

SEPTEMBER 26, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 26, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Edna Lopez, Mayor Pro-tem
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

CITY COMMISSION ABSENT:

Sam Fugate, Mayor

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Bill Donnell, Assistant Public Works Director
Diana Gonzales, Human Resources Director
Susan Ivy, Parks Manager
David Solis, Risk Manager
Deborah Balli, Finance Director
Adrian Garcia, Fire Chief
Charlie Cardenas, Public Works Director/Engineer
Ricardo Torres, Police Chief
Sharam Santanilla, Capital Improvement Manager
Leo Alarcon, Tourism Director
Pete Pina, Landfill Supervisor
Robert Rodriguez, Library Director
Jennifer Bernal, Community Appearance Supervisor
Charlie Sosa, Street Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Lopez 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 being absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Special Meeting – August 23, 2016

Special Meeting – August 30, 2016

Regular Meeting – September 12, 2016

Mayor Pro-tem Lopez asked for a motion to approve the minutes of August 23, 2016, August 30, 2016, and September 12, 2016.

Motion made by Commissioner Pecos to approve the minutes of August 23, 2016, August 30, 2016, and September 12, 2016 as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, voting "FOR".

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

1. Public hearing for an alcohol variance for a Beer and Wine Retailer's Off-Premise Permit for an establishment known as Double Seven located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning and Development Services).

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

Mr. Tom Ginter, Director of Planning and Development Services reported that this establishment has been approved an alcohol variance back in September, 2015. Because of ownership name change it will require for the owner to apply for a new Alcohol License. This establishment comes within 1,000ft of two registered daycares and one church. All

proper notices were mailed to individual's within 300ft radius of the establishment. Staff has not received any negative feedback since notices were sent out.

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

There being no comments made, Mayor Pro-tem Lopez closed this public hearing at 6:04 P.M.

III. Reports from Commission & Staff.²

"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, Investment Report, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mrs. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for October 10, 2016. With some staff being out next week attending the Texas Municipal League Annual Conference on October 4-7, 2016, the deadline for agenda items for the October 10th meeting has been moved up to Wednesday, September 28th. Alvarez further announced that Risk Manager, David Solis will be hosting training on Wednesday, September 28, with two sessions at 10:00 A.M. and 2:00 P.M. Alvarez thanked all those individuals who assisted in the Trash-Off event that occurred this past weekend.

Mayor Pro-tem Lopez presented a proclamation to Jennifer Radcliffe, representative of the Women's Shelter for National Domestic Violence Awareness Month.

IV. Public Comment on Agenda Items.³

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

No public comments made.

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

1. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget to cover end of year deficit accounts and to close and or create additional funds. (Director of Finance).

- 3. Motion to approve final passage of an ordinance authorizing the Finance Director to write-off City of Kingsville accounts receivables in the amount of fifty-eight thousand one hundred and one dollars and thirty-one cents (\$58,101.31), where it has been determined that such accounts are uncollectible. (Director of Finance).**
- 4. Motion to approve a resolution authorizing the City Manager to enter into an Engagement Letter Agreement between the City of Kingsville, Texas and John Womack & Co., P.C. for the 2015-2016 Fiscal Year Audit. (Director of Finance).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

- 5. Consider a resolution approving the City of Kingsville's 2016 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Director of Finance).**

Mrs. Melissa De La Garza, Kleberg County Tax Assessor-Collector reported on the City of Kingsville's 2016 Tax Roll by the stating the following: The 2016 Tax Roll is submitted for approval under Section 26.09(e) of the Texas Property Tax Code and was calculated in compliance with the same code of multiplying the values from the Certified Appraisal Roll plus/minus any changes in value approved by the Kleberg County Appraisal Review Board by the tax rate adopted by this governing body for the 2016 tax year. Values and taxes are at a ratio of 100% of appraised value. The 2016 Tax Roll for the City of Kingsville is stored in the Kleberg County Tax Office in compliance with the State Records guidelines. A copy of the tax roll for reference purposes and convenient availability is filed with the Kleberg County Clerk's Office. I, Melissa T. De La Garza, PCC – Kleberg County Tax Assessor-Collector, hereby certify the figures from the 2016 Tax Roll as reflected on the attached summary page taken directly from the 2016 Tax Roll. I certify that the foregoing information, and the roll it represents is accurate and correct to the best of my knowledge. Certified and submitted this 26th day of September, 2016. Mrs. De La Garza further stated that the actual tax levy is based on the adopted tax rate of 0.00842200 for an actual tax levy amount of \$6,654,359.93.

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

- 6. Consider an alcohol variance for a Beer and Wine Retailer's Off-Premise Permit for an establishment known as Double Seven located at 1414 N. 14th Street, Kingsville, Texas. (Director of Planning & Development Services).**

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

- 7. Consider a resolution authorizing the Mayor to enter into a one-year Water Supply Contract with the South Texas Water Authority. (City Attorney).**

Mrs. Alvarez reported that the City of Kingsville and STWA currently have a one-year water supply contract that is set to expire on September 30, 2016. The City and STWA are working on terms for a longer term water supply contract but have not finalized wording on that contract. STWA has presented this new one-year water supply agreement for fiscal year 2016-2017, under identical terms as the existing contract. The only change is the to the agreement is the term. This item will expend up to \$300,000 for purchase of water, which is budgeted in the Fiscal Year 16-17 budget for the City of Kingsville.

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

- 8. Consider resolution authorizing the City Manager to enter into a construction contract between the City of Kingsville and Rusty Van Fleet Construction Company for the Cottage Building renovation project, as per competitive sealed proposal process. (Director of Purchasing & Technology).**

Mr. David Mason, Purchasing & Technology Director reported that the City in conjunction with Ferrell and Brown Architects advertised for Competitive Sealed Proposals on July 27 and August 3, 2016. Three proposals were opened on Tuesday, August 9, 2016. Proposals were judged on quantitative and qualitative methods by the review committee of Jesús Garza, Tom Ginter, Charlie Cardenas, Courtney Alvarez and David Mason. The results of the tally showed Van Fleet Construction with the highest point total. During the September 12, 2016 City Commission meeting, staff was authorized to negotiate a fair and reasonable contract with Rusty Van Fleet Construction for the renovation of the Cottage Building as that company was the highest ranking firm under competitive sealed proposal process.

This item will expend \$895,000 which is budgeted in FY 16-17 from 033-5-1030-17311, CO 2016-City Hall Cottage-Building Remodel.

Commissioner Pena asked if this item is approved, when will work begin. Mr. Mason responded that work will begin fourteen days after notice to proceed is sent and after retrieving bond.

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

9. Consider award for Engineering Services (RFQ16-14) for Wastewater Treatment Plant capacity analysis and authorize staff to negotiate a contract, as per staff recommendation. (Director of Purchasing & Technology).

Mr. Mason reported that this items provides staff recommendation for RFQ 16-14 Wastewater Treatment Plant Capacity Analysis. Advertisement was done in the Kingsville Record on August 21 and August 28, 2016 and it was available on the City of Kingsville website. A total of three proposals were received by the September 6, 2016 closing date and subsequently evaluated by the review committee of Frank Garcia, William Donnell, Charlie Cardenas, and Mr. Mason. The top ranked firm was that of Kimley Horn. There is no financial impact until the contract is negotiated. It is recommended that RFQ 16-14 be awarded to the firm of Kimley Horn of Fort Worth, TX.

Mr. Charlie Cardenas, Public Works Director/Engineer reported the in September 2015 city experienced high rain event. Wastewater can be treated up to one million gallons per day. But the average has always been half of that amount. When you reach 75% of capacity, there is a need to redesign for expansion. Due to high rain event a sudden spike occurred within the wastewater treatment. that a preliminary assessment was done to see if the expansion was needed. Preliminary report shows that the expansion is needed now. Until a more thorough evaluation was done that it was concluded that the need for the expansion was until 2026. Once the RFQ is awarded it is a six-month project before a report is received.

Commissioner Pena asked if Mr. Cardenas was satisfied with the selection made by staff. Mr. Cardenas responded that he is satisfied.


Commissioner Pecos asked what caused the spike. Mr. Cardenas responded that the spike was caused by the heavy rainfall.

Commissioner Garcia asked if there any financial impact to the City. Mr. Cardenas responded that at this time they will negotiate a contract then bring it back to Commission for approval, but there is money allocated for this in the new fiscal year budget.

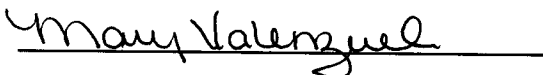
Motion made by Commissioner Pena to approve this award, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:23 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary