

MARCH 23, 2015

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

CITY COMMISSION PRESENT:

Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager/City Attorney
David Mason, Purchasing/IT Director
Tony Verdin, Systems Specialist
Deborah Balli, Finance Director
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Willie Vera, Task Force Commander
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/City Engineer
Bill Donnell, Asst. Public Works Director/Golf Course Manager
Joey Reed, Fire Chief
Leo Alarcon, Tourism Director
Melissa Perez, Risk Manager
Frank Garcia, Wastewater Supervisor
Robert Rodriguez, Library Director
Ricardo Torres, Chief of Police

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Luebert 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. Mayor Fugate not present as he was attending meeting in Austin testifying before the Legislature for TML.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – March 9, 2015

No action taken. Minutes for March 9, 2015 will be brought back for approval on April 13, 2015.

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit, a Retail Dealer's On-Premise Late Hours License and a Mixed Beverage Late Hours Permit for the establishment known as Tequila's located at 1406 N. 14th Street. (Director of Planning & Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:03 P.M.

Mrs. Alvarez reported that she will be presenting this item to the Commission as Mr. Ginter is out ill. Mrs. Alvarez reported that Mr. Warlito Paradero, Jr., operator of Tequila's, is requesting an alcohol variance for a Wine and Beer Retailer's Permit, Retail Dealer's on-Premise Late Hours License and a Mixed Beverage Late Hours Permit. This address is located at 1406 N. 14th and is within 300ft of a church. The property in question therefore requires a variance according to City ordinance 2004-20. All required notices have been sent to property owners within 300ft. A public hearing notice was placed in the newspaper on February 28, 2015. Staff has not received any feedback from the property owners or citizens that have been noticed.

Mayor Pro-tem Leubert closed this hearing at 6:05 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, 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. Alvarez reported that Mrs. Deborah Balli, Finance Director will be making a presentation on the first quarter budget report that was provided to the Commission earlier.

Mrs. Balli stated that reports have been provided to the City Commission for their review. She further asked the Commission if there was any particular reports they would like to see reported to them on a quarterly basis that is not included within this report.

Mrs. Alvarez reported that the next meeting is scheduled for April 13, 2015 with agenda items and staff reports are due on April 1, 2015.

Commissioner Pecos reported that he and Commissioner Garcia attended the National League of Cities in Washington, DC where they had the opportunity to meet with Congressmen and Senators serving our district regarding Naval Air Station-Kingsville. They also met with Homeland Security representatives regarding the Task Force and their efforts on interdiction of drugs. Commissioner Pecos stated that this was a very productive conference.

Commissioner Garcia commented that the continuing presence of the City Commission at these Conferences is very important.

Commissioner Pena thanked Melissa Perez, Risk Manager for bringing in inmates to work on the recreation building located at Dick Kleberg Park. He would like to secure their assistance for other projects in the City. Pena further stated that he has received several calls from citizens regarding potholes throughout the city.

Commissioner Leubert thanked Commissioner Pecos and Commissioner Garcia for attending the National League of Cities. Leubert commented that these trips are very important to our city.

IV. Public Comment on Agenda Items.³

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

Commissioner Leubert opened the public comments section of the agenda to anyone who would like to speak on behalf on any agenda or non-agenda items. Each will have a limit of three minutes to speak.

Melissa Garcia, 4340 Masters Drive, stated that her concern is raw sewage within her yard that she has been dealing with since June of 2014. She further commented that dirt has been dumped over the manhole located on her yard. She has requested for the manhole to be removed from her property as her children are unable to play on their property.

Commissioner Leubert asked Mrs. Alvarez if Commission is allowed to make brief comments to citizens who speak during public comments.

Mrs. Alvarez responded that brief comments from the Commission are allowed.

Manuel Cano, 4329 Masters Drive, commented that his main concern is that they are unable to flush or use toilets due to water being all the way to the top. Raw sewage can be seen and is causing a bad odor.

Orlando Garza, 4301 Masters Drive, commented that when it rains, toilets get filled to the top. He would like to see something done about this issue.

Anna Carbajal, 4320 Masers Drive, commented that she has the same problem as mentioned above. She further asked how the system works. Is the sewage separate from the run-off, and what size is the drainage in that area? She further commented that manholes should be placed on the street and not on private property.

