

APRIL 13, 2015

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 13, 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
Mary Valenzuela, City Secretary
David Mason, Purchasing/IT Director
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Diana Gonzales, Human Resources Director
Joey Reed, Fire Chief
Cynthia Martin, Downtown Manager
Robert Rodriguez, Library Director
Susan Ivy, Parks & Recreation Manager
Charlie Cardenas, Public Works Director/Engineer
Melissa Perez, Risk Manager
Frank Garcia, Wastewater Supervisor
Willie Vera, Task Force Commander
Ricardo Torres, Police Chief
Leo Alarcon, Tourism Director
Bill Donnell, Assistant Public Works Director/Golf Course Manager
Tony Verdin, Information Systems Technician

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Leubert 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 at the meeting, as he is attending meetings in Washington, DC.

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) – Required by Law

Mrs. Alvarez explained that the March 9th minutes were not brought to Commission for approval due to two Commissioners unable to vote on minutes, as they were not in attendance at the March 9th meeting. The March 9th minutes will be brought to the City Commission for approval on April 27th.

Special Meeting – March 16, 2015

Motion made by Commissioner Pecos to approve the minutes of March 16, 2015 as presented, seconded by Commissioner Garcia. Motion was passed and approved by the following vote: Garcia, Pecos, Leubert voting “FOR”. Pena “ABSTAIN”.

Regular Meeting – March 23, 2015

Motion made by Commissioner Pena to approve the minutes of March 23, 2015 as presented, seconded by Commissioner Pecos. Motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert voting “FOR”.

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

1. Public hearing for the adoption of a Conceptual Development Plan for the Torres Estate Development located at 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott, Isaac & Norma Torres owners. (Director of Planning and Development Services).

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

Mayor Pro-tem Leubert stated that this is a public hearing and anyone who would like to comment on this item can do so at this time with a five minute time limit.

Mr. Ginter reported that a public hearing was published in the Kingsville Record regarding the Conceptual Development Plan. Staff did not receive any calls from the public for or against the public hearing.

Mayor Pro-tem closed this public hearing at 6:04 P.M.

2. Public hearing for an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from R2- Two Family Residential District to RP2- Planned Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan, Isaac & Norma Torres owners. (Director of Planning and Development Services).

Mayor Pro-tem Leubert announced and opened this public hearing at 6:04 P.M.

Mayor Pro-tem Leubert stated that this is a public hearing and anyone who would like to comment on this item can do so at this time with a five minute time limit.

Mr. Ginter reported that a public hearing was published in the Kingsville Record regarding the rezone. Staff did not receive any calls from the public for or against the public hearing.

Mayor Pro-tem closed this public hearing at 6:06 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."

Mr. Nathan Sweeney, AGCM Project Manager for the New City Hall gave a report to the City Commission on the construction progress of the New City Hall. Mr. Sweeney reported that the construction is on schedule for a January 2016 move-in date and occupancy for the City. Project is on budget at \$4.3 million for Phase 2, with no changes to date. The focus of construction is on the interior build-out of the office spaces, conference rooms, restrooms, and break-rooms. They have begun framing walls, duct work, rousing in the electrical, and plumbing. The City is working in conjunction with the Contractor to install its own utilities, inclusive of water, sanitary sewer, and storm sewer. After phase two is completed, Phase 3 which is the Cottage Building and its design.

Commissioner Pecos asked what the cost was for Phase 1. Mr. Sweeney responded that did not have those numbers as he was not involved with Phase 1. Commissioner Pecos than asked what the cost for Phase 3 would be. Mr. Sweeney responded that he does not know what the cost would be for Phase 3 at this time, but can retrieve this information.

Commissioner Garcia asked for the projected date of occupancy of the Cottage Building. Mr. Sweeney responded that at this time the Cottage Building is at its very early stage of design, so they haven't been able to determine the overall project duration. Commissioner Garcia asked if he anticipated it being before January 2016. Mr. Sweeney responded no.

Commissioner Leubert commented that she recalls the date of completion being in December 2015.

Mr. Sweeney responded that the construction of the New City Hall is scheduled for completion in December 2015 with the City move-in and occupancy scheduled for January 2016.

Mrs. Alvarez reported that the next scheduled Commission meeting is April 27, 2015 with deadlines to submit agenda items and staff report Friday, April 17, 2015. Mrs. Alvarez further reported that due to the heavy rains that occurred last night, the Landfill was temporarily closed during the morning hours. Dick Kleberg Park also had some closure this morning due to damages sustained from the heavy rains and wind. Alvarez further reported that due to Mrs. Deborah Balli, Finance Director unable to attend the City Commission meeting as she is out attending GFOA Conference, Mrs. Alvarez will be handling the introduction budget amendments being presented at tonight's meeting.

Commissioner Pena stated that he has received a call from a citizen stating that the trees planted on Santa Gertrudis look as if they may need some attention. He asked for the Public Works Director to look into this issue.

Commissioner Leubert presented a Proclamation to Ms. Jennifer Ratcliffe Jones, Victim's Advocate for the Women's Shelter of South Texas.

IV. Public Comment on Agenda Items.³

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

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

1. **Motion to approve out-of-state travel for the Mayor to travel to Washington, D.C. from April 12-14, 2015 for city business related to legislative and military issues. (Mayor Fugate).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. **Consider revision to Corral Park Improvement Project. (Parks & Recreation Manager).**

Mrs. Susan Ivy, Parks & Recreation Manager reported that she is requesting additional funding for the Corral Park Project. Ivy requests an additional \$2,000 which would increase the total City contribution to \$12,000 and approve the installation of the water fountain with accessibility for standing, doggie and handicap service. Also, \$474 would be added to assist with materials to install the water line for fountain and in ground water faucet. Mrs. Ivy further reported that all equipment has been ordered for this project.

Commissioner Pecos asked where the additional \$2,000 would be coming from. Mrs. Alvarez responded that it would be coming from the 6th Street Tree Renovation Project.

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

3. **Consider request to Brookshire Foundation for annual financial assistance with Brookshire Pool and Summer Parks Programs. (Parks & Recreation Manager).**

Mrs. Ivy reported that the Parks Systems for many years has requested assistance from the Brookshire Foundation and has never been turned down. Concentration for this year has been the improvement of the Brookshire Pool. City and County entities agreed to place \$50,000.00 in the Park Budget for Capital Improvements. We have committed those funds first to the Brookshire Pool. Bids were taken and a bid was awarded to Gonzalez

Steel to replace the roof on the pool building and chemical building with a new metal roof that will match the roof on Harvey School. The cost of this project is \$34,577.00 plus an additional \$2,700.00 to add on covering the restroom part of the building and another \$1,000.00 for additional woodwork needing to be replaced on the framing. Mrs. Ivy further stated that she is currently waiting on electrical estimates to replace the fluorescent lighting that had to be removed to replace the roofing. Once the roofing job is complete they will begin work on draining and cleaning the pool to prepare for the summer. Ivy stated that they would like to demolish the old awnings and replace them with new shade structures that are pictured in one of the attachments we have provided. Also need to add new chairs and tables around the deck and some non-slip matting in the restroom area. In the budget proposal for next year we will address replacing the tiles around the edge of the pool along with any structural work that needs to be addressed. Once the pool has been drained in the next couple of weeks they will make that assessment but will not have time or funds to do major repairs this year. Ivy further commented that they will also be continuing the Summer Swim Team and Summer Track Program. Both of these programs have been very successful thanks to contributions over the years. Each year they have had kids advance to State Competitions in various events in their sport. Summer Track last year had over 80 participants while Swim Team is growing into the 30-40 participants. Team shirts and gear and registration fees get expensive as the numbers grow. Mrs. Ivy further asked Commission approval to submit this request to the Brookshire Foundation.

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

Commissioner Pecos asked why Mrs. Ivy was not asking for more money from the Foundation. Mrs. Ivy responded that they have deadlines to complete certain projects by June 1st. Commissioner Pecos asked that if this request will be submitted as a grant to the Foundation or is it money they allocate automatically. Mrs. Ivy responded that this is money that the Foundation considers for appropriation and gives a check for it.

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

4. Consider proposal for an Adult Softball League. (Parks & Recreation Manager).

Mrs. Ivy reported that the Parks Department has sponsored the Adult Softball League. With the exception of the regular maintenance of the fields, the league generates enough revenue to pay the league manager, scorekeepers, umpires, insurance, supplies and the awards for each session with some funds remaining to assist with the electrical usage at the fields. In the past, entry fees have been \$325 per team with a 10 game schedule. There have been an average number of teams of 14 which would generate revenues of \$4,550 per season. Expenditures per game are \$33 which breaks down to \$5 manager, \$8 scorekeeper, and \$20 umpires for a total expenditures of \$2,310. The difference of \$2,240.00 is used to offset the cost for insurance, supplies and awards. The league is one of a very few recreational sports programs offered to Adults in the community to which it is important to continue the program.

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

5. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Fund 091-General Fund Capital Projects budget to transfer funds from 6th Street Tree project to Parks Department for Park improvements. (Director of Finance).

Introduction item

6. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Fund 051-Utility Fund Fund Balance for South Wastewater Treatment Plant repairs. (Director of Finance).

Mrs. Alvarez stated that this item has not been brought to the Commission in the past. She further stated that there have been some issues with the blower at the South Wastewater Plant.

Mr. Charlie Cardenas stated that this is for an overhaul of the existing blower which will expend \$27,000. The Plant is on a backup blower at this time.

Commissioner Pecos asked if this was for regular maintenance to the blower. Mr. Cardenas responded that this is preventative maintenance. Mr. Cardenas further commented that the North Wastewater Plant will be budgeted for next fiscal year.

Introduction item.

7. Consider introduction of an ordinance amending the Fiscal Year 2014-2015 Fund 091-General Fund Capital Projects budget to transfer four capital projects back to general fund. (Director of Finance).

Mrs. Alvarez stated that in the agenda packet, Mrs. Balli has submitted a memo for this item. If any questions, Mrs. Balli can address them at the next City Commission meeting.

Introduction item.

8. Consider approval of the Conceptual Development Plan for Torres Estates. (Director of Planning & Development Services).

Mr. Tom Ginter reported that this project is for the built of 11 homes with 1100 square feet each. As has previously been discussed this project is an infill development that would have a positive impact for the community and that neighborhood. Developer Mark Dizdar has agreed to the following; build an 18 foot wide driveway which will have room for 2 cars for each house; plant 2 trees in the front yard of the property of each lot where a home is being built; install a sprinkler system on each lot where a home is going to be built; build a 6 foot sidewalk on the perimeter of the property; and build a fence on the frontage of the property. Staff recommends the approval of the Conceptual Development Plan.

Commissioner Garcia asked in the developing the Conceptual Development Plan, what are the variations and departure.

Mr. Ginter stated that they are not defined, they are allowed. The ordinance states that variations and departures could be from the R2 District. In this case, the significant one is the garages. There are no garages in this project. In a basic R2 District, there would be garages.

Commissioner Leubert stated that her concern is that with liveoak trees being planted near the driveway, the roots to the tree will damage the driveways. Her other concern is having space in front of the home to allow vehicles to park.

Mr. Mark Dizdar, 1596 Wildwood Trails Court, responded that there is space for two parked cars on concrete. Cars can park on the side of the street but not onto the property.

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

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.44 acres, Lots 1-9, Block 1, Eva Subdivision, known as 1100 East Kenedy and Lots 1-3, Block 2, Clyde Subdivision, known as 1116 East Lott from R2- Two Family Residential District to RP2- Planned Two Family Residential District, amending the Comprehensive plan to account for any deviations from the existing comprehensive plan, Isaac & Norma Torres owners. (Director of Planning and Development Services).

Introduction item.

10. Consider approval of preliminary plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing. (Director of Planning and Development Services).

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

11. Consider approval of final plat of 1.44 acres Eva Addition, Block 1, Lot 1-9 and Clyde Addition, Block 2, Lot 1-3 on south side of Kennedy Ave. between 15th and 16th Streets for residential housing. (Director of Planning and Development Services).

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

12. Consider approval of preliminary plat of 3.783 acres being all of Lakeview Villas Subdivision out of Farm Lot 1, Sect 22, KT&I Co. Subdivision for residential housing. (Director of Planning & Development Services).

Mr. Ginter reported that this development begun in 2013 to which it did come forward as a preliminary plat which was approved. Due to things that happen within the construction industry, the project came to a halt. Mr. Dizdar is requesting to continue the development. The preliminary plat and final plat are not any different than what was previously presented

to the Commission. Mr. Ginter further stated that staff recommends approval of this preliminary plat.

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

13. Consider approval of final plat of 3.783 acres being all of Lakeview Villas Subdivision out of Farm Lot 1, Sect 22, KT&I Co. Subdivision for residential housing. (Director of Planning & Development Services).

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

14. Consider a resolution authorizing the Mayor to enter into an agreement for executive search services with Waters & Company for the City Manager position. (Director of Purchasing and Technology).

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

15. Consider authorizing payment of half of the cost for new carpet and its installation at the Robert J. Kleberg Library, using funds leftover from HVAC replacement/upgrades in an amount not to exceed \$20,000 contingent on the County funding the other half of the expenses. (Director of Purchasing and Technology).

Mr. Mason reported that the original budget was \$75,000 for the replacement of HVAC System located at the Library. Due to some unforeseen circumstances that came up, a hail storm damaged some of the existing air conditioning system. Kleberg County was able to file an insurance claim that significantly reduced the amount of money that was not spent in the replacement of the the air condition system, and added the humidification system. With the books being out of the Library, this would be the opportune time to replace the carpet. Staff has gotten three quotes from Lowe's for approximately \$37,000, \$39,000, and \$56,000. Staying under the \$50,000 cost, there is no need for seal bids to be received which would have extended the timeline by 30 to 60 days. Should the County be able to come up with their 50% share cost, the City will pay in the amount not to exceed \$20,000 contingent on the County funding the other half of the expenses to replace the carpet.

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

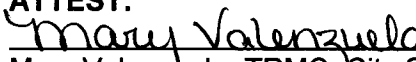
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:55 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary