

JUNE 22, 2015

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 22, 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  
Deborah Balli, Finance Director  
Diana Gonzales, Human Resources Director  
Susan Ivy, Parks & Recreation Manager  
Charlie Cardenas, Public Works Director/Engineer  
Willie Vera, Task Force Commander  
Ricardo Torres, Police Chief  
Robert Rodriguez, Library Director  
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 6:01 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 – June 8, 2015

Mayor Fugate called for a motion to approve the minutes of June 8, 2015 as presented.

**Motion made by Commissioner Pena to approve the June 8<sup>th</sup> minutes as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.**

Special Meeting – June 11, 2015

Mayor Fugate called for a motion to approve the minutes of June 11, 2015 as presented.

**Motion made by Commissioner Pena to approve the June 11<sup>th</sup> minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, voting “FOR”. Garcia and Fugate “ABSTAINED”.**

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

1. NONE.

**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 the next regularly scheduled Commission meeting will be on July 13<sup>th</sup> with agenda items and staff report due on Wednesday, July 1<sup>st</sup>. Alvarez further reported that City offices will be closed on Friday, July 3<sup>rd</sup> in observance of the 4<sup>th</sup> of July holiday. The Tourism Department has been working on the 4<sup>th</sup> of July festivities beginning with a parade at 10:00 a.m. The new parade route will begin on 6<sup>th</sup> Street at Lee Ave. traveling south and then circling West to Kleberg Ave., then North to PFC Daniel Alarcon St. ending at the Henrietta Memorial Center. There will also be a pet parade route that will begin after the bike parade on 6<sup>th</sup> Street and will travel the block around Kleberg First National Bank and ending at the Pavilion. An opening ceremony will take place at 10:30 a.m. in which Mayor Sam Fugate will give a speech honoring the birth of our Nation as well as highlighting the founding of the City of Kingsville, 111 years ago on July 4, 1904. After the ceremony the festivities will continue at the Pavilion. At 3:00 p.m. in the Jones Auditorium at Texas A&M University-Kingsville where the Kingsville Symphony Orchestra will host its annual 4<sup>th</sup> of July concert. Mrs. Alvarez further announced that the City of Kingsville will be hosting an Employee Appreciation lunch on July 3<sup>rd</sup> at the Dick Kleberg Recreation Center.

Commissioner Pecos asked the Public Works Director Charlie Cardenas if it would be possible for staff to stop working on certain projects and concentrate on repairing potholes throughout the City.

Mr. Cardenas responded that this could be done but at this time crews are in the middle of working on 21<sup>st</sup> street. Once this project is completed, crews can begin concentrating on repairing potholes. Crews are a bit behind in certain projects due to the weather conditions the past couple of weeks.

Commissioner Leubert asked for an update on the Kids Golf Clinic.

Mr. Jimmy Saenz, Golf Course Manager responded that the clinic began June 22<sup>nd</sup>. Mr. Kaleb Womack is heading this camp and has received great participation from the kids.

Commissioner Leubert announced that the Farmer's Market will be held this Saturday, June 27<sup>th</sup> at the Pavilion.

Mrs. Alvarez announced that there will be a women's golf clinic beginning this Saturday, June 27<sup>th</sup> at the L.E. Ramey Golf Course.

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

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

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)*

NONE.

##### **REGULAR AGENDA**

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

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

**1. Consider accepting the Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2013-2014. (Finance Director).**

Mr. Luke Womack of John Womack & Co., PC made a presentation to the City Commission on the Comprehensive Annual Financial Report (CAFR) for the City of Kingsville Fiscal Year 2013-2014.

Mr. Womack reported that the report is very good and the City is in good financial shape. Womack stated that the Accounting Department for the City of Kingsville is doing an outstanding job for the City. Mr. Womack reported that the General Fund has an assets total of \$13,434,000.00 and of that last year that was \$13,195,000.00, which is up by \$200,000.00 close to \$300,000.00 increase in assets. Liabilities are \$1,082,000.00 and we have a differed revenue of \$825,000.00, which the City doesn't actually own, this is the offset to taxes receivable that cannot be recognized as income just yet until it is collected. In the fund balance there is \$11,526,000.00 in total. The unassigned fund balance is \$4,792,000.00 to which last year it was \$4,933,000.00 which is down about \$140,000.00. This isn't bad considering all the special projects that were done this year and other repairs and maintenance that were paid cash. The Police Forfeiture Fund last year had \$6,344,000.00 and this year being at \$3,683,000.00, down \$266,000.00 which is made up of two things; 1) paid off about \$1.8 million in liabilities due to other funds where money was used but had not been replaced, 2) utilized about \$844,000.00 in operation to purchase equipment that wasn't offset with current revenue. Debt Service is \$723,000.00 in total assets with it being \$1,033,000.00 last year which is down \$300,000.00. Due to getting rid of \$260,000.00 that was in the liability side last year. The reserves were brought down to a total of \$588,000.00, which is down about \$38,000.00. The reserves were dropped to \$588,000.00 to where a couple of years it was at \$700,000.00. It is not required to carry a reserve, but if not enough is carried to offset a bad collection year such as a hurricane, then the city would have to tap into the general fund in order to cover it. It is recommended to carry an amount of \$500,000.00 to \$600,000.00 to offset any emergencies that may occur. Mr. Womack further reported that in the revenue side, the total revenue for the general fund is \$16,157,000.00 last year it was \$15,746,000.00 which is an improvement of \$411,000.00. The largest improvement was in taxes which were up \$339,000.00 and also charges for services were up \$32,000.00 and fines and forfeitures went up \$40,000.00. Revenue was up in total \$411,000.00. Expenditures were up \$1,354,000.00 with \$18,000,000.00 this year versus \$16,676,000.00, which is part of the spending that was being done for major repairs and improvements which was allocated to fund balance. The deficit of the year was \$1,872,000.00 to which originally last year was at \$929,000.00. There were some transfers-in of \$2.3 million to which \$1.25 million come from utility fund every year to compensate expenses on their behalf. The \$1.1 million was for money transferred to cover projects in the general fund. The city ended up the fiscal year with a total net resource of \$476,000.00 to the better. The general fund in total improved by a half million dollars. The Police forfeiture fund conversely had \$1,096,000.00 in total revenue, last year it had \$1,544,000.00 with expenditures of \$1,891,000.00 versus \$1,490,000.00 last year. Expenditures were up by \$400,000.00 and revenue was down by \$450,000.00. This resulted in an overall decrease in this fund balance of \$844,000.00, which is from making a lot of one time purchases and equipment. There were a \$1.7 million and is left with \$890,000.00 fund balance coming into the New Year. In the debt service it was brought in \$1,363,000.00 with last year being \$1,293,000.00 for a \$70,000.00 increase and also the expenditure total debt service for the general fund is \$1,830,000.00 with last year being \$1,870,000.00 which has dropped about \$40,000.00. Last year there was an operating deficit of \$577,000.00 this year its \$466,000 which went down. This is offset by \$429,000.00 which comes out of the utility fund because a portion is being paid of their debt where they are reimbursing us for that debt. The actual decrease for the year was \$36,000.00 bring us down to the \$588,000.00 that was previously spoken about. The major units of the general fund police forfeiture and debt service are very strong. Womack continued to report that the enterprise fund is doing well with total assets of \$15,891,000.00 with last year being \$16,329,000.00 which is down about \$430,000.00. The total assets this year is \$31,733,000.00 with last year being \$31,176,000.00 which is up by \$600,000.00. In liabilities we have \$3,333,000.00 with last year being \$2,571,000.00 to which the biggest jump was in accounts payable. This could be due to outstanding equipment, repairs, maintenance type bills that needed to be paid. In the debt service last year there was \$17,576,000.00 with this year being down to \$16,602,000.00 which is close to a \$1 million drop which was due to scheduled payments. As for the unrestricted fund balance last year it was \$6,575,000.00 with this year being \$7,118,000.00. The internal service fund didn't do so well this year. For major medical last year we had assets of \$1,845,000.00 and has decreased this year to \$793,000.00 which is about \$1 million decrease. The fund balance went down to \$207,000.00 of unreserved fund balance to which is very low. This is the only negative part in the whole report but can be fixed over time. The net income loss was \$418,000.00, last it improved by \$281,000.00. All fund balances meet city codes and policy that the City of Kingsville has set. In utility fund revenues are up \$300,000.00 there was \$8.8 last year and \$9.1 this year. Expenditures are up by \$586,000.00 with overall operating results with a \$266,000,000.00 to the better. Interest charges has \$787,000.00

which brought us down to \$2,000,000.00 and paid out \$1,250,000.00 to the general fund with still having an improvement of \$764,000.00 which went to the \$11,028,000.00 last year with now given us \$11,792,000.00. Operations created \$4,180,000.00 with last year being \$4,055,000.00. Operations for the enterprise fund are very strong and showing improvement.

