

FEBRUARY 23, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 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  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Courtney Alvarez, Interim City Manager/City Attorney  
Mary Valenzuela, City Secretary  
David Mason, Purchasing/IT Director  
Deborah Balli, Finance Director  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Willie Vera, Task Force Commander  
Cynthia Martin, Downtown Manager  
Robert Rodriguez, Library Director  
Susan Ivy, Parks & Recreation Manager  
Melissa Perez, Risk Manager  
Leo Alarcon, Tourism Director  
Rose Morrow, Municipal Court Supervisor  
Charlie Cardenas, Public Works Director/City Engineer  
Julian Cavazos, KPD Lieutenant

**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 – February 9, 2015.

**Motion made by Commissioner Pena to approve the minutes as presented, seconded by Commissioner Pecos. 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).**

*“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, Interim City Manager/City Attorney, thanked staff for their help during the transition of her Interim City Manager duties. She further thanked her Administrative Assistant Jessica Storck who assisted in assembling the Staff Report.

Mrs. Alvarez further reported that the Investment Report has been submitted to the Commission, and if they have any questions with regards to the report, Mrs. Deborah Balli, Finance Director is available to answer those questions. Mr. David Mason, Purchasing/Technology Director will give an update on the Cottage building, proposing to be the new Collection Building. Alvarez made the City Commission aware of a minor change to agenda item #9, Veterinary Technology Agreement. The only thing that changed in this agreement is under the Attesting of signature for the University, has changed to Diana Luna. Mrs. Alvarez further reported that the City of Kingsville is currently participating in the State Warrant Roundup Event. The grace period for individuals to voluntarily come in and take care of their outstanding business with Municipal Court, runs until March 6<sup>th</sup>. After this date, the Kingsville Police Department will begin working the active enforcement for those individuals who did not take care of their business. She further reported that on this Saturday, February 28<sup>th</sup>, from 8:30 a.m. to 12:00 p.m., the City of Kingsville will be hosting Trash Off Day on 6<sup>th</sup> Street and E. Ave. B. Mrs. Alvarez further reminded staff that the next scheduled City Commission meeting is scheduled for Monday, March 9<sup>th</sup>, with agenda items and staff reports due Thursday, February 26<sup>th</sup>.

Mrs. Balli reported that the Investment Committee met on February 5<sup>th</sup> which included City Manager, City Attorney, Finance Director, and Commissioner Pecos. There were no issues with the report that was provided to the City Commission earlier in the month.

Mayor Fugate commented that he appreciates the smooth transition that Mrs. Alvarez has made since her appointment to Interim City Manager. Fugate further thanked staff for all their assistance.

Commissioner Leubert reported that Saturday, February 28<sup>th</sup> is the first Farmer's Market Day to be held at the Pavilion on 6<sup>th</sup> Street from 9:00 a.m. to 1:00 p.m. There are 20 vendors who will be participating in this event. Leubert further reported that there will be a safety fence placed around the Farmer's Market for the safety of the citizens.

Mayor Fugate thanked Commissioner Leubert for putting the Farmer's Market together.

Commissioner Pecos asked if the Visitor's Center will be relocated.

Mayor Fugate responded that they are looking into moving the Center. Fugate further stated that they are looking into creating a new street that will connect Corral to Sage Road that will run behind properties located in that area. This will make it available for development within that area, if this is done, the Visitor's Center will either need to be demolished or moved.

Commissioner Pecos further asked if the location is the one on Kenedy.

Mrs. Alvarez commented that she has had a meeting with staff last Thursday where they discussed the issues with regards to the current location of the Tourism Department and the future road that is being proposed by TXDOT. Staff is working on a few options and will be bringing a discussion item to the City Commission on the second meeting in March.

Commissioner Pecos stated that the Navy has donated an F-4 Jet to the American Legion. He further stated that after a conversation with Ken Moses, it was asked if the City of Kingsville would allow the American Legion to place the F-4 Jet on a pedestal to compliment the Navy and American Legion.

