maintaining the tank. Mrs. Alvarez stated that it is a new tank so it would be regular maintenance and not something that would need a lot of work. This would be something that would need to go into the water rate study because this will be additional assets.

Commissioner Pecos asked if the taxing agencies still trying to make the Authority reduce the pipeline as far as dimensions are concerned. Mrs. Alvarez responded that this is still pending.

Commissioner Leubert asked how this will benefit the tax payers of Kingsville. Mrs. Alvarez responded yes, the City of Kingsville over the course of time has paid a share for the 42-inch pipeline, not only the City but also the tax payers. It is beneficial to have a secondary water source in the event something happens from the reservoir we draw our water from.

Mayor Fugate asked if all other water customers are getting the same contract we are getting. Mrs. Alvarez responded that our contract is going to be the template that they will work off of, because they draw off of a different place in the line due to not having the bell-curve requirement. They will have similar agreement with regards to the taking over certain facilities.

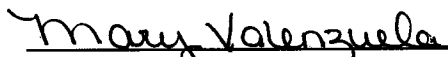
**Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

#### VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:37 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary