

NOVEMBER 28, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 28, 2016 IN THE CITY HALL COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:15 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

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
Diana Gonzales, Human Resources Director
David Solis, Risk Manager
David Mason, Director of Purchasing
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Leo Alarcon, Tourism Director
Kyle Benson, IT Manager
Adrian Garcia, Fire Chief
Ricardo Torres, Chief of Police
Susan Ivy, Parks Manager
Bill Donnell, Assistant Public Works Director
Robert Rodriguez, Library Director

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:18 P.M. with all five Commission members present.

CONVENE INTO WORKSHOP:

Discuss the Health and Library Departments. (City Manager).

Mr. Garza commented that this is a workshop to discuss the Health and Library Department structures. The County Commissioners court took action in the Spring to terminate the agreement with the City of Kingsville. This is an action that the County did and cannot be undone. After this action, through conversation with the County Judge it was determined that it would be best to take the adequate amount of time to figure out how best to go about the decision the County Commissioners have made. Garza further stated that both himself and the County Judge proceeded with proposing a budget for this fiscal year that contemplated another year of an existing structure as is, both budgets were approved by the County Commissioners and City Commission. Now that the City is past budget season, now we are at the point where staff has had time to dedicate their time and resources to doing research on the matter. When the city received the letter from the County in the Spring it didn't come with anything such as a proposal or information as to how this would take place. Staff has taken it upon themselves to do the research and try and figure out what implication there would be specifically to the City. Today's discussion will be on three sections which is the history of the agreements, current financial structure of the agreements, and what conclusion can be drawn if the split was to take place.

Mrs. Alvarez stated that statutorily, the Health and Safety Code provides for local Health Department and provide that either city entity or county entity can have a local Health Department and it also allows for them to have a joint department together. The county Libraries are established under the Local Government Code Chapter 323. Obviously you can do interlocals for the provisions of services and the Local Government Code allows for the entities to join into contracts for the provision of services. As the Mayor mentioned at previous meeting, 85% of the county residents residing within the city limits and in a lot of areas, it makes sense to have joint departments and manage services. With regards to the existing interlocals, the one that is being used currently for the Health Department was adopted in December 1978. The one that is currently being used for the Library was adopted in December 1979. Alvarez stated that when she goes over the contract terms, it is noticed that almost all of the contract provisions are mirrored from one agreement to the other. The City Manager alluded to the fact that the City had received a notice of intent to terminate letter from the County back on April 26, 2016. Alvarez commented that to the best of her knowledge the County has not yet approved a resolution to dissolve the agreement or providing with any date with which the actual cessation of services might occur. Alvarez continued to state that there is one other interlocal agreement that is currently between the City and County which was done in 2009 which one of those that TCEQ mandated with regard

to sanitary services for septic tank inspections. The department had been doing it for both residents that are inside the city limits and for those that are outside the city limits. There has not been a notice of termination for that agreement yet but once we get potentially closer to a date as to when services is to stop, this agreement will be terminated as well. Alvarez stated that one of the things that staff had examined was that in looking not only at the contracts of ownership of land and property, with regard to the land, where the departments are currently situated there is a deed that was found given the land to the City for the Health Department from the King Ranch in January 23, 1978. The land where the County Library is located is county land.

Mayor Fugate asked if the city owns the Health Department. Mrs. Alvarez responded that the land, according to some minutes that were found in reference to a deed.

Mrs. Alvarez continued to state that in regards to the administrative offices they appear to be on county land. The animal shelter appears to be a 50/50 split and so presently the city is insuring the animal shelter and the County is insuring the administrative offices. The County has the Library building itself. With regards to the contracts they are very old.

Mayor Fugate asked how the County owns the building and is there documents that demonstrate that information.

Mrs. Alvarez responded that she did not do the research into that area and this is why she stated that it appears. There haven't been records located that say that the city would have paid for the construction of that building and the county has been maintaining the insurance on the building.

Mr. Garza commented that staff does not have any documents stating that the City owns the building.

Mrs. Alvarez further stated that the contracts on funding it states that the funding should be done for each department on an equal basis for maintenance and operations and administration subject to annual appropriations. Regarding purchasing for both departments it states that purchasing for either of the department should be processed by the County, in compliance with state law, and that previously budgeted items the County would pay for and the city would reimburse at 50% within 30 days of notification. Regarding personnel, the contract states that the employees are employees of the City and that the city would make the contractual expenditures for the employees with regards to salaries, benefits and everything that comes with the employee package, but with the County reimbursing the City 50% within 15 days of notification of those personnel related expenses. With regards to termination in both contracts, it states that either party can terminate by giving six months' written notice of intent and then you could mutually have resolutions to end the contract. The Health Department contract also says that a Health Board a Joint Board would be created by City Ordinance on the City side and by resolution on the County side to help oversee the department and provide for a director. Alvarez stated that as she mentioned, the Health and Safety Code also allows for either entity to create the Health Board There should be a fear that you won't have a board after a split as they wouldn't have to be a joint board anymore if there is no longer a joint agreement. The state statute provides for each entity to have their own. As the Commission may be aware, the Health Department collects fees for things such as animal control and food service which are established by city ordinance, which is why those funds should be coming to the City. They also have fees for septic tank inspections as there are property within the city limits that have a need for septic tank inspections as well as properties outside in the county. With regard to the Library, they do have a fine and fee schedule for area services that they provide as well as for late fines and lost items, but the city does not have an ordinance that establishes those fees.

Mayor Fugate asked that if the contracts were never amended from the beginning.

Mrs. Alvarez responded that in 2008, there was an amendment to each of the agreements where both entities were to exchange preliminary budgets by August 15 of each year so that way each entity knew what each was planning to budget before getting to the point of adopting their budgets. Other than the 2008 amendment with regards to exchanging budgets, staff was not able to locate any other amendments to those original documents.

Mayor Fugate asked if the County would need to create their own Health Department

Mr. Garza responded that it is not part of this presentation to discuss on what the County will or will not do for the residents residing outside the city limits.

Mayor Fugate commented that it is not the City's obligation when it comes to septic tank inspections or animal control issues or any health related issues outside the city limits. The county would need to contract with the city or another entity or create their own department.

Commissioner Garcia asked that on the dissolution of both departments, the Board members that sit on each of the Boards, can the city pass a resolution to keep the current Board members or have the positions reapplied for.

Mrs. Alvarez responded that with regards to that, staff would need to go back and look at the current ordinance that is in place for the Health Department and see if it may need modification, then staff can contact the Board members to see if they would want to be appointed to the City Health Board as oppose to the City/County Health Board.

Mayor Fugate asked Mrs. Alvarez that with regards to employment, if the county does take over the Library, those employees that work for the Library, the minimum wage that is received by the City is \$10.30 an hour, is there anything from preventing the county from dropping those wages down to where they are competitive their other departments.

Mrs. Alvarez responded that she would not give legal advice for the county, but they would fall back on to their pay as funding allocated and if they don't have funding allocated that's commensurate with what the city funds for those positions, there could be a potential for reduction in pay.

Mayor Fugate asked that if this would affect supervisor positions as well. Mrs. Alvarez responded that it would be with regards to all positions that are currently city employees that might no longer be city employees. Mayor Fugate further asked what other city benefits these employees may lose. Mrs. Alvarez responded that she is not aware of the County benefits, therefore she could not speak as to what benefits they would lose. Mayor Fugate commented that he wants people to understand this as there will be some financial implications for those employees that go to the County. Fugate further commented that the average employee at the Library will not be making \$10.30 an hour.

Commissioner Garcia asked how they would handle the Department of Labor.

Mrs. Alvarez responded that it would essentially be starting a new position with a new employer and is not sure if that would be a problem but that would be up to the County.

Commissioner Lopez asked that those employees with enough years of service, could they retire from the city and start a new job with the County.

Mr. Garza responded that it would be up to the employee to make the best decision for themselves. Garza further stated that if they are retirement eligible it is an option for them to retire.