Mr. Mason updated the Commission on the progress of the new Collections Department Building and provided them with a copy of the plans. Mason reported that the porch located off 3<sup>rd</sup> street, which is at the entrance to the building, the porch is slanted and has two steps that go into that door. If the porch was brought up and leveled to the door level and make it ADA Compliance, it would be impossible for anyone to use that entrance unless they are in a wheelchair. Mason further stated that he has met with Mr. David Brown and Diana Medina, Collections Manager and worked on a design that would better improve the entrance to the building. An entrance was made on the Southside of the building for easy access to the building with more of a store front entrance. This entrance will make it easier in making ADA Compliant for individuals. Mason further gave a brief report on the parking for the Collections Department. The department will have 11 parking spaces for both employees and customers.

Commissioner Pecos commented on the 11 parking spaces being provided. He stated that with the large parking area, customers and employees would be able to park anywhere within the area.

Mayor Fugate responded that the parking for the main building will be located on the West side of the main building.

Mrs. Alvarez commented that in order to meet the building code, we would have to have some parking and enough spaces to meet the code requirements for this structure. There will be a separate number of spaces in the main parking that would be needed for the main structure.

Commissioner Garcia asked if the blacktop in the parking area will be dug up and place grass within the area.

Mr. Mason responded that it is his understanding that the blacktop is asphalt over concrete. Originally when it was thought to be asphalt, the plan was to dig it up. Now that its asphalt over concrete, he is not aware of what the current plan is.

Mayor Fugate commented that he is not aware as to what the Foundation will be doing with this as they have not discussed it as this is Foundation property. The City of Kingsville owns the building as well as an easement, but the parking belongs to the Foundation which will require their approval.

Commissioner Leubert commented that she thinks it's a great plan.

Commissioner Garcia asked if the parking area will be curbed and guttered. Mr. Mason stated that it is his understanding that it will be curbed and guttered.

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

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

### 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.*

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

#### 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)*

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund Budget for Parks Department for a donation from the Kleberg-Kenedy County 4-H Council for improvements to the Parks Department Recreation Building. (Director of Finance).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Tourism Fund Budget for the purpose of providing matching funds for street furnishings. (Director of Finance).**
3. **Motion to approve resolution authorizing participation in Ride on the 12<sup>th</sup> Annual Ride on the Wild Side Charity Bike Ride to be held on April 25, 2015 and authorizing the Interim City Manager to execute an Indemnity Agreement with King Ranch for said event. (Interim City Manager).**
4. **Motion to approve a resolution of the City of Kingsville, Texas, designating the authorized signatories for financial, health trust plan, and other items of city business from City Manager to Interim City Manager. (Interim City Manager).**

#### REGULAR AGENDA

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

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

**5. Consider final passage of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add a position of Civic Facilities Manager to the City of Kingsville classification and compensation plan for fiscal year 2014-2015. (Director of Human Resources).**

Commissioner Leubert commented that she would like to remove this item from the agenda.

Mrs. Alvarez commented that the reason this item wasn't placed under the consent agenda is because this position was planned prior to her interim appointment and the funding has not been secured for position. She further commented that since the City Commission is currently in the process of looking for a new fulltime City Manager, it would be beneficial to allow the new person to come in and access how things work so that he/she can determine how they would see fit to organize the positions. She further commented that she didn't feel it was staffs position to remove the item on their own, as staff would like to bring it to the Commission to make that decision.

Mayor Fugate stated that he would like to read the agenda item and then have Commission give direction to the Interim City Manager.

Mayor Fugate commented that after hearing comments made by the Interim City Manger's comments, it is the general consensus from the Commission that this item not be acted on until a new City Manager has been appointed.

Mrs. Alvarez commented that this item will die for a lack of a second.

No action taken.

**6. Consider an amended plat for Wildwood Trails to reduce the front yard setback from 40 feet to 30 feet, which is still in compliance with existing codes. (Director of Planning and Development Services).**

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

**7. Discuss planned Corral Park improvement project with TAMUK College of Pharmacy students and future City participation in same. (Parks & Recreation Manager).**

Mrs. Susan Ivy, Parks Manager stated that she has been approached by students from The College of Pharmacy to do a project at Corral Park. Mrs. Ivy further stated that these students have completed a grant application through Walmart Corporate and received funding for a project at Corral Park. At this time Mrs. Ivy introduced Mr. Kevin Ferral of the College of Pharmacy.

The City Commission was shown a brief video that was created by the students of The College of Pharmacy.

Mr. Kevin Ferral commented that the video shown to the City Commission was constructed for a National Competition that instructed through there organization. He further commented that the Student National Pharmacist Association challenged them to make a change within their community. This video was submitted throughout numerous States in the South area, Louisiana, Texas, Georgia, Florida, Mississippi, and New Mexico. This video won the region competition and will go on for a national pledge where they can go towards implementing their plan. The group has been provided \$2,500 through a Walmart grant to make this possible. Ferral continued to state that this gives them the opportunity to assist the underserved area. Mr. Ferral stated that their plan is to make it a school wide commitment for this project. Their proposal is to clean up Corral Park and install walking/jogging path. This will help improve the health of our local community. The Kingsville Bigger Event will be February 28<sup>th</sup>, that will consist of the cleanup of Corral Park. Students will assist picking up trash, fill in holes, sweep & clean basketball court, sand tables and benches, trim trees, and other cleaning necessary and as time permits. Mr. Ferral further stated that the next time line event will be between February 28 and March 28<sup>th</sup>, the logistics and cost estimates. Ferral stated that when this project was first proposed, they had not met with the city. He stated that they may have grossly missed understood what the estimates would be which is why they are asking assistance from the City to guide them and help them meet the city's regulations. Students from College Station will be coming down on March 28<sup>th</sup> to assist with this program. They will set down the path, post new signs, repaint basketball court, install new benches, and plant trees. A grand opening of an interactive health fair will take place. There will be health screenings, games for adults and children, hands on CPR demonstrations, and healthy living education. Future work will continue to improve Corral Park such as having two cleanups in Fall and two in the Spring. It is their hope that the work they do here provides a template to other communities on how to take limited resources to turn a neglected park into something grand and an opportunity to improve their health. Mr. Ferral stated that they have already pledged through their grant \$2,500 as well as \$1,000 from

their Chapter and their school. Ferral further stated that they would like to expand into broader ideas to where it is wheelchair accessible. He stated that they have an estimate cost for materials of \$6,100.

Commissioner Leubert asked if the amounts quoted are good amounts for today. Mr. Ferral responded yes. Leubert further asked if the path would be asphalted later. Mr. Ferral stated not at this time, but for future plans they want to implement it later. He further stated that at this time they want to lay down the foundation for the pathway and guidance to make future improvements. Ferral stated that they have it estimated at \$45,000, to which they were not aware of at the time they came up with the logistics. Ferral further stated that they do have the means through their school to make it possible. This is not a project they want to be involved just one time, but rather for years to come and show its improvements.

Commissioner Leubert suggested that before looking into asphaltting the pathway, to see what Lady Bird Johnson area. This area has a natural look to it with plenty activities for adults and children.

Mrs. Ivy stated that the plan is to meet with the City Engineer with regards to this project.

Commissioner Garcia thanked the students for putting this project together.

Commissioner Pecos asked if this project will be proposed to Kleberg County as well as ask for their assistance.

Mayor Fugate stated that he would like to see this as an action item on the second meeting in March, to allow the City Commission to make some decisions regarding assisting with this project.

**8. Consider a resolution authorizing the City to submit an application to the Edward J. Bryne Memorial Justice Assistance Grant (JAG) Program for the State of Texas requesting funding for law enforcement equipment on behalf of the Kingsville Police Department with no anticipated cash match. (Chief of Police).**

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

**9. Consider a resolution authorizing the Mayor to enter into an Interlocal Cooperation Agreement between the City of Kingsville and Texas A&M University-Kingsville relating to Veterinary Technology Training Program. (Health Director).**

Mr. Emilio Garcia, Health Director, reported that the Veterinary Technology Program would like to use some of the stray animals housed at the shelter. The animals will be used as teaching tools for their students to learn lifesaving techniques and experience real world health issues that animals face on a daily bases. Students will learn how to clean teeth, examine an animal, test for intestine parasites, heartworm, canine parvovirus, feline viral diseases, properly vaccinate, prep-animals for surgeries and also how to humanly euthanize a sick animal.

Mayor Fugate asked for Commissioner Leubert's thoughts regarding this agreement.

Commissioner Leubert stated that she thinks it's a great idea and agrees with the agreement.

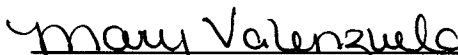
**Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

**V. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:47 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, City Secretary