

JUNE 8, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 8, 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  
Cynthia Martin, Downtown Manager  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/Engineer  
Willie Vera, Task Force Commander  
Ricardo Torres, Police Chief  
Robert Rodriguez, Library Director  
Joey Reed, Fire Chief  
Jimmy Saenz, Golf Course Manager  
Leo Alarcon, Tourism Director

**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 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**

Regular Meeting –May 26, 2015

Mayor Fugate called for a motion to approve the minutes of May 26, 2015.

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

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

1. Public Hearing regarding request for an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License for the establishment known as Colors Bar located at 1206 N. 6<sup>th</sup> Street, Kingsville, Texas, Catherine Machuca, applicant. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:02 p.m.

Mayor Fugate announced that this is a public hearing and if anyone would like to speak on behalf of this item may do so with a five minute time limit. Additional time cannot be extended by City Commission.

Mr. Tom Ginter announced that the operator for the Colors Bar located at 1206 N. 6<sup>th</sup> Street, is requesting an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Later Hours License. After performing all necessary measurements, the establishment came within 1,000 feet of a daycare and public school, therefore requiring a variance. All proper notices were mailed to property owners within 300 feet. Staff has not received any negative feedback from property owners that were noticed.

Mayor Fugate reported that this establishment has been at this location for more than 15 years. It has also been through several name changes.

No further comments were made.

Mayor Fugate closed this public hearing at 6:04 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 reported that the next City Commission meeting is scheduled for June 22, 2015 with agenda and staff reports due on Wednesday, June 11<sup>th</sup>.

Mrs. Susan Ivy, Parks and Recreation Manager gave an update on the BBQ Pitmaster event taking place on June 12<sup>th</sup> & June 13<sup>th</sup>, 2015 at the J.K. Northway Coliseum.

Commissioner Pena thanked staff for restriping the parking lot located behind City Hall.

Mayor Fugate thanked staff for their condolences on the loss of his mom. Fugate also thanked the EMS Medics and hospital staff for the care that they provided his mom.

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

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

There were no public comments made at this time.

### 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 item as presented.

**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".**

**1. Motion to approve final passage of an ordinance amending the fiscal year 2014-2015 General Fund budget for computers and equipment for the City Manager's Office. (Director of Finance).**

**2. Motion to approve final passage of an ordinance amending the fiscal year 2014-2015 General Fund budget to accept and expend donations made to the Kingsville Parks and Recreation Department. (Director of Finance).**

#### REGULAR AGENDA

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

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

**3. Consider request for an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License for the establishment known as Colors Bar located at 1206 N. 6<sup>th</sup> Street, Kingsville, Texas. (Director of Planning & Development Services).**

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

**4. Consider appeal of Historic Development Board decision regarding 306, 306 ½ and 308 E. Kenedy, Kingsville, TX. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager reported that this is a recommendation from the Historic Development Board concerning a building permit application for the removal and replacement of certain windows at 306, 308 E. Kenedy property which is located in the Historic District. Martin reported that applicant Mary Mora, owner of the property, came before the Board during a May 20<sup>th</sup> meeting proposing to remove four windows from the East side of the building. This would replace the current windows with aluminum windows. The Historical Development Board is charged with reviewing all the building permits in the Historic District to evaluate that what is being proposed will destroy the historical architectural integrity of the property. The Board has asked the applicant to consider five things and refers them to the standards from the Secretary of Interior Standards Rehabilitation. Standard two calls for the historic of a property to be retained and preserved and further states that preserving and retaining the windows are overall of importance.

Mayor Fugate asked what the historic significance of this property.

Mrs. Martin responded that the recent survey of the Historic District, it shows that it list the stylistic influences being Spanish eclectic but it also refers to at 1930 map in which the building shows retains its original configuration. Mrs. Martin stated that the Board recommended unanimously that the configuration and size of the existing windows be maintained. They further agreed that they could be replaced with aluminum windows. They also feel that the windows are an important feature.