Mrs. Deborah Balli discussed the financial structure of the two departments. Currently the Library has nine full time and three part-time employees and the Health Department has ten fulltime employees and 3 part-time employees. The budget that the city adopted for the Library was at the 50% cost is \$299,451 and the 50% for the Health Department is \$340,751. Under the compensation benefits employees for both the Library and Health are covered under the city's health insurance, worker's compensation, unemployment, FICA, and TMRS. What needs to be mentioned is with these employees being city employees because they are covered under the City's self-insurance funds the city pays for all their health insurance claims and those claims are not split 50/50 with the County. As for the building insurance, the Library is insured by the County and the Health Admin building is also insured by the county carrier. The city covers insurance for the animal shelter and the euthanize chamber. The animal shelter is valued at \$227,812 and the chamber is values at \$5,062.60. As for the procurement, as mentioned by Mrs. Alvarez both the Health and Library procure mainly through the County for most expenditures. The city pays for all salaries and wages for both Health and Library then the city bills the County for 50%. For fiscal year 2016-2017, the County did not approve the increases given to the Health and Library employees so the city is going to be a little short as the city intends to pay the employees the full increases. The city bills the county for half of all the P-Card charges and purchases and any minor expenditures that are made through the City such as motor gas and oil, GPS monitoring, postage, travel advances, laundry, and memberships and dues. The Health expenditures that are not covered by county and where the city pays 100% of these expenditures include the minor veterinary services, catering and any capital outlay items that the city approve. The expenditures made by the county are then billed to the City at 50%. The way it is currently structured is very complicated and time consuming and doesn't work very well because as they bill the city for half of their expenditures and then the city has to turn around and bill them for their expenditures, makes it challenging to make sure that the city receives payment within a timely manner and same thing as well for them.

Mayor Fugate made a comment and question asking if the cost to run the Health Department was \$340,751 and the Library \$ 299,451. Mrs. Balli responded that this was correct.

Mr. Garza commented that one of the things mentioned during tonight's discussion was that per the Health Agreement all the Health Department fees come to the City as per the agreement, but

we know that this is not occurring right now. So staff went back and did some research to see when the change was made. It was determined that something happen, not sure what, but in 1990 because staff does show record receiving fees collected from the Health Department and Library Department up until 1989. At that time, the revenues received by the Health Department were about \$6,000 and from the Library was about \$5,000. Staff could not locate any information on the minutes or an amendment to an agreement for that period of time that would state that the fees collected by both departments were to be transferred to the County. Staff is not aware as to why the beginning of 1990, fees collected stop coming to the City. It is very difficult to determine what the value of the money that historically should have been coming to the City. Staff does not have access to this information so therefore the City of Kingsville has submitted an open records request to Kleberg County for their financial annual reports, as those revenues would be documented on their end. This would truly be the only way for the City to find out how much money the Kleberg County has collected from both the Health and Library Department since 1990. Garza further commented that the Library Department is a bit more ambiguous because as Mrs. Alvarez mentioned it's not in the contract stating that the City of Kingsville receives those revenues, but it's also not stated in the contract that the County receives those revenues either. The only thing that staff is aware of is that up to 1989, the City was receiving those revenues and in 1990, the County received them. As this may be confusing it is also important that regardless of the amount, just the mere fact that those revenues are going 100% to Kleberg County, that in itself means that it's not a 50/50 split on the expenditure side. When one side is spending for example \$300,000 and the other spending \$300,000 but receiving \$5,000 in revenue they are really only spending \$295,000 and not \$300,000. It is safe to say that since 1990, the City of Kingsville has paid more money to the Health and Library Department simply based on the principal that the revenues are going to the County at 100%. Garza further commented that the other thing that was mentioned by Mrs. Alvarez was that the fees and fines are based on a City Ordinance so it would only make sense that those fees established by the City be given to the City, which hasn't historically happened. A split of the Health Department and Library Department would mean that whenever that day happens, the Health Department will no longer respond to the County for animal control issues, restaurant inspections, or septic tank inspections, this will stop immediately whenever the split takes place. Garza further commented that what staff does know, based on what Mayor Fugate mentioned is that in terms of the call volume specifically for the animal control, which is a range between 30-40% of the call volume that the City receives are out in the County. It is safe to assume that more than a 1/3 of the calls would be reduced. This will allow us the flexibility to either restructure and create efficiencies or simply just focus our resources inside the city limits to have a greater impact inside the city limits if we have an Animal Control Officer that will have more time to dedicate inside the city limits. Garza also commented that one of the things that would come with the potential split is the shortfall. With the Health Department being more expensive than the Library. With the Health Department costing \$80,000 more per year than the Library, but that's when its split 50/50. The city will be short \$41,000 by simply taking the half that the city gives to the Library and replace with the half that needs to be filled on the Health Department side. What we do know, if the split should happen, is that the City will be receiving 100% if the fees collected by the Health Department to help offset some of that shortfall. We know that the County this year has budgeted \$35,000 in revenues from the Health Department which will make our recurring shortfall \$6,000, which is manageable by the City. The other thing that is important to know in terms of financial impact, is that with the split our employees that are employees now would cease to be our employees to which we would have to pay them out such as their leave, which they have the right to. This financial impact to the City would be around \$23,000. This would have a first year impact of \$64,000 of which \$23,000 of that would be a onetime payout to the employees for leave that they have earned with the \$41,000 as recurring of which we know that \$35,000 of that will be received back from the revenues. This what the financial impact to the City would be if the split was to occur.

Commissioner Garcia commented that the coverage on the building that the County is insuring was not discussed.

Mr. Garza stated that staff would need to check on the cost for insuring that building. He further stated that as for the Library, the impact to the service level would be very minimal because everyone inside the city limits are also county residents. The level of service for the county residents would theoretically remain the same. Those residents inside the city limits will continue to have access to the Library services. One of the things that is also important to note is that the most impacted people here are the employees. They would be the ones to cease being city employees to become county employees where their salaries, benefits, etc., would not be the same.

Mayor Fugate commented that the citizens outside the city limits will also be affected by not having Health Department services provided to them.

Mr. Garza commented that he is aware that the County is discussing various options and the City is more than willing to hear them out if they choose to come back and try to do a fees for service setup, the City will more than gladly listen and consider it but it would come with a price. This is not a conversation that has taken place between the City and County, but if it does get to that

point, the city will be receptive in considering a fee for service agreement, if that's what the County would like to pursue. In order for the agreement to be broken, a resolution would need to be approved by both entities with an effective date for the split. Mr. Garza commented that after this conversation, he hopes everyone will understand the challenges with the current agreements, the implications to the city, implications to the employees, and the impact to the County residents that reside outside the city limits as well as the Library employees. Garza commented that with any change there is also opportunity, and so with the change there would be an opportunity to focus more inside the city limits, if there is a drop on call volume on the animal control side of things. There are things that the city can do better if the city had full control of the Health Department. At this point, the City is in a waiting pattern as we have not heard anything from the County since the city received the letter back on April 26, 2016.

Commissioner Garcia asked why city staff is settling on just the Health Department and not just take over the Library verses the Health Department. He stated that in his thought the County would take over the Health Department as it would in compass the whole county as the Health Department's jurisdiction is throughout the County rather than the Library.

Mr. Garza commented that currently, the Library serves all county residents. Commissioner Garcia commented that this is service and not jurisdiction. Garza commented that he is not sure what the County's rational is with regards to wanting to split the departments and how they choose to keep the Library Department and not the Health Department.

Commissioner Lopez commented that the City should take over both departments. Mr. Garza commented that this would be more of a financial impact to the city.

Mayor Fugate commented that this is a dangerous time for both of the departments.

Commissioner Pecos commented that in his opinion, this is a great opportunity for the City of Kingsville to remove ourselves from the County. The City has already taken over the Golf Course, Parks and as move into the future we can take the Health Department which will be beneficial to the City as it generates revenue. As the city continues to grow so will the Health Department. Pecos further commented that the Count has not been very proficient in doing a lot of the things the city is doing. He further stated that for many years have said that the City should pull away from the County because every time we would have budget meetings in regards to 50/50 split the city always had problems and ended up budgeting more money than the County due to the County not having enough money. Pecos commented that this is an opportunity for the City to once and for all allow the County to charge of the Library and the City take charge of the Health Department.

Workshop ended at 5:53 P.M., Mayor Fugate called a brief recess at this time.

REGULAR MEETING RESUMES

Mayor Fugate convened into the regular session of the agenda at 6:00 P.M.

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)

Regular Meeting – November 14, 2016

Motion made by Commissioner Pena to approve the minutes of November 14, 2016 as presented, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

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

1. Public Hearing to consider an ordinance amending the zoning ordinance granting a special use permit to locate a tower to host broadband deployment equipment near the intersection of Caesar Avenue and Wildwood Trails Blvd, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Mayor Fugate announced and opened this public hearing at 6:04 P.M.

Mr. Tom Ginter, Director of Planning & Development Services, reported that the Planning and Zoning Commission met on November 23, 2016 to act upon a special use permit request from Gulf Coast Broadband for the location of a telecommunications tower. Gulf Coast Broadband would like to install a telecommunications tower in private property in the Wildwood Trails Subdivision. As per the city ordinance, the tower being a monopole tower at 55 feet in a residential district, a special use permit is required prior to the construction of the tower. The Planning and Zoning Commission voted 7 to 0 in favor of approving the special use tower permit to Gulf Coast Broadband.