Mrs. Margaret Kelly of Womack & Co., PC reported on the findings of the CAFR report for the current year. Mrs. Kelly stated that these findings are a lot less than last year. Even those that are still here from last year are greatly reduced in scope or have been addressed by the Accounting Department. Some of the findings are internal control of reconciliation of Asset and Liability Accounts. The city had not reconciled certain asset and liability accounts, primarily long term debt and self-insurance accounts on a timely basis, primarily long debt and self-insurance accounts but is now improving. Internal control purchase orders, where a purchase order was issued after the purchase was already purchased. Since then, Mrs. Balli has worked with Mr. Mason on establishing more policies and procedures to place some control over this. Mrs. Kelly further reported that state compliance and economic survey, as of year-end it has not developed questionnaire to provide feedback for the economic impact events being held in the City. Since year-end they did create and distribute a survey that is in the hotels now, which makes them in compliance. State Compliance Public Funds Investment Act, with the change of leadership in the accounting department, the quarterly investment reports were not being presented on a timely basis but has now been brought up-to-date.

Commissioner Leubert asked if the utility fund will be affected due to the rains we had in the past several weeks. Mr. Womack responded that volume levels stand fairly good.

Mayor Fugate responded that one of the reason for this is the City has taken the University and Naval Air Station Kingsville which gives us new hookups.

Mr. Womack further responded that when one comes out of a drought, drought can harm your water usage just as much as access rain because people give up. Mr. Womack thanked the City of Kingsville for all their hard work during the audit process.

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

**2. Consider Historical Development Board decision on application for a building permit for an addition to 330 E. Kenedy Avenue. (Downtown Manager).**

Mr. Tom Ginter reported that the Historical Board met on Wednesday to evaluate an application for a building permit for 330 E. Kenedy applicant name Pacheco. The applicants propose a small 10'x14' addition to the rear of the house. The house sits on a corner lot, the rear addition will not be visible from the street except off the alleyway due to a solid wood privacy fence currently in place. The Historical Board voted six in favor with none opposing the request of this building application with the use of aluminum windows in the new addition.

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

**3. Presentation from the Kleberg County Airport Advisory Committee for contribution of \$8,333.50 for half of a grant match with Kleberg County for a portable generator and related items at the Kleberg County Airport. (Commissioner Pecos).**

Mr. Mauro Castro, President of the Kleberg County Airport Advisory Commission. Mr. Castro made a presentation to the City Commission on the history of the County Airport. The County Airport Advisory Committee was established in 2009 by the County Commissioners' Court. In November, 2010 the airport had an evacuation practice with EMOC and Christus Spohn Hospital. This was a community wide evacuation exercise but on a true emergency, the local airport would be a big player in the evacuation of patients from the hospital and nursing homes. In February 2011, phase one and phase two were completed of airport terminal renovation. This included a meeting room, pilot lounge, and snack bar. In August, 2011 the Second Annual Airfare was held. The public was invited to attend and allowed them to tour the airport. In January, 2013 a web page was created for the Kleberg County Airport. This allows the pilots to look into weather conditions in the area as well as the runway length. The webpage also includes the local community such as parks, recreation, tourism and other sites with information about the local area. In April, 2013 the reconstruction of the runway was done. The airport has generated funds for this fiscal year, which is only nine months as of today, and has generated \$24,749.76. The

County funds the airport at a level of \$21,600.00. Mr. Castro stated that the point is that the airport has generated in just three quarters of the year more than \$3,000.00 that is actually put into the airport. The annual budget of Kleberg County Airport is \$21,600.00. In comparison to Robstown Nueces County Airport they budget \$85,000.00 to operate their airport. Mr. Castro stated that million dollar planes land at the Kleberg County Airport. These are investors that come into the community to check on their investments within the area. Castro stated that \$2 million dollars in revenue are brought in, in economic development to Kleberg County and mostly to the City. Castro stated as he was speaking with the County Commissioners', they said this revenue goes to the City.

Mayor Fugate commented that this is a problem the Commissioners' court has, because they forget that he is a member of Kleberg County as well and not just a citizen of Kingsville but also member of Kleberg County, as well as every citizen that lives inside the city limits.

Mr. Castro continued with his presentation and stated that a survey has been done on those who land at the airport which show places that these individuals visit while here in the area. Mr. Castro stated that what they are asking for is assistance for the cost of the installation and storage of generators. The estimate to install two generators is \$100,000.00. In addition to that, \$50,000.00 is needed for the completion of phase three to the terminal. A water well system is also needed as well as a building for generators to be housed. Castro stated that the total amount being applied for is \$166,666.00. Texas Department of Transportation will match 90%. Matching funds needed for this grant is \$16,667.00. The Advisory Committee is asking for the Kleberg County to fund \$8,333.50 and the City to fund \$8,333.50. The grant deadline is August 3<sup>rd</sup> with grant notification August 17<sup>th</sup>. If grant is approved the matching funds would be needed by August 31<sup>st</sup>, 2015.

Mayor Fugate stated that what shocks him as a Mayor, that this is a Kleberg County Airport and you guys are having to come to the City and ask for \$8,300.00, and the County won't come up with the \$16,000.00 that is needed. Mayor Fugate asked what the County did today at their meeting.

Mr. Castro commented that the County approved the match of \$8,333.50.

Mayor Fugate commented that this to him would be embarrassing if he was a member of the County Commissioners' Court, to have to come to the City and ask for \$8,333.50.

Commissioner Leubert commented that we are all Kleberg County taxpayers, so the citizens of Kingsville are basically paying for this twice, as we do for a lot of other situations. The County does not start outside the city limits.

Mr. Castro commented that the Advisory Board is made up of volunteers. Mayor Fugate commented that this is not a personal attack on the Board, but it is hard to understand what the county is thinking. Mr. Castro commented that he doesn't understand why he is asking for the City and County for what they are asking for but the Advisory Board is serious about getting this done. If this is only brought up to the County, the project may not get done.

Mayor Fugate stated that this is not an action item, it's only a presentation but will ask the Interim City Manager to place it on agenda for the next meeting where the Commission can address the item.

Commissioner Garcia commented that for 90% match, what have we done for the last five years. Has this offer been on the table? Mr. Castro responded that this offer has been on the table for a while and is not sure why he is approaching the City to get this project done.

Mayor Fugate stated that these grants are available every year.

Commissioner Garcia asked why more isn't being done to this airport.

Mayor Fugate commented that Commissioner Leubert makes a valid point, and will ask staff to place this item on the next City Commission agenda. Fugate further commented that it surprises him that the Advisory Board would have to come to the City Commission for \$8,333.50. He stated that if this was a city airport, the Commission would not request \$8,333.50 from the County.

Discussion item only.

**4. Consider a resolution approving cooperation with the Cities served by AEP TCC to review AEP Texas Central Company's requested approval of an adjustment to its energy efficiency cost recovery factor; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel. (City Attorney).**

Mrs. Alvarez reported that by June 1<sup>st</sup> AEP is supposed to notify the PUC whether or not they intend to try and seek certain cost back through rate increases. This is one of those items it's not a full fledge rate case it's a mini rate case. The cities participated with other cities in these types of events for at least fifteen or more years. There is no not cost to the City of Kingsville if approved. The way this works is that the City of McAllen, TX will take the lead with the particular matter and other cities have already joined in or intervned in the action, and they are asking the City of Kingsville to do so as well. The attorney's and consultants that are hired to check and see that the requested increases are valid will be paid for by the utility.

**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".**

**5. Discuss fencing options at the Pavilion Area. (Public Works Director/City Engineer).**

Mr. Charlie Cardenas reported that this fence is for the pavilion area. He handed some handouts depicting pictures of proposed fencing that staff would like to install around the Pavilion and pump house located on 6<sup>th</sup> Street. Cardenas stated that staff recommends the four foot three rail fence for a cost of \$4,000 for the Pavilion and would like to install an eight foot fence around the pump house for a cost of \$7,870.

Mayor Fugate commented that the Commission would like to see a fence placed that will protect the children that go out and play during events that take place in this area.

Mr. Cardenas stated that work will begin soon in this area, and will be looking into city ordinances regarding setbacks are concerned. Staff may be approaching the Commission for a setback variance to place this fencing.

Commissioner Pecos asked if this is within the City's budget. Mr. Cardenas responded, "yes".

Discussion item only.

**6. Consider accepting donation from the Brookshire Foundation in the amount of \$6,000 for transportation costs for Summer Programs. (Parks and Recreation Manager).**

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

**7. Consider introduction 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 for Summer Program transportation costs. (Director of Finance).**

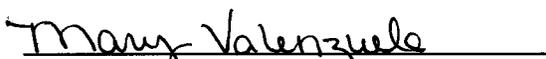
Introduction item.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:06 p.m.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, City Secretary