Commissioner Leubert asked if the intent is to stucco.

Mrs. Martin stated that the intent is to stucco and place shutters, but the idea is that the paired window configuration is original window. Martin further stated that Mrs. Mora stated to the Board that one of the reasons for removing one of these windows was so that an air condition Freon line from the upstairs apartment. This had been a single family residence and has been converted into a triplex apartment.

Commissioner Leubert asked how long this building has been a triplex.

Mrs. Martin responded since Mrs. Mora purchased the building, Mrs. Mora stated in a letter that she had converted the building into a triplex. At the May 20<sup>th</sup> meeting the Mr. Ramirez, Building Official was present and told Mrs. Mora that she could use flexible tubing in the line and removing the window for this reason was not necessary.

Mayor Fugate asked if the Historical Board had any objections with the material that Mrs. Mora wants to use or than wanting the windows to comply with size.

Mrs. Martin responded that they don't have any objections, but the windows retain the original appearance of a building. The Board was recommending unanimously if they conformed to the size and configuration, the Board is fine with aluminum windows. Mrs. Martin at this time spoke about a picture showing the building and the proposed windows.

Commissioner Leubert asked if the front porch was an original attachment to the building. Mrs. Martin responded that the porch is not original. Leubert further commented that sometimes we have to make adjustments in order to improve properties and to get the property back on the tax roll.

Mrs. Martin commented that the Board is actually charged with certain task and certain standards written into the code of ordinances.

Commissioner Leubert asked if the plan was to make the new windows look like the old windows. Mrs. Martin's response was yes and Mrs. Mora is only proposing this for one side of the building.

Commissioner Garcia asked when the original house was actually built. Mrs. Martin responded that it was built since 1930. Garcia further asked if there was any documentation or permits for the addition of the porch or bathroom.

Mrs. Martin stated that a recent Historic Survey was done and searched for documentation but was unable to locate any records. Martin stated that she is an architectural historian and usually these types of buildings do not have that type of porch.

Commissioner Garcia asked that when Mrs. Mora received the approval to replace the windows, was she given any instructions on replacing the windows as they appear or did she have a choice.

Mrs. Martin responded that Mrs. Mora came before the Board in May 2014 proposing to replace the windows with wood windows. The Board at that time asked her to use the same or come close to the same size and replacement as possible. Mrs. Mora at that time agreed to this request. When Mrs. Mora began looking into the pricing, she decided to go with aluminum windows but never brought those changes before the Board. The project was placed on hold for almost a year than Mrs. Mora came in and purchased a building permit and started doing the windows.

Mayor Fugate asked for clarification of what Mrs. Martin was stating. Fugate asked if Mrs. Mora came to the Historical Commission in May, 2014 and new that this property was located in the Historical District. At that time, the Board approved the windows that Mrs. Mora was proposing to use at that time. Now sometime between then and now, Mrs. Mora came to the City and purchased a permit and then changed the windows.

Mrs. Martin responded yes, and without coming before the Board. Martin stated that the Board had a window workshop for preservation where they discussed the pros and cons of various windows. At that time, it was made clear to Mrs. Mora and others that attended the workshop that the Board will accept aluminum windows if they were done to the specifications.

Mayor Fugate commented that Mrs. Mora was given a stop work order from the City.

Mrs. Martin stated that Mrs. Mora came before the Board at that time in 2015 with her new proposal where she proposed the aluminum windows. The Board did not have any issues with Mrs. Mora's proposal. But the Board felt, unanimously, that the pattern of the windows wasn't to its specifications and changed the appearance of the house by covering one window.

Commissioner Pena asked if Mrs. Mora had a permit to do this work. Mrs. Martin responded that Mrs. Mora had a permit for the work being done. Commissioner Pena than asked if it was Mrs. Mora's responsibility to contact the Historical Board or the responsibility of city staff.

Mrs. Martin responded that it would be Mrs. Mora's responsibility.

Mrs. Alvarez commented that if Mrs. Mora changes the scope of what the Historical Board had previously approved, than it would be Mrs. Mora's responsibility because staff issuing the permits isn't going to know that she is changing the scope of the project from what the Historical Board had already approved, which is the double pattern.

Mayor Fugate asked if this would be in the permitting information.

Mrs. Martin stated that what she does is when the Historical Board makes a recommendation, a memo is sent to Mrs. Mora and Teresa Cavazos in the building department outlaying exactly what the Board had recommended. That recommendation is supposed to be attached to the application for a building permit.

Mrs. Mora stated that when she first bought this building she told the Historical Board she would not change the windows. She stated that since the building is in a neighborhood where most of the homes are not taken care of, she decided not to place wood windows, but would like to fix the home and bring it back into the tax rolls. At this time Mrs. Mora showed the City Commission a current picture showing the windows with shutters. Mrs. Mora continued to comment that she did that she wasn't going to change the windows. Mora stated that she had received a phone call from Mrs. Maggie Salinas stating that there would be a workshop regarding windows. Mora stated that she attended the workshop and then asked Mrs. Salinas what she could do about placing new windows in the building and Mrs. Salinas told her to go to the City. Mrs. Mora stated that she came to the City told staff she had attended the workshop and would like to place windows on her

property and purchased her permit. Mrs. Mora further spoke about pictures that were provided to the City Commission of the building.

Mayor Fugate asked if the bottom windows would be like the top windows. Mrs. Mora's response was yes so they could be symmetrical.

**Motion made by Commissioner Garcia to award Mary Mora her variance because of a lot of variances that are in this particular development, seconded by Commissioner Pena. The motion was passed by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

**5. Consider approval of Historic Development Board decision regarding 609 E. King Avenue, Kingsville, TX. (Downtown Manager).**

Mrs. Martin stated that this is for a monument sign for Domino's Pizza that is located in the Historic District.

Commissioner Leubert asked if the Board members were in favor of this monument sign. Mrs. Martin responded that the Board was in favor.

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

**6. Consider a resolution authorizing the City Manager to enter into a Master Equipment Lease Agreement and related documents for mowing equipment for the golf course. (Director of Purchasing & Technology).**

Mr. Mason reported that this item authorizes the non-capital leasing of mowing equipment for L.E. Ramey Golf Course. Upon taking over the Golf Course in October of 2014, staff has determined there is an essential need for new equipment. Using BuyBoard pricing under Contract #447-14 through C&M Golf and Grounds Equipment and Wells Fargo Financial Leasing it has been determined that the following equipment will meet the Golf Course primary needs for the next four years: MH5 Large Area Reel Mower, AR522 Larger Area Rotary Mower, 72" Jacobsen Turf Cat, and an Eclipse322 Greens Mower, all with necessary accessories. The total value of the equipment is \$122,821.04. The purchase will expend no more than \$2,289.63 per month over the four year lease.

Mayor Fugate asked Mr. Jimmy Saenz, Golf Course Manager if he was satisfied with the proposed equipment. Mr. Saenz responded yes.

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

**7. Consider a resolution authorizing the City Manager to enter into a Telecommunications Services Consulting Agreement with TeleResource, Inc. for an audit of the City's phone and internet services. (Purchasing/Technology Director).**

Mr. Mason stated that this item authorizes a third party vendor, TelResource, Inc. to act on the behalf of the City and preform a complete audit of wired communications and internet services. The City has several vendors for the phone and internet services. This audit would look objectively at those agreements and attempt to reduce overall cost to the City. They would have the resources to aggressively pursue cost savings, missing credits, and contractual obligations on behalf of the City. They are going to work in tandem with the currently running project to replace the phones and internet at the new city hall and public works. There will be no initial financial impact to enter into this agreement. The financial impact is contingent on the amount that TelResource can provide/recover through its recommendations, credits, and savings. The standard fee is 45% of the amount reduced by the audit. They won't bill the City, until the City sees a credit on its invoice.

Mayor Fugate asked if 45% is a standard fee for industry. Mr. Mason responded that the standard is 50%.

Commissioner Leubert asked if the fee is for annual savings. Mr. Mason responded yes.

Commissioner Garcia commented that in the proposal there is a charge of \$150 per hours. Mr. Mason responded that the \$150 per hour is charged if they do the work on an hourly basis. Mr. Mason further stated that staff went through an interview process with other

companies that perform the same work, and TelResource was deemed most highly qualified.

Mayor Fugate asked if the City had the resources to do this type of work. Mr. Mason responded no.

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

**8. Presentation on Richard Avenue street design project by engineering students. (Public Works Director/Engineer).**

Mr. Charlie Cardenas, Public Works Director/Engineer, stated that this is a presentation of the Richard Street design project done by engineering students. This presentation will be presented to the Historical Board at a later meeting. This project is from Richard Street from 6<sup>th</sup> Street to 9<sup>th</sup> Street and also 7<sup>th</sup> Street from Yoakum to Santa Gertrudis. Cardenas further introduced the engineering students who have worked diligently on this project, Justin DeLaRosa, Thomas Everett, Victor Murrillo, Christian Rodriguez, and Sharam Santillan, Engineer's Assistant. Cardenas further introduced Mr. Steven Nix Dean of the Engineering Department at Texas A&M University-Kingsville who also assisted with this project. At this time engineering students made their presentation to the City Commission.

Mr. Christian Rodriguez reported that the Salazar Building is one of the first Hispanic owned businesses in Kingsville. The Ben Torres Building which was the first Spanish language newspaper in Kingsville, which is still located between Richard Street and 7<sup>th</sup> Street. Most of the buildings within this area have been abandoned or no longer in operation.

Justin DeLaRosa reported on the vegetation and street conditions within this area. Streets and drainage are one of the biggest concerns in this area that need to be looked into. This location has grade inlets that get clogged up with debris that causes flooding problems. DeLaRosa further stated that the current drainage plan has a diameter of the piping in this area is a 12 inch diameter pipe. After performing a study on the drainage within this area, they have determined that a 24 inch diameter pipe should have been placed. This will allow water to flow properly within this area. DeLaRosa stated that what is being proposed is to place a 30 inch pipe. This will allow water to easily flow from the intersection of Richard Street to 9<sup>th</sup> Street and flow into Tranquitas Creek. This will also create a 3% sloop with a 5/3 curbed inlet which will cause easy access for debris and garbage to flow through the pipe easier.

Mr. Rodriguez reported that there are two shapes being designed for the street. First shape is more of W form which is on Richard Street from 6<sup>th</sup> to 7<sup>th</sup> Street. The rest of the street will feature a regular street with a crest on top to allow water to flow off to the sides. As with parking within the area, parallel parking would be the best for this area. As for the road design for Richard Street from 6<sup>th</sup> to 9<sup>th</sup> Street it is proposed to have a concrete road to add the Historical look. This would be type one concrete with number three steel bars about 18 inch apart, 6 inch thick with 6 inch subgrade underneath. Sidewalks will be widened to 8 feet. Mr. Rodriguez at this time presented with City Commission with a power point presentation.

Mayor Fugate asked for a cost estimate to do this type of project.

Mr. Cardenas responded that currently it's about \$1.2 million but there are some things that are not included in this project that can raise the cost up to \$2 million.

Dr. Steven Nix commented that this projected, as being proposed tonight, could easily be handed over to a contractor to begin the project.


Mayor Fugate commented that he would like to see this type of project done within the proposed area and not just have this project sit around. It will take some money, but it could be done in the future.

**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, TRMC, City Secretary