Mayor Fugate commented that at this time, Wildwood Trails Subdivision has no internet coverage within the area.

Mayor Fugate 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 further comments made, Mayor Fugate closed this public hearing at 6:13 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.”*

Mr. Jesús Garza, City Manager, announced the Employee of the Month for October, Mrs. Carol Rogers. Mrs. Rogers works in the Human Resources Department and has various duties within her job. Mr. Garza continued with a presentation of the Fiscal Year 2015-2016 Quarterly Budget Report for quarter ending September 30, 2016.

Mrs. Courtney Alvarez, City Attorney, reported that the next City Commission meeting is scheduled for December 12th. Deadline to submit agenda items for the meeting is November 30th. This will be the last meeting for this year.

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: Pena, Pecos, Garcia, Lopez, Fugate voting “FOR”.

1. **ORDINANCE NO. 2016-60. Motion to approve final passage of an ordinance changing the zoning map in reference to Bass, Block 2, Lot 17-22, also known as 1100 W. Kenedy Block from C4-Commercial District to R3-Multi-Family District. (Director of Planning and Economic Development).**
2. **ORDINANCE NO. 2016-61. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend park donations for T.R.A.P.S. maintenance rodeo. (Director of Finance).**
3. **ORDINANCE NO. 2016-62. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include a Texas Parks & Wildlife Grant no completed in fiscal year 2015-2016. (Director of Finance).**

4. **ORDINANCE NO. 2016-63. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include impress funds for the PD-Federal Seizure Fund. (Director of Finance).**
5. **RESOLUTION NO. 2016-83. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to Communities in Schools Program for drug abuse prevention programs. (Chief of Police).**
6. **RESOLUTION NO. 2016-84. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Palmer Drug Abuse Program (PDAP) of Kingsville for drug abuse prevention programs. (Chief of Police).**
7. **RESOLUTION NO. 2016-85. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville for drug and alcohol prevention. (Chief of Police).**
8. **RESOLUTION NO. 2016-86. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention. (Chief of Police).**
9. **RESOLUTION NO. 2016-87. Motion to approve resolution authorizing the City Manager to enter into a Clinical Affiliation Agreement between the Kingsville Fire Department and Halo Flight EMS Training Academy. (Fire Chief).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

10. **Consider award for a new 800 MHz radio system and mobile and portable radios for public safety personnel via HGAC purchasing cooperative, as per staff recommendation. (Chief of Police).**

Ricardo Torres, Chief of Police reported that the budgeted funds in CO's to cover the cost of a new 800 MHz radio system as well as mobile and portable radios for public safety personnel. The request also includes the purchase of portable and mobile radios for use by public safety personnel. Currently the majority of portable radios in use by public safety personnel are the Ma/Com 5200 series radios. These radios are Phase 1 P25 compatible but will reach their end of life in 2018. The majority of these are being replaced with the Harris XG-75PE portable radios. Many of the mobile radios in use by public safety vehicles are not Phase 1 P25 compatible and will need to be replaced with the Harris XG-75M mobile radios. The cost associated with the purchase and installation of the 800MHz radio infrastructure is \$503,461.13. The Police Department will expend an additional \$207,056.40 for portable and mobile radios. The Fire Department will expend an additional \$121,723.70 for portable and mobile radios. The grand total for all associated expenses is estimated at \$832,241.23. The equipment is available via HGAC, so the purchase satisfies state purchasing law.

Chief Torres also made a PowerPoint presentation to the City Commission.

Commissioner Garcia commented that he is concerned for the safety in the County as well.

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

11. **Consider awarding design/build agreement between the City of Kingsville, Texas and Transcend, Inc. d/b/a SPA Skateparks, via TIPS-USA purchasing cooperative. (Director of Purchasing).**

Mr. David Mason, Director of Purchasing, stated that this item authorizes the award of a design/build contract with SPA Skateparks for the construction of skate park in the City of Kingsville. City staff conducted an informal Request for Information (RFI) and interviewed three potential design firms in order to determine the firm that provided the best value to the City of Kingsville. Transcend, Inc. d/b/a SPA Skateparks was determined to be that firm. The design build contract will expend \$275,000 from account 033-5-4503-71223 of which \$300,000 was budgeted. The balance may be used for amenities surrounding the skatepark. Staff recommended that the City award a design/build contract to SPA Skatepark, 1301 Orlando Rd., Austin, TX 78733 under the TIPS-USA contract #2042816.

Commissioner Garcia and Commissioner Pecos commented that this project has been looked for a long time and is a great idea.

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

12. RESOLUTION NO. 2016-88. Consider a resolution authorizing the City Manager to enter into a Design/Build Agreement between the City of Kingsville and Transcend, Inc. d/b/a SPA Skateparks. (Director of Purchasing).

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

Mayor Fugate announced that if there were no objections, he would like to move agenda item number 17 before agenda item number 13. No objections were made.

13. RESOLUTION NO. 2016-89. Consider a resolution authorizing the City Manager to enter into a contract for professional services between the City of Kingsville and SolkaNavaTorno, LLC for Architectural Services for the Municipal Building at 200 E. Kleberg Ave. (RFQ 16-11). (Director of Purchasing).

Mr. Mason reported that this item authorizes a contract for architectural services with SolkaNavaTorno of Corpus Christi for the Kingsville Municipal Building located at 200 E. Kleberg. RFQ 16-11 was advertised and reviewed and at the September 12, 2016 City Commission meeting, the City Commission awarded the proposal to SolkaNavaTorno and authorized staff to negotiate a contract for a fair and reasonable price under the Professional Services Procurement Act. Staff has worked diligently and successfully to finalize a Statement of work and Fee Schedule. This contract will expend \$115,700 from account #054-5-6201-71300 of which \$661,806 is budgeted for renovation.

Commissioner Garcia suggested to add the certificate holder to certificate of insurance forms and submit a copy to Engineers and a copy to Finance.

Mayor Fugate asked if this was for the design of both the first and second floors within the Municipal Building.

Mr. Mason responded that there are no design plans for the second floor but mechanical will be taking into consideration.

Mayor Fugate commented that both department that will be located in the Municipal Building should have more than enough room with the first floor of the building.

Mr. Garza commented that both departments will need their space, therefore the second floor may need to be utilized.

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

14. RESOLUTION NO. 2016-90. Consider a resolution authorizing the City Manager to enter into a contract for professional services between the City of Kingsville and Kimley-Horn and Associates, Inc. for Engineering Services for the south wastewater treatment plant capacity analysis (RFQ 16-14). (Director of Purchasing).

Mr. Mason reported that this item authorizes a contract for WasteWater Treatment Plant Capacity Analysis for the South Treatment Plant with Kimely-Horn. RFQ 16-14 was advertised and reviewed and at the September 26, 2016 City Commission meeting, the City Commission awarded the proposal to Kimely-Horn and authorized staff to negotiate a contract for a fair and reasonable price under the Professional Services Procurement Act. Staff has worked diligently and successfully to finalize a Statement of Work and Fee Schedule. Delivery of final report is within six months of their receipt of Notice to Proceed. This contract will expend \$30,000 dollars from account #051-5-7002-31400 of which \$30,000 is budgeted.

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

15. Consider award for Professional Services (RFP#17-04) for management of Texas Department of Agriculture Community Development Block Grant as per staff recommendation. (Director of Purchasing).

Mr. Mason reported that this item provides staff recommendation for request for proposal (RFP) 17-04 Professional Services related to grant management for the Texas Department of Agriculture Community Development Block Grant. The grants must be managed by a TDA approved firm of which all respondents meet that requirement. RFP Review Committee consisted of Noel Pena, City Commissioner; Charlie Cardenas, City Engineer;

Marco Jimenez, Water Construction, Supervisor; Sharam Santanilla, Capital Projects Manager; William Donnell, Assistant Public Works Director; and David Mason, Purchasing Director. This item does not expend City funds. It is recommended the award for RFP 17-04 Professional Services for management of the TDA CDBG Grant be awarded to GrantWorks, of Austin, TX.

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

16. Consider award for Engineering Services (RFQ#17-03) for Texas Department of Agriculture Community Development Block Grant and authorize staff to negotiate a contract, as per staff recommendation. (Director of Purchasing).

Mr. Mason stated that this items staff recommendation for request for qualification 17-03 Engineering Services related to engineering design for the Texas Department of Agriculture Community Development Block Grant. RFQ Review Committee consisted of Noel Peña, City Commissioner; Charlie Cardenas, City Engineer; Marco Jiménez, Water Construction Supervisor; Sharam Santillan, Capital Projects Manager, William Donnell, Assistant Public Works Director, and David Mason, Purchasing Director. It is recommended the award for RFQ 17-03 Engineering Services for the TDA CDBG grant be awarded to LNV Engineering, the most highly qualified provider based on demonstrated competence and qualifications. Upon successful award of a grant by TDA, staff will negotiate a contract for a fair and reasonable price with LNV Engineering not to exceed the allotted amount. If these negotiations fail, staff will begin negotiating with the next most qualified firm. This item authorizes the award and to negotiate a contract that will be brought back to the City Commission for approval at a future meeting.

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

17. Consider introduction of an ordinance amending the zoning ordinance granting a special use permit to locate a tower to host broadband deployment equipment near the intersection of Caesar Avenue and Wildwood Trails Blvd, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning & Development Services).

Introduction item only.

18. Consider a Chapter 380 Economic Development Agreement with Hobby Lobby Stores, Inc. for the relocation of an 8-inch water line behind their proposed new site. (Director of Planning & Development Services).

Mr. Tom Ginter, Director of Planning & Development Services, stated that two waterlines need to be relocated behind the Southgate Mall due to the expansion of the recessed truck well (loading dock) for Hobby Lobby. Hobby Lobby will be locating a store in the Southgate Mall. While most work is remodeling, they will have to expand the truck well to handle their merchandise. Staff has been working with Hobby Lobby to locate the waterline, dig down to the top of the pipe and get an accurate number as to how much cover there will be on top of the pipe. It is determined that there will be a 12-inch cover over a 6-inch asbestos pipe, which was laid in 1982. Public Works has been involved and has taken everything into account. With the information staff has, it has been determined that for the long term operation of that water line it would be best to relocate them so any damage to the line would be eliminated. The cost of the relocation is on Hobby Lobby but the cost is minimal.

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

19. RESOLUTION NO. 2016-91. Consider a resolution naming the Community Room in the new City Hall the "Helen Kleberg Groves Community Room." (Mayor Fugate).

Mayor Fugate commented that Mrs. Helen Kleberg Groves is instrumental to this building as she spent one million dollars of her own money and two million dollars of her parent's estate to help renovate the new City Hall. It is important that she be remembered for her great efforts to this project.

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

20. Consider out-of-state travel for two Fire Department personnel to Brandon, South Dakota in December 2016 to do final inspection of new fire engine. (Fire Chief).

Mr. Adrian Garcia, Fire Chief, commented that the Kingsville Fire Department is requesting approval to send two Fire Department personnel to conduct a final inspection of a new Fire Engine being assembled in Brandon, SD, sometime within the second through third week of December, 2016. The final construction inspection is a critical aspect of finalizing and accepting a new fire service apparatus before taking it off the production line. This inspection will allow fire service personnel to thoroughly check vital components of the new apparatus and manually examine all equipment for proper operation and functionality. Furthermore, any discrepancies identified can be immediately corrected at the manufacturing plant before accepting and taking delivery of the new apparatus.

Motion made by Commissioner Pecos to approve this out-of-state travel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

21. Consider accepting donation for the Kingsville Volunteer Fire Department. (Director of Finance).

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

22. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to accept and expend a donation to the Volunteer Fire Department. (Director of Finance).

Introduction item.

23. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

24. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate announced both executive sessions and convened the meeting into Executive Session at 7:32 P.M.

Mayor Fugate reconvened the meeting into open session at 7:58 P.M.

25. Consider introduction of an ordinance abandoning an easement for utility purposes in KT&I Co., Block 17, Lot W PT3, 2.14 acres (Between Caesar Blvd. and Carlos Truan Blvd.). (Director of Planning & Development Services).

Introduction item.

26. RESOLUTION NO. 2016-92. Consider resolution authorizing the City Manager to enter into a Commercial Real Estate Listing Agreement Exclusive Right to Sell between the City of Kingsville and Ricki Cunningham (for the City property located at 2211 S. Brahma Blvd., also known as the CARE Building). (City Manager).

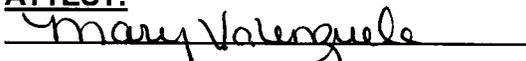
Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:00 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary