

MARCH 28, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 28, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 5:30 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Al Garcia, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Susan Ivy, Parks Manager
Emilio Garcia, Health Director
Robert Rodriguez, Library Director
David Mason, Purchasing Director
Ricardo Torres, Police Chief
Willie Vera, Task Force Commander
Leo Alarcon, Tourism Director
Bill Donnell, Assistant Public Works Director
Tony Verdin, System Specialist
Diana Gonzalez, Human Resources Director
Carol Rogers, Interim Risk Manager
Cynthia Martin, Downtown Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate announced that all five Commission members are present for this meeting. Meeting at this point began with a workshop on Downtown revitalization update at 5:30 P.M.

WORKSHOP: Downtown revitalization update. (City Manager).

Mr. Jesús Garza, City Manager presented a PowerPoint presentation to the City Commission regarding downtown revitalization update. He spoke discussed the ongoing projects and strategies of the downtown area. The downtown pavilion was acquired from HEB Grocery Store in 2013. At that time \$50,000 was allocated for the engineering study, leveling of land, concrete slab and electrical work. At this time pending work left for the Pavilion is rust work & painting and gutters. The next steps are to allocate funding for pending work to the Pavilion. Wayfinding signage, \$50,000 was budgeted in Fiscal Year 2012-2013. It includes 23 signs directing traffic to downtown, King Ranch, TAMUK, Golf Course, Coliseum, and City Hall. The next step for the Wayfinding Signage is to locate a vendor to produce sign and get approval from the Commission. The installation of the signage will be done by Public Works staff. Pump house restoration has been allocated \$300,000 in Fiscal Year 2014-2015. Scope of restoration includes; public restrooms for Pavilion events, display room for Historic Fire Engine, and storage for equipment used during downtown events. The next steps are RFQ for architectural services, which will be done next week, completion of construction documents and competitive bid process for construction. The ADA/sidewalk improvements will be done through a Texas Capital Fund Grant for an amount of \$65,580. Seven ADA compliant ramps, crosswalk and signage will be done through this grant. They will be placed from 8th Street and Kleberg to midblock and Kleberg between 7th and 8th Street. The next step is environmental assessment underway with complete construction specifications. Bid project will be done by end of next month. Downtown vacancy ordinance will prohibit boarded up windows, standard of maintenance and care for properties within the main street boundary. The downtown living ordinance will allow work/live units in the downtown area. This will allow residential living spaces in the 2nd floors within C-3 zoning designations. The next steps for the downtown vacancy ordinances is to publish for a public hearing during the City Commission meeting on March 28th as well as final approval of ordinances. As for the Texas Theater there is a grant with Texas Historical Commission's Town Square Initiative. Feasibility study would consist of market analysis, re-use plan with renderings, operation pro-forma, gap financing recommendation, and review of local development barriers. The next step is to wait for grant notice. There are some future projects staff is looking into such as highway wayfinding, public parking and downtown pedestrian wayfinding. The downtown

vision plan is to have a partnership with UTSA Center for Urban and Regional Planning Research. They will come in and evaluate the streetscape within the district, conduct a SWOT analysis, meet with community stakeholders, develop a three dimensional vision concept model of downtown district, and identify specific projects and actions. The UTSA Center for Urban and Regional Planning Research has done 20 other downtowns in different cities. The City's only contribution is \$5,000, project to be completed by December 31, 2016.

Commissioner Garcia asked what type of material will be used for the making of signage. Mr. Charlie Cardenas, Public Works Director/Engineer, commented that an engineering grade type material of high prismatic sheeting with aluminum backing will be used. This material will last 15 years. Commissioner Garcia further asked that with regards to the bathrooms at the pump house, will they remain open 24 hours. Mr. Garza's response was that, bathrooms will only be opened during downtown events.

REGULAR MEETING RESUMES

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:05 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, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – March 14, 2016

Special Meeting – March 21, 2016

Mayor Fugate called for a motion to approve the minutes of March 14, 2016.

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

Mayor Fugate called for a motion to approve the minutes of March 21, 2016.

Motion made by Commissioner Pena to approve the minutes of March 21, 2016 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

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

1. Public hearing to discuss an ordinance amending the City of Kingsville Code of Ordinances by adopting Chapter XV, Land Use, Article 11, Vacant Buildings and Property; establishing definitions, applicability, and location. (Planning & Development Services Director).

Mayor Fugate announced and opened this public hearing at 6:06 P.M.

Mr. Tom Ginter, Planning & Development Services Director announced that for this public hearing, letters were mailed to property owners regarding the Vacant Building Ordinance. The Vacant Building Ordinance will prohibit the boarding of windows, only if repairs have to be made and only for 30 days. If this ordinance is passed with the current language, those buildings that have boarded up windows now would be in violation and have to take the boards off the windows. The exterior of the properties shall be maintained in good condition. The Director of Planning and Development Services is authorized to administer and enforce the provisions of this article. The Director of Planning and Development Services shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. The Director, at his sole discretion, may also enter into an agreement with a registered property owner to obtain compliance with this article by a date certain. The penalty for a violation of this ordinance is \$200.00 for each offense. A separate offense shall be deemed committed for each and every day or portion thereof during which any violation is committed or continued.

Mayor Fugate asked that for those who are in violation of the ordinance and pay the fine, will they still be responsible for the repairs to the windows. City Manager Garza responded that the violation will be charged per day. If the ordinance is approved during tonight's meeting, those buildings that have boards on at this time will have 90 days to fix the issue before setting out the fine of \$200.00 per day.

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.

Mr. Tony Gonzales, 137 E. County Road 2130, commented that he is in favor of this ordinance. City has spent \$6 million in repairs for the old High School/new City Hall. A few property owners have updated their buildings in the downtown area, so with those buildings that have boarded windows, it makes the downtown area look bad.

Mary Lou Gonzales, 137 E. County Road 2130, commented that her business has been relocated to the downtown area. This ordinance is a positive awareness for the downtown area and is in favor of it.

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 reported that the next City Commission meeting is scheduled for Monday, April 11, 2016. Agenda items for this meeting are due by Friday, April 1st. There is a regularly scheduled meeting set for April 25th, but due to Early Voting beginning on that day, Commission would need to decide whether they would like to cancel that meeting or move it up a week early to April 18th.

Commissioner Pecos announced that April 8th the Vietnam Veterans will be honored during the Meet the Blues Event at the J.K. Northway Coliseum. During that time, the Marine Corp Silent Drill Team will be performing.

Mayor Fugate presented two proclamations to Ben De La Paz and Ramon Bojorn, Jr. for the Eagle Scout award.

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

1. **Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Budget for Fund 033 Co Series 2016 for project and debt issuance costs. (Finance Director).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Budget for Street Maintenance Projects funded by the street maintenance fee. (Finance Director).**

3. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Budget to include a TXDOT refund in CO Series 2011 to be used for City Hall complex improvements. (Finance Director).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 Utility Fund Budget for expenditures for the Texas Department of Agriculture Community Development Block Grant (TXCDBG #7215270) for water system improvements. (Finance Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 General Fund Budget to transfer the Risk Management Department under the Personnel (Human Resources) Department. (City Manager).
6. Motion to approve the reappointments of Dr. Judith Cox and Mrs. Janice Becker to the Library Board for another three (3) year terms each. (Library Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by adopting Chapter XV, Land Use, Article 11, Vacant Buildings and Property; establishing definitions, applicability, and location. (Planning & Development Services Director).

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

8. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 6, Zoning, amending Section 15-6-21 definitions to add dwelling above business and work/live units and revising the definition of mixed use; adopting sections 15-6-29 work/live units and 15-6-30 dwelling above business; and amending Appendix A-Land Use Categories to add dwelling/ above business and work/live units. (Planning & Development Services Director).

Commissioner Leubert asked about parking for residential units. Mr. Ginter commented that this will come at a later time.

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

9. Consider awarding RFQ 16-06 for Parks Master Plan as per staff recommendation. (Purchasing & Technology Director).

Mr. David Mason, Purchasing & Technology Director presented this item. Mason stated that this item provides staff recommendation for RFQ 16-06 Parks Master Plan. The RFQ review committee consisted of Jesús Garza, City Manager; Charlie Cardenas, City Engineer; Susan Ivy, Parks Manager; Tom Ginter, Director of Development Services; Manny Salazar, EDC Director, and David Mason, Purchasing/IT Director serving as a non-voting facilitator.

Mr. Jim Carrillo of Halff and Associates commented that Halff and Associates has been working with communities the size of Kingsville and larger for more than 20 years. The process that will take place for the Parks Master Plan, if approved, is to take inventory of facilities, equipment, creeks and see determine how parks are being used. Halff and Associates will also get feedback from the public.

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

10. Consider a resolution authorizing the City Manager to enter into an Interlocal Participation Agreement between the City of Kingsville, Texas and The Region VIII Education Service Center for The Interlocal Purchasing System (TIPS) Program for all allowable purchases when in the best interest of the City to do so; repealing all conflicting resolutions and providing for an effective date. (Purchasing & Technology Director).

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

11. Consider a resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Kingsville and the University of Texas-San Antonio relating to a Sponsored Research Agreement for the downtown area. (City Manager).

As part of the City's effort to revitalize Downtown into a destination, a specific downtown plan is needed. The University of Texas-San Antonio has an Urban and Regional Planning Research Center which has developed Downtown Vision Plans for many communities in South Texas. This resolution would allow the City of Kingsville to partner with them to develop a plan for our downtown area. The City Commission allocated \$1 Million as part of the 2016 CO Series for Downtown Revitalization. The financial impact to the City is \$5,000 to come from the CO allocation of \$1 Million for Downtown Revitalization.

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

12. Consider a resolution honoring the Coastal Bend Council of Governments on its 50th Anniversary. (City Manager).

Commissioner Garcia commented that he has been a part of this organization for 20 years.

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

13. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the Texas Joint Counterdrug Task Force and the Kingsville Police Department and Specialized Crimes and Narcotics Task Force. (Task Force Commander).

Task Force Commander Willie Vera stated that this item requests the support of National Guard Personnel to assist in intelligence and case support for the Kingsville Task Force and the Kingsville Police Department during the remaining duration of the current fiscal year. The City of Kingsville will not assume any financial responsibility for the assistance provided by the Texas Military Forces Joint Counterdrug Task Force.

Mayor Fugate stated that he has a concern with the military doing police work. This is only for intelligence and case support. Commander Vera responded that his was correct.

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

14. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 Tourism Fund budget for improvements to the downtown pavilion. (Finance Director).

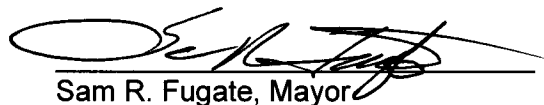
Introduction item.

15. Consider accepting a donation of cement park benches. (City Engineer/Public Works Director).

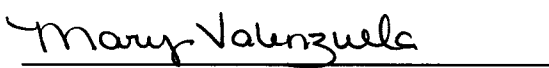
Motion made by Commissioner Pecos to approve the acceptance of donation of cement park benches, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary