

NOVEMBER 23, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 23, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Al Garcia, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Dianne Leubert, Commissioner (arrived at 6:15 p.m.)

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Deborah Balli, Finance Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/Engineer
Susan Ivy, Parks Manager
Leo Alarcon, Tourism Director
Emilio Garcia, Health Director
Robert Rodriguez, Library Director
David Mason, Purchasing Director
Ricardo Torres, Police Chief
Ken Starrs, Assistant Task Force Commander
Melissa Perez, Risk Manager
Pete Piña, Landfill Supervisor
Tony Verdin, Systems Specialist
Kyle Benson, Help Desk Coordinator
Charlie Sosa, Street Supervisor
Sharam Santanilla, Engineer's Assistant
Luke Stevens, Sanitation Supervisor
Rose Morrow, Municipal Court 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 Leubert arrived at 6:15 p.m.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) –

Regular Meeting – November 9, 2015

Mayor Fugate called for a motion to approve the minutes of November 9, 2015.

Motion made by Commissioner Pena to approve the minutes of November 9, 2015 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote Garcia, Pecos, Pena, Fugate voting “FOR”.

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

1. Public hearing for an ordinance changing the zoning map in reference to Lots 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2-Two Family District to C2-Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Economic Development Director).

Mayor Fugate announced and opened this public hearing at 6:02 P.M.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

Mr. Tom Ginter, Planning & Economic Development Director, reported that this is a vacant lot located on the corner of Kenedy & 17th Street directly across the street from Harvey Elementary School. The Planning & Zoning Commission met on November 18, 2015 and recommended approval of the rezoning request from R2 to C2 by a 5-0 vote.

Mayor Fugate asked if there were any complaints or concerns from the citizens.

Mr. Ginter stated that staff has not received any complaints from the citizens. There was one gentleman who did call with concerns about keeping the property clean.

Mayor Fugate commented that the lot now is not clean at this time. If this item is approved by the Commission, the applicant requesting the rezone will maintain the property.

There being no further comments made by staff or the public, Mayor Fugate closed this public hearing at 6:04 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, Investment Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mrs. Courtney Alvarez, City Attorney, reported that City Offices will be closed for the Thanksgiving Holiday on Thursday, November 26th and Friday, November 27th, 2015. The next City Commission meeting is scheduled for December 14th with agenda and staff reports due on Friday, December 4th. Alvarez further stated that with regards to the final meeting in December 28th, unless there is urgent city business, this meeting is generally canceled unless there is any objection from the City Commission.

Mayor Fugate commented that unless anyone has any objections, he would like to see the December 28th meeting canceled. If anything comes up, staff can call a meeting. No objections were made by the City Commission.

Mr. Jesús Garza reported that the City received a refund check of \$50,000.00 from Texas Department of Transportation (TXDOT). The City had allocated some funds for the Caesar Drainage Project and not all funds were used, therefore TXDOT produced a refund check of a little less than \$50,000.00. This refund will be placed back into drainage projects. Mr. Garza updated the City Commission on the Care Building. During a meeting with Dr. Nix, he was told that they have hired Dr. William Warrick who will start in January, 2016 as the Executive Director of the Eagle Ford Center for Research Education and Outreach. Garza further commented that with the hiring of Dr. Warrick comes \$1.3 million dollars which will be used for the hiring of graduate assistant research work. Mr. Garza then spoke about the Tourism Building stating that staff has spoken with representatives of TXDOT regarding the timeline of their project. They stated that their project has been extended by a couple of months which works best for the City as the plan is to purchase a portable building within the next sixty days. Once the building is located in its new location, the Tourism Department will be able to move and then staff can decide on what to do with the existing building. Garza further commented that there is a new feature that was recently added to the City website that will allow for citizens to provide feedback or submit any concerns they may have with the city.

Commissioner Pecos asked Mr. Garza for the cost on the portable building that will house the Tourism Department. Mr. Garza responded that the original budget is for \$100,000.00 but staff does not plan to exceed that amount. The different buildings staff is looking at range from \$70,000.00 to \$100,000.00. Garza further stated that there has been some interest shown in the purchase of the existing building, which will help supplement the cost of the move.

Mayor Fugate commented that he agrees with the purchase of portable building verses moving the existing building to its new location.

Commissioner Pena commented that the Ranch Hand Festival had a great turn out and thanked staff for their hard work on putting this event together.

Commissioner Pecos asked for staff to get with the gas company regarding their plans and coordinate with them when they need to make a dig on city streets to place their gas lines.

Mr. Garza responded that Mr. Cardenas has already met with the gas company on coordinating with them on their plans. Garza further stated that the city needs to look into the need of a right-of-way permit. This would require different utility companies to request a permit to work in the city's right-of-way. This will help keep track on when these companies come in to do their work and how long they will work on city's right-of-way.

IV. Public Comment on Agenda Items ³

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

No public comments made.

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 Garcia. 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 granting a special use permit for 1055 South US HWY 77 (.088 acres, Lot 8, Jesse 2) for car storage for Enterprise Rent A Car. (Planning & Economic Development Director).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to accept and expend 5K and other donations for the Parks Department. (Finance Director).
3. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Communities in School of the Coastal Bend for drug abuse prevention programs. (Task Force Commander).
4. Consider a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Kingsville Amateur Boxing Club, Inc. for drug abuse prevention programs. (Task Force Commander).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners. ⁴

5. Consider introduction of an ordinance changing the zoning map in reference to Lots 22-24, Block 8, Vista Alegre, known as 1304 E. Kenedy from R2-Two Family District to C2-Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Economic Development Director).

Introduction item.

6. Consider final passage of an ordinance amending the Code of Ordinances of the City of Kingsville, Texas, Chapter IX-General Regulations, Article 10-Streets and Sidewalks, to add Street Maintenance Fee Sections to establish monthly street maintenance fees for the purpose of funding the city streets system, establishing a street maintenance fund and an appeals process. (Public Works Director/City Engineer).

Mr. Cardenas reported that staff looked into the request made by the Commission during the previous meeting regarding the 501(c) non-profits. Cardenas stated that staff will be including all 501(c) organizations into this ordinance. Some additional information on the Street Maintenance Fee has been included on the city website. There will be a notification letter included in the December month utility bills to make citizens aware of the new fee that will take effect on January 1st.

Commissioner Leubert asked if staff has heard any feedback regarding this fee. Mr. Cardenas responded that staff has not received any feedback from the citizens.

Mayor Fugate commented that staff has spread the word as best as they can to make the citizens aware of the new fee.

Commissioner Pecos commented that he has received some positive feedback on the new street maintenance fee but he has also received some negative feedback from citizens that are on a fixed income.

Commissioner Garcia commented that a city employee commented that six months into this program, the city may begin to hear some complaints from its citizens.

Commissioner Pecos commented that he has received positive feedback from city employees on the new city manager.

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

7. Consider a resolution authorizing the City to submit an application to the Office of the Governor Criminal Justice Division for the purpose of requesting grant funding on behalf of the City for the 2015 Body-Worn Camera Program for law enforcement personnel for the Kingsville Police Department with an anticipated cash match. (Chief of Police).

Mr. Ricardo Torres, Chief of Police, reported that this item will allow them to apply for 35 body worn cameras and the associated computer space. The cost is \$45,482.00 with a cash match of 25% which is \$11,371.00. He further stated that he has met with the Finance Director regarding locating funds within the current budget that can be used for the cash match.

Commissioner Garcia asked if the storage will be in the units or will it be transmitted. Chief Torres responded that it will be a similar system as to what they have now.

Commissioner Pecos asked what the cost of the server was. Chief Torres responded that the server cost was \$17,780.00.

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

8. Consider a resolution of the City of Kingsville acknowledging the City's participation in a deferred compensation plan administered by ICMA Retirement Corporation. (Human Resources Director).

Mrs. Diana Gonzales, Human Resources Director reported that this item will expand some of the benefits options to the city employees. This will give them an opportunity to participate in a tax deferred program. The company name is International City/County Management Association Retirement Corporation (ICMA-RC). This company was founded in 1972 and it has over a million participants' accounts and about 9,000 plans across the country. It also offers retirement plan specialists to work with employees including opportunities to attend seminars, workshops, have mobile app access and individual consultations. Currently the City offers Nationwide and by adding an additional company it won't negate anything with Nationwide. There is no financial impact to City budgets. Contributions to secondary retirement plans are 100% employee contribution.

Commissioner Garcia asked if TMRS will remain intact.

Mrs. Gonzales responded that TMRS is the City's mandatory pension plan and will not be affected by this.

Commissioner Garcia further asked what attracted the city to this plan.

Mr. Garza responded that this is something he asked for staff to look into. This is a program that is common in a local government profession. There are some employees that are currently employed with the city that in their former establishment were a member of ICMA-RC but couldn't continue the program as the City of Kingsville was not a member. This will benefit these employees to continue with this program and will give a new option to all employees.

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

9. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

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

Mayor Fugate reconvened the meeting into open session at 6:54 p.m.

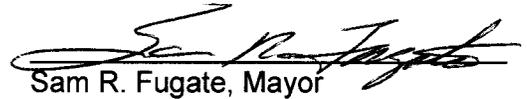
10. Executive Session: Pursuant to Section 551.074, Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment, employment, and duties of the Fire Chief. (City Manager).

Mayor Fugate announced and convened the meeting into Executive Session at 6:54 p.m.

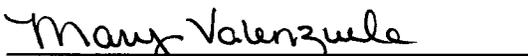
Mayor Fugate reconvened the meeting into open session at 7:10 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary