

APRIL 27, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 27, 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  
Tom Ginter, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Diana Gonzales, Human Resources Director  
Joey Reed, Fire Chief  
Cynthia Martin, Downtown Manager  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/Engineer  
Melissa Perez, Risk Manager  
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  
Deborah Balli, Finance Director  
Jimmy Saenz, Golf Course Manager

**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 – March 9, 2015**

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

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

**Regular Meeting – April 13, 2015**

Mayor Fugate called for a motion to approve the minutes of April 13, 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: Leubert, Pecos, Pena, Garcia voting “FOR”. Fugate “ABSTAINED”.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

**1. Public Hearing regarding request for an alcohol variance for a Private Club Exemption Certificate Permit for the establishment known as The American Legion Post 99 located at 2502 E. Kenedy Ave., Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:04 p.m. He asked if there was anyone in the audience that wanted to address the City Commission regarding this public hearing may do so now, with a limit of five (5) minutes to speak. Time cannot be extended by City Commission.

Mr. Tom Ginter, Director of Planning & Development Services announced that this is a request for an alcohol variance for The American Legion Post 99 located at 2502 E. Kenedy Ave. The reason for this coming to the City Commission for approval, is that

when the 1,000ft measurement was done it came across a registered daycare located at 306 S. 25<sup>th</sup>. All required notices were mailed to property owners within 300ft. A public hearing notice was placed in the newspaper on April 5, 2015. As of today, staff has not received any negative feedback from the property owners or citizens that have been noticed.

There being no further discussion, Mayor Fugate closed this public hearing at 6:06 p.m.

**2. Public Hearing for an ordinance amending the zoning ordinance by granting a special use permit for a display area for retail of portable storage sheds, carports, parking of rental trailers, trucks, and U-Haul equipment located at Southmore AC, Lot PT 172, PT 185-193 also known as 714 E. Ailsie, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate announced and opened this public hearing at 6:06 p.m. He asked if there was anyone in the audience that wanted to address the City Commission regarding this public hearing may do so now, with a limit of five (5) minutes to speak. Time cannot be extended by City Commission.

Mr. Ginter announced that this is a public hearing for a special use permit for the display of portable storage sheds, carports, parking of rental trailers, trucks and U-Haul equipment. The Planning and Zoning met on Wednesday, April 16, 2015 to consider the special use permit request and approved with a 4-0 vote. Mr. Ginter further commented that originally it was the City's recommendation to deny the request, but after being notified that the property has been vacant for years, the Planning & Zoning Commission members felt that this application was a positive one for that sight. Mr. Ginter further commented that the property owner understands that if he receives approval for this project from the City Commission, this development will be reviewed by city staff before a building permit is approved.

There being no further discussion, Mayor Fugate closed this public hearing at 6:09 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, 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 announced that she would like to introduce Mr. Jimmy Saenz, Golf Course Manager. Mr. Saenz began his first day at work on Friday, April 24<sup>th</sup>.

Mr. Saenz gave a brief history of his past work experience and stated that he looks forward to working with the City of Kingsville and building the Golf Course up to where it needs to be.

Mrs. Alvarez thanked Mr. Bill Donnell for filling in as Interim Golf Course Manager. Alvarez further reported that the next City Commission meeting is scheduled for May 11<sup>th</sup> with agenda items due to the City Secretary by Friday, May 1<sup>st</sup>.

Mayor Fugate read and presented a proclamation to Susan Ivy, Parks & Recreation Manager for "Kids to Parks Day" scheduled for May 16, 2015.

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

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

Mayor Fugate opened public comments to anyone wishing to speak about agenda and non-agenda items.

Ms. Susan Hiley, of Nature's Own RV Resort announced that they will be hosting a Hero's Halo Fundraiser for the Wounded Warrior Project on May 23, 2015. This will be an all-you-can eat spaghetti dinner and the event will include a silent auction and bake sale.

Roy Leyva, 201 Helen Marie, spoke to the City Commission about development on his property in Briargrove. Mr. Leyva is asking for assistance from the City of Kingsville for a project he would like to get done at his residency on 2<sup>nd</sup> Street. This project was originally approved in 1981, but project was never started. He stated that according to the Engineering Department, he is considered a developer. He is asking for the City to assist him in paving his property which could cost about \$10,000. After speaking with the Engineering Department, he was made aware that a project like this was not within the city's budget. Mr. Leyva is asking for the City to consider the cost in the next budget in 2016. Leyva further reported that this particular lot generates about \$100 in taxes for the City of Kingsville, so over 30 years it has generated almost \$3,000. With the property developed, the City will collect more taxes at the end of each year. Mr. Leyva stated that the property next door was paved by the City at no cost to the property owner. He stated that he would like the same courtesy as what neighbor next door received in the past.

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)*

Mayor Fugate asked for a motion to approve the consent agenda items as presented.

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

- 1. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Fund 091-General Fund Capital Projects budget to transfer funds from 6<sup>th</sup> Street Tree project to Parks Department for Park improvements. (Director of Finance).**
- 2. Motion to approve final passage of an ordinance amending the Fiscal Year 2014-2015 Fund 051-Utility Fund - Fund Balance for South Wastewater Treatment Plant repairs. (Director of Finance).**
- 3. Motion to approve final passage 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).**
- 4. Motion to approve final passage 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).**

### **REGULAR AGENDA**

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

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

- 5. Consider request for an alcohol variance for a Private Club Exemption Certificate Permit for the establishment known as The American Legion Post 99 located at 2502 E. Kenedy Ave, Kingsville, Texas. (Director of Planning & Development Services).**

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

- 6. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for a display area for retail (sale and rental) of portable**

**storage sheds, carports, parking of rental trailers, trucks, and U-Haul equipment located at Southmore AC, Lot PT 172, PT 185-193 also known as 714 E. Ailsie, Kingsville, Texas. (Director of Planning & Development Services).**

Mayor Fugate asked for the property owner Mr. Jaime to come forward for questions from the Commission regarding his request.

Jesse Jaime stated that he has been a business owner for over 30 years and owns the Farmer's Exchange on 14<sup>th</sup> Street. He purchased this property four months ago to extend his business, as he is over loaded at the current location.

Commissioner Garcia asked Mr. Jaime if he was planning on fencing the property.

Mr. Jaime responded that after speaking with the inspectors as to what type of fencing is required so that proper fencing can be placed around the property.

Mayor Fugate commented that if the City Commission grants this special use permit, the property owner would have to comply with all city codes. Fugate further commented that special use permits are only for the current property owner. If property is sold, the special use permit is voided and the new property owner would need to request their own special use permit from the City Commission.

**Introduction item.**

**7. Consider a resolution authorizing the Mayor to enter into an agreement between the Greater Kingsville Area Economic Development Council and the City of Kingsville. (Interim City Manager).**

Mrs. Alvarez reported that for several months the City of Kingsville has been working with the EDC on a new contract and the search for a new Executive Assistance. The parties have taking the older contract and inserted some newer language, which is the document brought before the City Commission during tonight's meeting. This is a two year initial contract with a one year automatic renewal, unless either party were to notify the other within 90 days that they would like to terminate the contract. Regarding compensation under the contract which is under provision 4A and 4B, states that this contract is subject to annual appropriations and if there is to be a change regards to the compensation allocated for the Economic Development Director position, which is currently in the City's compensation plan, the parties would need to notify each other of the increase or decrease by August 30<sup>th</sup> of each year. Alvarez stated that this agreement was approved by the EDC Board on Wednesday, April 15, 2015.

Mayor Fugate stated that the City has budgeted \$65,000 in this fiscal year and will not take in any more money than what has already been budgeted.

Mrs. Alvarez further commented that in provision 4A it states "that the City agrees to allocate as payment to the EDC the sum of \$65,000 for City of Kingsville Fiscal Year 2014-2015."

Mayor Fugate asked if Kleberg County has allocated their portion of the sum.

Mrs. Alvarez responded that the County has allocated half of the amount as they are half way through their fiscal year.

Commissioner Pecos asked if staff was sure the County is on board with this agreement.

Mayor Fugate commented that the County has already voted on this item.

Mrs. Alvarez stated that staff attended a County meeting where the County agreed to fund half of the \$65,000 that was requested from the EDC.

Mayor Fugate commented that he believes that the County will fund the full amount in the upcoming fiscal year 2016.

Commissioner Leubert asked if this agreement protects the City if the other parties do not pay their portion. Leubert further asked that when this individual becomes an employee of the City and with all the benefits they will be receiving, will this come out of the \$65,000 plus the combined amount of the other parties.

Mrs. Alvarez responded that with the combine amount, yes. Alvarez stated that with regards to the total funding for the position, which includes the salary and benefits, the amount will be divided amongst the parties involved. Mrs. Alvarez further stated that the sum shall be retained by the City as payment to the EDC but allocated towards the personnel expenses for the Economic Development Director position in the City's budget. The remaining funds needed to fully fund this position will be paid by the EDC to the City by October 1<sup>st</sup> of each year, unless other arrangements are mutually agreed to in writing prior to the due date.

Commissioner Leubert asked how it would work if the City Commission votes on giving city employees COLA (Cost of Living Adjustment) raises. Would this position also receive a raise and will the other parties have to increase their contribution?

Mrs. Alvarez responded that they have notified the interview committee and the Board itself that the City, after one year in position, there would be an automatic increase to the salary as the position is under the City compensation plan. If a COLA increase is given, we would notify the EDC about the increase as the additional funds would also need to be collected by the other parties.

Commissioner Leubert commented that the position will become a city employee, and will collect all the benefits. This position will be overseen by the EDC, County Judge, City Manager, and President of the EDC Board.

Mrs. Alvarez commented that this position is similar to a grant position which the funding would have to be there each year in order to keep the position.

Commissioner Garcia asked that the City's contribution for this position, being that the city is already six months into the budget, what is going to happen to the overage from the point of employment.

Mrs. Alvarez responded that the individual would have to first be hired on and from that point we could look to request funding from the EDC for this position.

Commissioner Garcia stated that his concern is that since the City is already six months into the budget, we are not going to payout that money.

Mrs. Alvarez stated that the full amount will not be paid out because the total cost for the salary and benefits for half the year does not exceed the amount that the city has currently budgeted. Any funds not expended or due to the EDC for any other purposes or reasons would probably wash to fund balance like any other line item expense that is budgeted and not expended.

Commissioner Garcia asked that if the \$65,000 that has been allocated, is going to be included regardless of what the other entities are short of to complete the total funding.

Mrs. Alvarez commented that presently the City Commission has allocated and budgeted \$65,000 towards the EDC. The EDC would be invoicing the other parties for their portion of the funds which will be used to make up the difference in the amount due for the individual's salary and benefits.

Mayor Fugate commented that he is hoping that the County budgets their full portion for the next fiscal year.

Commissioner Garcia commented that he only wants to make sure that all parties involved are allocating the same amount of money to fund this position.

Commissioner Leubert asked that if the other entities don't pay their full share, this contract is voided and we would no longer have the position.

Mayor Fugate stated that there is a 90 day clause, that if anything should go wrong, the City can opt out of the contract within 90 days.

**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".**

**8. Consider authorizing City participation in the 2015 Cinco de Mayo Celebration set for Saturday, May 9<sup>th</sup> in the 200 block of East Richard Avenue. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager, reported that the Hispanic Chamber of Commerce has applied for sponsorship of the 2015 Cinco de Mayo Celebration from the City of Kingsville in terms of waiver of fees and support costs from City departments for this event. The event will be held on Saturday, May 9<sup>th</sup> from 10:00 a.m. to 2:00 p.m. in the 200 block of East Richard Avenue. The Committee is requesting City support in the form of barricades, trash and recycling containers and a waiver of the street closing fee. The estimated cost of waiver is \$208.

**Motion made by Commissioner Pena to authorize City participation in the 2015 Cinco de Mayo Celebration, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

**9. Consider the Parks & Recreation Department's summer recreation program for 2015. (Parks & Recreation Manager).**

Mrs. Susan Ivy, Parks & Recreation Manager stated this request is for approval of summer recreation program for 2015. The goal of this program is to introduce kids to local facilities like L.E. Ramey Golf Course, fishing Baffin Bay, kayaking at the State Park in Mathis, Texas State Aquarium, Port Aransas Dolphin Watch boat trip, Coastal Bend Bays &

Estuaries Natural Area, and many others. Other local activities have included such as the Recycling Center, Conner Museum and the skeet range.

**Motion made by Commissioner Leubert to approve the Parks & Recreation Department's summer recreation program for 2015, seconded by Commissioner Pecos.**

Commissioner Garcia asked if kids usually get turned away once registration is full for that day.

Mrs. Ivy stated that children are turned away but they are more than welcome to sign up for a different day. There are a limited number of registrations per day of 50 children due to funding and limited staff.

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

**10. Discuss the National Kids to Parks Day initiative set for Saturday, May 16<sup>th</sup> at Dick Kleberg Park playground. (Parks & Recreation Manager).**

Mrs. Ivy reported that this is a day that was initiated by the National Park Trust, which is an organization that has the best interest of National State and local parks. This is an awareness day to get families to go out and get familiar with their local and State Parks within their area. Parks staff will be hosting some activities at Dick Kleberg Park on this day.

Discussion item only.

**11. Discuss a marketing plan for billboards by the Tourism Department. (Tourism Director).**


Mr. Leo Alarcon reported that he is looking for a location to place a billboard sign to help promote Kingsville. Mr. Alarcon further stated that he has recorded a thirty second and a two minute commercial which airs on K-99 and KSAB Radio Stations. At this time, Mr. Alarcon played the recorded commercial for the City Commission.

Mayor Fugate stated that he would like to see a slogan created for Kingsville.

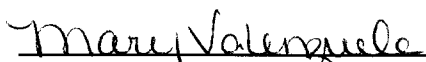
Discussion item only.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:58 p.m.

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

**ATTEST:**

  
\_\_\_\_\_  
Mary Valenzuela, TRMO, City Secretary