

DECEMBER 14, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 14, 2015 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:30 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
 Al Garcia, Commissioner  
 Arturo Pecos, Commissioner  
 Noel Pena, Commissioner  
 Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
 Mary Valenzuela, City Secretary  
 Jim DeVisser, Interim Fire Chief  
 Tom Ginter, Director of Planning & Development Services  
 Deborah Balli, Finance Director  
 Courtney Alvarez, City Attorney  
 Diana Gonzales, Human Resources Director  
 Charlie Cardenas, Public Works Director/Engineer  
 Susan Ivy, Parks Manager  
 Emilio Garcia, Health Director  
 Robert Rodriguez, Library Director  
 David Mason, Purchasing Director  
 Ricardo Torres, Police Chief  
 Willie Vera, Task Force Commander  
 Melissa Perez, Risk Manager  
 Tony Verdin, Systems Specialist  
 Luke Stevens, Sanitation Supervisor  
 Bill Donnell, Assistant Public Works Director  
 Art Perez, Garage Supervisor  
 Jimmy Saenz, Golf Course Manager  
 Leo Alarcon, Tourism Director  
 Frank Garcia, Wastewater Supervisor  
 Cynthia Martin, Downtown Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 5:32 p.m. and announced quorum with four Commission members present.

Mayor Fugate asked that if there were no objections, he would like to get the preliminary proceedings of the meeting done first, prior to going into the workshop. No objections were made.

**WORKSHOP:** Discuss projects and equipment list for Certificates of Obligation series 2016. (City Manager).

Mr. Garza, City Manager made a presentation to the City Commission on the 2016 Certificates of Obligation Project Recommendation. Garza stated that the financial advisor performed a capacity analysis in July and are currently working on a second one just to make sure that the City has the best numbers possible. The capacity analysis shows \$5.79 million in Certificates of Obligations with additional capacity in 8 years. Garza further stated that while working on the list of projects, there were some priorities that were outlined such as Parks & Recreation, Streets, and Downtown Revitalization. He further stated that of other importance is Public Safety, previously discussed projects, and employees (equipment and working conditions). Mr. Garza at this time went on to discuss each project listed on his list; allocated for Parks & Recreation is \$2.1 million. Some of these funds will be expended on redoing the road within the park, utilities, and add a jogging/walking lane parallel to existing road and parking areas at Dick Kleberg Park; \$250,000 for additional park parking lots at Brookshire Pool, and neighborhood parks; \$25,000 for pier enhancements such as replace support beams and rotted wood; \$300,000 on a skate park; \$250,000 on a splash pad; \$150,000 for Brookshire pool renovations; \$125,000 on office/community building improvements; \$25,000 on equipment barn and canopy maintenance.

Downtown revitalization will cost around \$1,000,000. Internally it has been discussed about developing a downtown plan. This downtown plan will help us identify a potential phase 1 in the next 3-5 years.

Mr. Garza stated that existing plans for the new City Hall shows the Utility Department moving into the Cottage Building, he is recommending not to move the Utility Department into the Cottage Building. Garza stated that currently with the Utility Department and Municipal Court being housed at the current City Hall, it brings in about 6,000 visitors to the main downtown area on a monthly basis. He further stated that this is a large amount of individuals that will be displaced from the downtown area, when the city is trying to revitalize the downtown area. He continued to state that it is yet to be determined on how to utilize the Cottage Building, there is a lot of ideas that are floating internally such as a customer service center to potentially having a police substation. It is still yet to be determined as to how to utilize this building. Of the \$800,000 allocated for the Cottage Building, \$600,000 will be used for the remodel of the Cottage Building as well as parking and \$200,000 will be used for landscaping. It is being recommended that \$560,000 be used for Public Works. Of this money, \$75,000 is for roof replacement at the current warehouse. They need to replace a brush truck and purchase 3 replacement beds for \$180,000. Currently the Landfill only has one brush box burner which is underground but with TCEQ Guidelines, the box burner must be 300 feet away from the boundaries of the landfill and by getting an above burner, it can be placed pretty much anywhere. Garza continued to state that the City currently has one pro-patcher, however it is being recommended to purchase a second one which will improve on pothole responses. Garza continued and stated that for the Kingsville Police Department and Fire Department, he is recommending \$500,000; \$125,000 will be used for radio communication equipment for the Fire Department and software upgrades for the Volunteer Fire Department. As the Volunteer Fire Department has been updating their radio equipment in the past few years, it will make it easier to adapt to the new system. Fire Station 1 improvements it is been allocated \$175,000 for roof and window replacement, exterior improvements, restrooms enhancements. Ambulance and EMS Equipment it is being allocated \$200,000 for the replacement of 1 ambulance; additional ambulances to be replaced via grants within the next 2 to 5 years. Allocated for the Police Department is \$500,000 which will replace their entire communication system which will be paid for by both the Police Department and Task Force.

Commissioner Leubert asked if this means that the Task Force, Police Department, and Fire Department will all be on the same wave length. Mr. Garza responded that they will all be on the same wave length, but staff is also working on consolidating dispatch.

Mr. Garza continued with his presentation. The Golf Course is being allocated \$250,000 of this amount \$125,000 will be used to improve the driving range, add synthetic green, and add/repair electrical/lighting. In Course Improvements it is being allocated \$85,000 for greens and fairways; \$20,000 for interior enhancements such as kitchen space, counter space, and seating area; \$20,000 for entrance enhancements. For the Health Department it is being allocated \$25,000 for roof replacement and add porch on backside. The Library is being allocated \$7,500 for Maker's Zone and staff breakroom.

Mr. Garza stated that the timeline for this project, assuming no major changes, publication to issue bonds and preliminary official statement would be done in January. Bond rating and sell bonds in February. In March, delivery of bond proceeds.

Commissioner Pena asked if the dollars amounts are estimates or actual costs. Mr. Garza responded that 90% are actual cost.

Commissioner Garcia asked that within the Parks & Recreation, did staff consider an architect or planner to tackle the entire park system in a phase type. Mr. Garza responded that staff has discussed in identifying funds to go through a master planning process to help identify the location for some of the recommended projects. Garcia asked if there is a masterplan in place at this time, as it would be needed to apply for any grants. Mr. Garza stated that there is an existing masterplan that the County had prior, which will allow the Parks to apply for grants.

Mrs. Susan Ivy, Parks & Recreation Manager stated that there is a masterplan in place, but needs to be updated as it's been in place since 2007.

Commissioner Leubert commented that one thing she did not see on project recommendation, is building a new building next to the Kingsville Police Department to house Municipal Court.

Mr. Garza responded that staff has looked into the cost of a new building, but was not affordable. The cost that staff received was about \$200 sqft for a 5,000 square foot building. Garza further stated that more importantly is vacating the existing building without knowing what is going to be done with the existing building. By vacating the existing building, the city would be adding to the vacant building problem within the downtown area. Garza stated that he would like to see the Visitor's Center to be moved into the old City Hall building as it is not part of Tourism.

Mayor Fugate asked since there is no money allocated for the J.K. Northway Coliseum, what is the plan for this building.

Mr. Garza responded that staff looked into where the money was needed the most. Some of the projects that were submitted were major street improvements which would cost about \$1 million dollars. J.K. Northway needed new bleachers and a whole lot of other repairs, but these are two things that staff has already established mechanisms to explore funding in the future. It is being proposed to move the J.K. Northway under the Tourism Department. By doing this, it will fall under the Hotel/Motel funds which will allow staff to explore another revenue bond and pay that debt from Hotel/Motel funds.

## **REGULAR MEETING RESUMES**

### **INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

### **MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Regular Meeting – November 23, 2015

Mayor Fugate called for a motion to approve the minutes of November 23, 2015.

**Motion made by Commissioner Pena to approve the minutes of November 23, 2015 as presented, seconded by Commissioner Pecos. 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 for alcohol variance for a Wine & Beer Retailer's Permit for the establishment known as Pizza Hut, located at 1330 S. 14<sup>th</sup> Street. (Planning & Development Services Director).

Mayor Fugate announced and opened this public hearing at 6:10 p.m.

Mr. Tom Ginter, Planning & Development Services Director reported that the Pizza Hut located at 1330 S. 14<sup>th</sup> Street is requesting an alcohol variance for a Wine and Beer Retailer's Permit due to ownership change. This location is within 1,000 foot boundary of a registered daycare, church and a public school. All required notices have been sent to the property owners within the 300 foot boundary. A public hearing notice was published in the Kingsville Record on November 18, 2015. Staff has not received any negative feedback from the property owners that were noticed.

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.

No comments were made. Mayor Fugate closed this public hearing at 6:11 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, 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.”*

Mr. Ginter commented that the new City Hall committee met last week and had an opportunity to speak with Mr. Nathan regarding a move in date. Due to some decisions made regarding materials, the move in date has been delayed to late February.

Mr. Garza commented that the Finance Staff has been working on putting together comprehensive budget document which was submitted to the Government Financial Officer's Association for consideration for a budget award. Staff will be notified within the next three months if the City of Kingsville has met their criteria to receive this award. Garza further commented that the staff reports that the Commission had been receiving in the past will be revamped and will be done on a month basis. The new staff report will be sent out in February with January information.

Mrs. Susan Ivy announced the community events that will be available to the public after the Christmas holiday.

Mrs. Courtney Alvarez, City Attorney, reported that the Task Force will be hosting its Shop With a Cop today and Wednesday, December 16<sup>th</sup>. Alvarez further stated that the next City Commission is scheduled for Monday, January 11, 2016 with a deadline to submit agenda items on December 31<sup>st</sup>. She further mentioned dates that City Hall will be closed during the Christmas and New Year Holidays.

Commissioner Leubert announced that the Farmer's Market has been moved to Saturday, December 19<sup>th</sup>.

Commissioner Pena thanked staff for their hard work during safety week and in preparation of the Safety Week Banquet.

Mayor Fugate and Commissioner Leubert presented a Because you Care Award to Dr. Weimin Xi.

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

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 Commissioner Pecos. 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 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 & Development Services Director).**

**2. Motion to approve the re-appointment of Nick Harrel to the Civil Service Commission for a three-year term. (Human Resources Director).**

**3. Motion to approve alcohol variance for a Wine & Beer Retailer's Permit for the establishment known as Pizza Hut, located at 1330. S. 14<sup>th</sup> Street, due to name change. (Planning & Development Services Director).**

**4. Motion to approve out-of-state travel for City Commission and staff to attend the National League of Cities 2016 Congressional City Conference in Washington, D.C. on March 5-9, 2016. (City Manager).**

**5. Motion to approve a resolution authorizing the City Manager to enter into an Extension of Memorandum of Understanding between the Kingsville Fire Department and U.S. Customs and Border Protection, Office of Border Patrol, Rio Grande Valley Sector. (Interim Fire Chief).**

##### **REGULAR AGENDA**

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

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

**6. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for construction of**

**paving services related to the TxDOT TIF Grant roads. (City Engineer/Public Works Director).**

Mr. Charlie Cardenas, City Engineer/Public Works Director, stated Kleberg County has received a Transportation Infrastructure Fund (TIF) grant from the State of Texas. Using these funds, Kleberg County would like to enter into an agreement where the County would supply the materials and the City of Kingsville will place the roadway surface. The roadways in question are County Road 1038 (Young Drive) from the city limits to FM 1355. The city is currently completing Young Drive from Sage Road to the city limits. Another road is County Road 2130 from County Road 2619 and County Road 1065 in front of the City's landfill. The estimated cost in materials that would be supplied by Kleberg County is \$22,790. The estimated labor and equipment cost supplied by the City of Kingsville is \$18,627.

**Motion made by Commissioner Garcia 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".**

**7. Consider appointing a member to the Joint Airport Zoning Board. (Planning & Development Services Director).**

**Motion made by Mayor Fugate to appoint Mr. Frank Baumann, Jr. to the Joint Airport Zoning Board, seconded by Commissioner Garcia. Motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

**8. Consider award for Engineering Services (RFQ 16-03) for the Texas Department of Agriculture Community Development Block Grant, for contract negotiation and approval as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason reported is for Engineering Services related to engineering design for the Texas Department of Agriculture Community Development Block Grant. The grant is for replacement of 3,100 linear feet of 8" water line, hydrants, and service connections along Armstrong Street from Kenedy Avenue to Caesar Avenue. The grant must be managed by a TDA approved firm of which both respondents meet that requirement. The RFQ Review Committee consisted of Jesús Garza, City Manager; Charlie Cardenas, City Engineer/Public Works Director; Deborah Balli, Finance Director; Tom Ginter, Director of Development Services with David Mason, Purchasing Director/IT Director serving as a non-voting facilitator. The award will expend \$10,000 of the \$60,000 of the matching funds provided by the City of Kingsville for this grant. The other \$50,000 in matching funds will be used for other items during the construction phase. Staff recommends the award of RFQ 16-03 Engineering Services for the TDA CDBG grant be awarded to LNV Engineering, the most highly qualified provider based on demonstrated competence and qualifications. Staff will negotiate a contract for a fair and reasonable price not to exceed the allotted amount. If these negotiations fail, staff will begin negotiating with the next choice.

**Motion made by Commissioner Garcia to approve award for Engineering Services for contract negotiation to LNV Engineering, seconded by Commissioner Pecos and Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

**9. Consider award for Professional Services (RFP 16-02) for the Texas of Agriculture Community Development Block Grant, for contract negotiation and approval as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason reported that committee members have performed their evaluations. This item does not expend the City's budgeted funds. While the City is providing matching funds of \$60,000 for this grant, the \$33,000 for grant management services will be paid from the awarded grants funds. It is recommended the award for RFP 16-02, Professional Services for management to the TDA CDBG grant be awarded to GrantWorks, of Austin, TX.

**Motion made by Commissioner Garcia to award for Professional Services for contract negotiation to GrantWorks of Austin, TX, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

**10. Consider authorizing the purchase of a modular building for use as the Kingsville Visitors Center via BuyBoard, as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason stated that this item authorizes the purchase of a modular building for use as the Kingsville Visitor's Center. As the new backage road associated with I-69 will necessitate the relocation of the Kingsville Visitor's Center, a new building is being purchased and placed along the I-69 access road at Klare Estaes, which is at the south east corner of the northbound I-69 access road where it intersects with King Avenue. The

recommendation is for a Mobile Modular Office Maker DW 24x64 TX. The purchase price of the building is \$67,580 with delivery and setup at \$12,230. This item can be purchased through BuyBoard, thereby satisfying state purchasing law regarding competitive bidding regulations. The purchase total price is \$79,810.

Commissioner Leubert asked if the City of Kingsville currently has an ordinance regarding modular buildings.

Mrs. Alvarez responded yes, but could not recall if it was limited to residential only but will check into the ordinance.

Commissioner Leubert asked for staff to look into landscaping the area around the modular building to make it more attractive.

Commissioner Garcia asked if the State will be purchasing the property that is being vacated.

Mayor Fugate and Mr. Garza both responded no. Mr. Garza stated that there will be a portion of the property that will belong to the City which is the portion where the existing sign stands.

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

**11. Consider accepting monetary donation for the Golf Course for fertilizer. (Golf Course Manager).**

Mr. Jimmy Saenz, Golf Course Manager reported that this donation is from the Kingsville Golf Association for the purchase fertilizer.

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

**12. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 General Fund budget to accept and expend a donation to the L.E.Ramey Golf Course. (Finance Director).**

Introduction item.

**13. Consider introduction of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of seven stop signs in the Wildwood Trail Subdivision. (City Engineer/Public Works Director).**

Introduction item.

**14. Consider introduction of an ordinance amending the Chapter V, Public Works, to adopt Article 7- R.O.W. Cuts and Excavations, providing regulations for right-of-way cuts and excavations. (City Engineer/Public Works Director).**

Mr. Cardenas reported that in effort to improve the quality of life, the City of Kingsville has taken steps in improving the ride quality of our streets utilizing full depth road construction and creating a street maintenance program. To help extend the longevity of the local street within the city limits, the proposed utility excavation and street cutting ordinance will prevent unauthorized digging and trenching. The proposed ordinance will provide specifications and accountability for repairs to our city streets when an entity is authorized to excavate to develop, install and maintain a utility. All excavating will require a cut and excavation permit from the permitting section of the Planning and Development Services Department. Excavations and cutting inspections will be conducted by the Street Division of the Public Works Department.

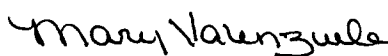
Introduction item.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 p.m.

  
\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Mary Valenzuela, TRMC, City Secretary