

NOVEMBER 10, 2014

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 10, 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:**

Vince Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing/IT Director  
Deborah Balli, Finance Director  
Tom Ginter, Director of Planning & Development Services  
Leo Alarcon, Tourism Director  
Emilio Garcia, Health Director  
Willie Vera, Task Force Commander  
Cynthia Martin, Downtown Manager  
Tony Verdin, Information Systems Technician  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/City Engineer  
Ricardo Torres, Chief of Police  
Robert Rodriguez, Library Director  
Bill Donnell, Assistant Public Works Director  
Joe Casillas, Water Production 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 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 –October 27, 2014

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

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

1. NONE.

**II. Reports from Commission & Staff.<sup>2</sup> (City Manager’s Staff Report Attached).**

Mrs. Courtney Alvarez reported that the next City Commission meeting is scheduled for Monday, November 24, 2014 with a deadline to submit agenda items on Friday, November 14, 2014.

Mayor Fugate announced events that will be taking place throughout the city on Tuesday, November 11, 2014 in observance for Veteran’s Day.

*“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."*

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

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

Mr. Richard Everett of 1271 E. Co. Rd. 2360 Riviera, TX, commented that he would like to thank the City Commission and its citizens on their sponsorship for the Farmer's Market. Mr. Everett further stated that a Facebook page has been created for the Farmer's Market and reported that as of today, the Facebook page has received over 760 Likes which shows that citizens are interested in the Farmer's Market.

### IV.

#### 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 approve the consent agenda as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

**1. Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lot 1, Brentwood Subdivision, known as 1106 North Armstrong from R3 Multi-family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviation from the existing comprehensive plan. (Director of Planning and Development Services).**

**2. Motion to consider confirming appointment of Amanda E. Cavazos and Monica Salinas to the Police Reserve Force. (Chief of Police).**

#### REGULAR AGENDA

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

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

Mayor Fugate stated that unless someone has any objections, he would like to move agenda item #11 before agenda item #3. No objections were made by the City Commission.

**11. Consider participation with the Kingsville Farmer's Market for a farmer's market at the City's pavilion at the xeriscape area. (Commissioner Leubert).**

Commissioner Leubert stated that she has met with the City Attorney, Finance Director, and the Risk Manager for the City of Kingsville just to be sure that everything is done correctly before proceeding with the farmer's market. She further stated that the Farmer's Market is not asking for funds from the city but only support.

Mayor Fugate commented that the pavilion was placed at this location for these types of events. Mayor Fugate further stated that he would like for city staff to look into placing a fence on the 6<sup>th</sup> street side of the pavilion for safety precaution. He further commented that he would like to see the old pump house turned into bathrooms to be used by those who visit the Farmer's Market or the xeriscape.

Mr. Capell stated that he has spoken with Commissioner Leubert with regards to fencing and feels that it is a good idea for safety reasons.

Mayor Fugate asked when farmer's market is proposed to open. Commissioner Leubert responded that the first day for the Farmer's Market is scheduled for February 28, 2015.

Mr. Capell further commented that as far as the old pump house is concerned, it may take a few months to complete from the proposed date to open the farmer's market.

Commissioner Pena asked that when H.E.B Grocers transferred the pavilion over onto city property, was there some detail in reference to the name Farmer's Market not being allowed at the Pavilion.

Mr. Capell responded that he has heard the same thing, but has not seen anything in writing to that affect.

Commissioner Leubert stated that every city that has a farmer's market also has H.E.B's in their cities and all it does is gives them more business.

Commissioner Pena commented that since H.E.B transferred the property to the City, it may become an issue with H.E.B. that the property be used for a Farmer's Market. Commissioner Leubert responded by stating that they can contact H.E.B. and let them know what is being proposed and see what their response may be.

Commissioner Pecos commented that there were no strings attached when H.E.B. transferred that property to the City of Kingsville.

Mrs. Alvarez stated that when the city accepted the gift, this was not a condition listed at the time by the previous Tourism Director when he presented the item.

Commissioner Leubert stated that she would still like to notify H.E.B. about the Farmer's Market.

Commissioner Pena stated that he would hate to see this up and running and then it becoming a problem later.

Commissioner Garcia asked about the waiver of permit fees and further asked that this does not mean that the health requirements will be waived.

Commissioner Leubert stated that they have gone through this thoroughly and has received approval from the City Attorney regarding health requirements. She further reported that all vendors must follow all City, State, and Federal guidelines that are required for Farmer's Market. The only waive that is being asked of from the City Commissioner is to waive the fee that is stated on the city ordinance.

Commissioner Garcia further asked about the produce or products that will be available to the public for exchange or sale, are there going to be any live animals for sale at the Farmer's Market. Commissioner Leubert responded by stating that there will be no sale of drugs, alcohol, or live animals at the Farmer's Market. Leubert further stated that as time goes, they will encourage the Animal Rescue Kingsville (ARK) to come in hold animal adoptions, but no live farm animals will be allowed.

**Motion made by Commissioner Garcia and Commissioner Pecos to authorize participation with the Kingsville Farmer's Market for a farmer's market at the City pavilion located at the xeriscape area, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Pecos, Pena, Fugate voting "FOR". Leubert "ABSTAINED".**

**3. Consider a resolution authorizing the City Manager to enter into a Ground Lease Agreement by and between Kingsville High Historical Foundation and the City of Kingsville. (City Attorney).**

Mrs. Alvarez commented that staff has been working with the Foundations Attorney Ms. Jane Macon from Bracewell Guiliani of San Antonio. The contract does call for a 25 year initial term and have two automatic 10 year renewals. The only time it would not be automatic is if the City as a tenant was to decide that they did not want to go into a 10 year extension, notice would need to be provide in writing within 180 days prior to that current period expires. Mrs. Alvarez further stated that the effective date would be when both parties sign and the actual delivery date would be when the city takes possession upon completion of the renovations and the issuance of a Certificate of Occupancy (CO) is given. At that time, the City would need to provide copies of the insurance policy covering the building.

Mayor Fugate stated that it was his understanding that the Foundation has already approved this agreement and once approved by the City, improvements will begin at the proposed new city hall.

**Motion made by Commissioner Leubert to authorize the City Manager to enter into a Ground Lease Agreement by and between Kingsville High Historical Foundation and the City of Kingsville, seconded by Commissioner Garcia and Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert voting "FOR". Fugate "ABSTAINED".**

**4. Consider awarding bid for the drilling of water well #25 to Alsay, Inc., as per contract engineer and staff recommendation. (Director of Purchasing and Technology).**

Mr. Mason reported that bids were advertised in the Kingsville Record on July 27, 2014 and August 3, 2104. A pre-bid meeting was held on August 6, 2014 at 10:30 a.m. in the City of Kingsville Commission Chambers with site visitations. Bid opening was August 23, 2014 at 1:30 p.m. with three responsive bids for drilling and one for tank construction. It is recommended the contact for the drilling of the water well be awarded to Alsay Inc., of San Antonio. This will expend \$723,000.00 from 066-5-600.2-720.25 CO Series 2011-Utility of which there is currently a balance of \$798,853.00.

Commissioner Pecos asked what the price for this will be. Mr. Mason responded that the price for the water well only is \$723,000.000 and the bid for the pump house and ground storage tank, which will be brought to the Commission at a later meeting, is for \$572,730.00 which did not get budget for FY 2015.

Mayor Fugate asked if this company has done any work for the City in the past. Mr. Mason responded that Alsay, Inc. has done some previous work for the City.

Mr. Joe Casillas, Water Production Supervisor commented that this company has done some previous work for the city and recommends approval for this bid.

**Motion made by Commissioner Leubert to approve this bid, seconded by Commissioner Pecos.**

Commissioner Garcia asked how many wells this will place the city owning with this approval. Mr. Casillas responded with eight water wells. Commissioner Garcia asked if this was the most we have had at any given time. Mr. Casillas responded that we are up to water well #25, which is the number of water wells the city has had since the beginning of time. Casillas further commented that at one we have had 12 water wells. Mr. Casillas further commented that the life expectance of water well is about 25 years with little maintenance.

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

**5. Consider authorizing the purchase of one 14-cu.yd. dump truck for use at the Landfill from BuyBoard vendor, as per staff recommendation. (Director of Purchasing and Technology).**

Mr. Mason reported that staff usually likes to receive three quotes on a dump truck but had two non-responsive quotes but happy with those quotes that were received. The two quotes received were from Rush Truck and Grande Truck Center. It is staff's recommendation to go with the Peterbilt from Rush Truck. Rush Truck has parts and service available in Calallen, Alice, Pharr and across the State of Texas. The purchase will expend from 001-5-107.3-7111.00. The white cab with black dump body is \$116,405.00 and to have it painted brown on brown to match other City of Kingsville dump trucks will add \$4,950.00 to the cost for a total expenditure of \$121,355.00

Mayor Fugate asked when departments become color coded vehicles.

Mr. Mason stated that every department has a particular of vehicles but this vehicle will be used at the landfill.

**Motion made by Commissioner Leubert to authorize the purchase of one 14 cu.yd. dump truck white and black without the paint job for the use at the Landfill, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pena, Fugate voting "FOR". Pecos voting "AGAINST".**

**6. Consider authorizing the purchase of ten vehicles for various departments via BuyBoard, as per staff recommendation. (Director of Purchasing and Technology).**

Mr. Mason reported that this item is for the purchase of ten vehicles for various departments. Two quotes were received with Silsbee Ford of Silsbee, TX having the

better price for all these vehicles as opposed to Caldwell Ford. This includes four Ford Fusions for CID, one Ford Explorer for Task Force, one Ford 250 for Community Appearance, one Ford F250 for Health Department, one Ford F150 and one Ford F350 for the Fire Department, and one Ford F150 for Water Production. It is staff's recommendation to authorize the purchase of ten vehicles from Silsbee Ford of Silsbee, TX.

**Motion made by Commissioner Pena to authorize the purchase as presented, seconded by Commissioner Leubert.**

Commissioner Garcia stated that the vehicles that are listed only express the model of the vehicle and listing the year. Mr. Mason responded that these will be 2015 vehicles.

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

**7. Consider authorizing a change in contract terms for curb, gutter, and driveway repair work, as per staff recommendation. (Director of Purchasing and Technology).**

Mr. Mason mentioned a correction to his memo by stating that the memo should read \$7.50 of square foot of driveway and \$32.00 per linear foot of curb & gutter. This will not change the calculations quoted on through the memo. Mason further stated that there is a 25% percent increase in the price of concrete and in rebar, as well as some in labor. The contractor is no longer able to perform the work at the quoted prices. He is asking for a 25% increase to cover these additional and unforeseen price increases. The primary reason for the increases is the increase demand for concrete and steel due to the rapid increase in oil exploration and production in the Eagle Ford and other shale plays. A 25% increase would result in the following change in prices from \$7.88 to \$9.85 and from \$33.60 to \$42.00. The City currently has approximately 4,000 linear feet of curb and gutter planned along with asphaltic potential to raise our costs from \$128,000 to \$172,000 for curb and gutter and from \$60,000 to \$78,750.00 on driveways. The \$58,500 could change our costs from \$192,000 to \$250,500 which is within the budgeted amount for FY15. Mr. Mason further commented that it is staff's recommendation to approve these changes as opposed to a rebid as with the market volatility still in place with the new bid prices could be significantly higher than the proposed price increase.

Commissioner Pecos commented that City staff is doing a good job.

**Motion made by Commissioner Pecos to approve the change in contract terms for curb and gutter and driveway repair work, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

Mr. Mason commented that as there are other concrete projects such as the driveway at the Recycling Center, it may require a budget amendment to which will be brought to the City Commission for approval at a later meeting.

**8. Consider authorizing out-of-state travel for two employees to attend the Laserfiche Empower Conference in Anaheim, CA on January 13-16, 2015. (Director of Purchasing and Technology).**

Mr. Mason reported that MCCi Laserfiche is the city's document software that is currently being used. Laserfiche is hosting its annual Empower Conference on January 13-16, 2015, in Anaheim, CA. The courses are broken down into technical, business and end-user tracks. Additionally, there will be hands on labs to provide on-site training as well as software and business developers. City staff recommends sending two employees to the Empower Conference each attending different course tracks to gain the most out of the event. The city currently already has one registration pre-paid as per the contract and one registration with MCCi and any other registration offered at a discount.

**Motion made by Commissioner Pena to approve out-of-state travel for two employees to attend the Laserfiche Empower Conference in Anaheim, CA, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

**9. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Utility Fund budget to provide additional funding for the new city hall at the historic H.M. King High School. (Director of Finance).**

Mrs. Deborah Balli, Finance Director, reported that the old H.M. King High School met on October 13, 2014 to discuss the bid that was received by the Foundation with the Foundation's project supervisor, AG/CM. The bid received for the project is \$4,740,000.00; construction budget is \$3,858,481.00 which leaves a difference of \$881,519.00. Mrs. Balli further reported that the difference to makeup the \$881,519.00 will be from reductions of the following items; site parking/sidewalks \$155,000; doors \$50,000; landscaping \$100,000; unforeseen conditions \$50,000; and value engineering \$59,000 which leaves a balance to be funded of \$467,519.00. Staff recommends that the Utility Fund be utilized to close the gap of \$467,519.00. It will be necessary to do a budget amendment so the utility funds can be used for this project.

Mayor Fugate commented that the Foundation is continuing to do their fundraising for the project. It is being requested that they come up with half of this money.

**Introduction item.**

**10. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Police Department State Seizure Fund budget for the purchase of automatic license plate readers. (Director of Finance).**

Mrs. Balli stated that this item was budgeted but budgeted in a different fund. This is an amendment to transfer the funds from one fund to another.

**Introduction item.**

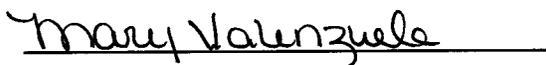
Mayor Fugate thanked Mr. Capell and his staff for all their hard work and commented that the Commission took care of a lot of business during tonight's meeting.

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, City Secretary