Commissioner Leubert asked Mrs. Alvarez and Mr. Charlie Cardenas, Public Works Director to look into this issue.

Larry Lee, 342 Anthony Lane, representative of the Kingsville Golf Association. Want to brief the Commission on the purpose of the Golf Association. The Association is to promote golf in the immediate area on a non-profit basis and aid in a development through a physical and financial aid, to help improve L.E. Ramey Golf Course. He stated that their main focus is promoting junior golf. They would like to have free junior golf clinics to get people interested in junior golf. The Association would like to host monthly golf tournaments to interest more individuals in the sport. There is no money making for the association by doing these tournaments. Mr. Lee further commented that there is a \$100 membership fee that is required and is asking the City Commission to waive this fee. Mr. Lee gave a brief history on the doings of the Kingsville Golf Association.

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: Garcia, Leubert, Pecos, Pena voting "FOR".

1. **Motion to approve final passage of an ordinance amending Chapter IX-General Regulations, Article 8-Parks and Recreation, Section 9-8-41, providing for the revision of fees for school teams at the L.E. Ramey Golf Course. (Golf Course Manager).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 General Fund budget to provide matching funds for FEMA Assistance to Firefighters Grant for the Fire Department vehicle exhaust removal systems. (Director of Finance).**
3. **Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boy Scouts of America-South Texas Council for Drug Abuse Prevention Programs. (Task Force Commander).**
4. **Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Palmer Drug Abuse Program (PDAP) of Kingsville for Drug Abuse Prevention Programs. (Task Force Commander).**
5. **Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Palmer Drug Abuse Program of Kingsville for Drug Abuse Prevention Programs. (Chief of Police).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **Consider request for an alcohol variance for a Wine and Beer Retailer's Permit, a Retail Dealer's On-Premise Late Hours License and a Mixed Beverage Late Hours Permit for the establishment known as Tequila's located at 1406 N. 14th Street. (Director of Planning & Development Services).**

Mrs. Alvarez reported that this item was noticed in the newspaper. No comments from citizens for or against the item. This location, for a number of years, has always housed a liquor establishment.

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

7. Consider selection of an executive search firm for the position of City Manager (RFP 15-06) and authorize staff to negotiate a contract with the firm. (Director of Purchasing & Technology).

Mr. David Mason reported that this item authorizes the award of the contract with an Executive Search Firm for the City Manager Candidate search. Advertisement was done in the Kingsville Record on February 15 and February 22, 2015 as well as emailing the proposal to five potential respondents. Staff received two responsive proposals by the due date and time of 1:30 p.m. on March 4, 2015. One proposal was received late and was returned unopened as provided in the specifications. The RFP committee is recommending Waters and Company as the preferred vendor. Once the vendor is selected, staff will negotiate a contract with them that will be brought back to the City Commission for approval at a future meeting.

Motion made by Commissioner Garcia to approve this item, seconded by Commissioner Pena.

Commissioner Pena asked if this was the lowest bidder.

Mr. Mason responded that financial impact was part of the evaluation process but it wasn't an actual bid. There were four different items that the RFP Committee evaluated each proposal. Mason further stated that there was some preliminary cost information, which is all negotiable, which one of the reasons to do a request for proposal as opposed to a bid.

Commissioner Pena asked what were the top priorities that taken into consideration.

Mr. Mason responded that the priorities were price, timeline, and experience in recruiting City Manager's in executive level personnel within the State of Texas.

Commissioner Garcia asked if staff had a cycle matric assessment with the firm.

Mr. Mason responded that the committee did not look at this specifically with the individual proposals. Mason further commented that they do different management style evaluations but is not sure if there was a cycle matric assessment done, but could inquire about one.

Commissioner Garcia stated that he would like for staff to inquire about it.

Motion passed and approved by the following vote: Pena, Pecos, Leubert, Garcia voting "FOR".

8. Consider authorizing the purchase of a Bobcat Compact Track Loader with accessories for use at the Landfill, as per staff recommendation. (Director of Purchasing and Technology).

Mr. Mason reported that this item is to award the purchase of a Bobcat Compact Track Loader with accessories for the Landfill. The Landfill is in need of a Track Loader with a bucket, angle broom, mower, and auger for ground maintenance at the Landfill. Using the BuyBoard pricing under Contract 424-13, staff believes the T650 Compact Track Loader with accessories is the best value for the City of Kingsville. Under contract terms it will be delivered in no more than 90 days and will be ordered directly from Clarke Equipment Company dba Bobcat Company of West Fargo, ND and with Valley Equipment of Corpus Christi, as the delivering dealer. This purchase will expend no more than \$63,842.41 from account 001-5-170.3-712.00 of which \$65,000 was budgeted for Fiscal Year 2015.

Commissioner Pena asked if this was a replacement item or a new one.

Mr. Mason responded it would be a new item.

Commissioner Pecos asked if this item was built in the United States. Mr. Mason responded yes.

Motion made by Commissioner Garcia to authorize the purchase of a Bobcat Compact Track Loader with accessories for the Landfill Department, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena voting "FOR".

9. Consider authorizing the purchase of a sludge dewatering system for the Wastewater Department, as per staff recommendation (Bid 15-05). (Director of Purchasing and Technology).

Mr. Mason reported that this item authorizes the contract for purchase of a sludge dewatering system for the Wastewater Department. Advertisement for sealed bids was done on February 7 and February 14, 2015 and proposals were accepted until 1:30 p.m. on February 25, 2015. A total of four responsive bids were submitted. Staff recommends the contract to be awarded to Global Wet, LLC, of Austin, TX. This action will expend \$547,000 from 054-5-700.1-712.00 Capital Projects Utility Fund of which \$547,000 was budgeted.

Commissioner Leubert asked what the capacity for this watering system was. Representative of Global Wet, LLC, responded that it is about 200 gallons per minute on the average.

Motion made by Commissioner Pena to approve this purchase, seconded by Commissioner Pecos.

Commissioner Garcia asked what is being done with the sludge now, without this apparatus. Mr. Mason responded that the sludge goes into a drying bed and wait for it to dry then dumped into the landfill.

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

10. Consider a resolution of the City of Kingsville, Texas to urge the 84th Texas Legislature to recommend the creation of a Unified Procurement Code (UPC) for Texas. (Director of Purchasing and Technology).

Mr. Mason reported that this item request a supporting resolution for the Texas Public Purchasing Association goal of establishing a Unified Procurement Code for the State of Texas. A single unified code exists in 16 other states would do much to create greater efficiencies and transparency in public purchasing.

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 voting "FOR".

11. Consider accepting donation of canine parvovirus vaccines and syringes for the Animal Control Division of the Health Department. (Director of Health).

Mr. Emilio Garcia reported that his department has been contacted by a group who is willing to donate some medical supplies, specifically canine parvovirus vaccinations and syringes to the Animal Control Center. The vaccinations will be administered by staff that will follow certain protocols developed by the Health Department. There is no training or licensing requirements to administer the vaccinations. The vaccinations come premeasured so staff would not over vaccinate an animal. If the donation is approval by City Commission, this would help continue the efforts to improve the vet care provided to the sheltered animals.

Motion made by Commissioner Pena to accept this donation, seconded by Commissioner Pecos.

Commissioner Garcia asked what the shelf-life of this vaccine is. Mr. Garcia responded that he is not certain of the shelf-life for this vaccination, but as long as it's kept in a cool location, it should last a while.

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

12. Consider waiver of tournament administration fee for the Kingsville Golf Association's fundraiser tournaments for golf course improvements. (Interim Golf Course Manager).

Mr. Bill Donnell reported that the Kingsville Golf Association was formed to raise money with the intention of making donations for needed improvements to the golf course as funding is available. Donations will be presented to the City Commission for their approval. The Kingsville Golf Association plans to hold one golf tournament each month as a fundraiser for golf course improvements and is requesting the \$100 tournament administration fee be waived for each tournament fund raiser they have this year.

Motion made by Commissioner Pena to waive the tournament administration fee for the Kingsville Golf Association's fundraiser tournaments, seconded by Commissioner Garcia.

Commissioner Garcia commented that he hopes that this waiver approved tonight does not filter into other tournaments.

Mr. Donnell commented that this organization is designed only to fundraise for this golf course.

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

13. Discuss and consider Corral Park Improvement Project plan. (Parks & Recreation Manager).

Mrs. Susan Ivy explained to the City Commission regarding the project proposed expenditures for the Corral Park improvement project.

Representative of the Texas A&M University-Kingsville College of Pharmacy commented that the City Commission has been presented with their presentation at an earlier meeting.

Due to bad weather, they weren't able to clean up the park as proposed last month. The park cleanup has been rescheduled for Saturday, March 28th and they will also make some improvements they would like to see done.

Commissioner Garcia asked about the liability for the usage of park equipment.

Representative stated that each exercise equipment comes with a sign that is provided by the manufacture which instructs the proper use of such equipment. He further stated that they will be working with the City Engineering Department for proper installation of equipment.

Mrs. Ivy commented that his will fall within the same line as the equipment used in our Parks.

Commissioner Pecos asked about lighting. Mrs. Ivy responded that this wasn't part of the original plan, but however, she was contacted by Mayor Fugate stating that the City will be looking into adding security lighting.

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

14. Discuss and consider reallocation of capital project funds from 6th Street Tree Project. (Director of Planning & Development Services).

Mrs. Alvarez reported that Mr. Ginter was supposed to be the presenter of this item. Alvarez further reported that she was contacted by Mr. Ginter in February that he had some discussion with other staff members that had a project that was originally allocated for some trees along 6th Street. Alvarez stated that the former City Manager had planned to plant 179 trees along the corridor from the North to the South end of town which would have been budgeted out of the general fund balance for the amount of \$88,500.00 for this project. Request for proposals went out but no proposals were received. After this occurred, staff began to look into other projects that would be beneficial for these funds. Mrs. Alvarez reported that presently there are two park improvement projects that were proposing to reallocate part of the funds for Corral Park improvements for an amount of \$10,000 of the money that was allocated for the 6th Street Project. Another \$15,000 will be requested for needed repairs for the J.K. Northway and Dick Kleberg Park to get the ball fields ready as well as air conditioning repairs at the J.K. Northway. With the reallocation of funds, it would leave a balance of \$62,700 remaining that could be used for things that come up throughout the fiscal year. If approved by the City Commission, a budget amendment will be brought to the City Commission at a later meeting.

Motion made by Commissioner Pena to approve the reallocation of funds, seconded by Commissioner Pecos. The motion was approved by the following vote: Pena, Pecos, Leubert, Garcia voting "FOR".

15. Discuss relocation of the Tourism Department and matters related thereto. (Interim City Manager).

Mrs. Alvarez reported that the Texas Department of Transportation is creating a new overpass along the US 77 Bypass on the north side of town. The result of this overpass is restricted access to an existing local automobile dealership with a need for a back road to connect Corral Avenue and Sage Road which would also open this area up for future development. The proposed back road would run through a large portion of the City's property where the Tourism Department is currently located. This has caused staff to explore the viability of moving the existing structure to a new location, buying a prefabricated structure, renting a portable structure, or building a new structure. Currently, the City owns 2.124 acre tract of land at the southeast intersection of US 77 Bypass and King Ave which staff has determined that it would be an optimal location for the Tourism relocation. Staff is working on finalizing numbers and timetables for the various options mentioned. The option to move the existing structure and make some additions/improvements to it looks the most feasible. Regardless of the main structure, a request for a garage/storage building has been made to house the new Tourism van and seasonal items. A windstorm certified engineer will need to design the foundations and certify the buildings for insurance purposes. Staff has a draft design for a site layout, which is subject to change, to provide an idea of the possibilities at this location. As for financial impact, as items come up, they will be expended from the Tourism Department Budget for Fiscal Year 2015 & 2016. Staff will move forward with finalizing numbers and timetables and bring back action items in the near future.

Commissioner Pena stated that he would like to see a schematic as the process moves forward for the relocation of the Tourism Department.

Commissioner Leubert asked if staff is looking into parking for visitors with RV's.

Mr. Alarcon stated that this is something that staff would need to look into.

Commissioner Garcia asked if the City is working on a fair market value for the property that the city is giving up for the overpass.

Mr. Cardenas stated that there will be a monetary value for the property which will be brought to the Commission in the near future.

Discussion item only.

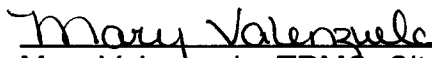
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:26 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary