

APRIL 18, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 18, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 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  
Diana Gonzalez, Human Resources Director  
Carol Rogers, Interim Risk Manager  
Cynthia Martin, Downtown Manager  
Charlie Cardenas, Public Works Director/Engineer  
Jim DeVisser, Interim Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 P.M. and announced quorum with all five Commission members present.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

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

**MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – April 11, 2016

Mayor Fugate called for a motion to approve the minutes of April 11, 2016.

**Motion made by Commissioner Pena to approve the minutes of March 28, 2016 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: García, Leubert, Pecos, Pena, Fugate voting “FOR”.**

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

1. None.

**III. Reports from Commission & Staff.<sup>2</sup>**

*“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 that the City of Kingsville has been awarded the Outdoor Outreach Grant in the amount of \$44,000.00 with a City match of \$10,000.00.

Mrs. Susan Ivy, Parks Manager reported that this is the third time the Parks System has received this grant. This grant is to assist with the Summer Program and other programs throughout the year.

Mrs. Courtney Alvarez, City Attorney stated that agenda item 7, under the consent agenda, was approved by Commission back in November, 2015. Since the Kingsville Police Department was awarded the money for the body camera, there was also a notification given to the City of additional language that would need to be added to the resolution. Alvarez reported that the next City Commission meeting is scheduled for May 9, 2016 due to Early Voting taking place in the Commission Chambers beginning April 25<sup>th</sup> thru May 3<sup>rd</sup>.

Commissioner Leubert reported on a Spay and Neuter Clinic on April 26<sup>th</sup> at Pet Sense. The clinic is being sponsored by the Catery of Corpus Christi.

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

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

1. **Motion to approve final passage of an ordinance amending the zoning map in reference to Subr Gardens, Block 1, Lot E 47.5 OF 3 also known as 1110 W. King; Subr Gardens, Block 1 also known as 1108 W. King; KT&I CO, Block 9, Lot PT SE/4 7 also known as King; KT&I CO, Block 9, Lot PT SE/4 7, (98X137.1), (EXEMPT) (98X137.1), (EXEMPT) also known as King & University Corner; Brooks, Block 5, Lot 1, 2 also known as 1029 W. Kleberg from C2-Retail District to MU-Mixed Use District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Planning & Development Services Director).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget for traffic safety vests and portable traffic control devices from Municipal Court fees collected to enhance public safety and security. (Finance Director).**
3. **Motion to approve final passage of an ordinance amending Chapter II-Administration, Article 3-Departments, Boards, & Commissions, by adopting Sections 3-3-100 through 3-3-110, providing for creation of a Hotel Occupancy Tax Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (City Manager).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2015-2016 budget for an assessment and master site plan for the J.K. Northway Coliseum. (City Manager).**
5. **Motion to approve re-appointment of Maggie Salinas and Candace Jefferson to the Historical Development Board both for three year terms. (Downtown Manager).**

**6. Motion to approve a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Palmer Drug Abuse Program (PDAP) for drug abuse prevention programs. (Task Force Commander).**

**7. Motion to approve a revised resolution authorizing the City to submit an application to the Office of the Governor Criminal Justice Division for the purpose of requesting grant funding on behalf of the City for the 2015 Body-Worn Camera Program for law enforcement personnel for the Kingsville Police Department with an anticipated cash match. (Chief of Police).**

## **REGULAR AGENDA**

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

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

**8. Consider a resolution authorizing the Mayor to enter into a Professional Services Agreement between Halff Associates, Inc. and the City of Kingsville for a Parks Master Plan. (City Manager).**

Mr. Garza stated that this item authorizes the approval of a contract with Halff Associates for the development of a Parks Master Plan. Halff Associates was selected as the Parks Master Planner by the City Commission on March 28<sup>th</sup> after the completion of a public RFQ Process. The City Commission allocated a total of \$2,250,000 from Certificate of Obligations 2016 Series. A portion of those dollars were specifically allocated for the development of a Parks Master Plan to serve as the guiding plan for overall improvements and enhancements to the Kingsville Park System. The development of an overall Parks Master Plan for the Kingsville Park System along with two specific park concept plans will total \$72,494.

Mr. Christian Lentz of Halff Associates stated that this is an eight month process that can be combined with four basic steps. The first step is initiation and public engagement, which involves request for information from city staff to go ahead and see if the background data that Halff will need to prepare their assessment of the Parks System. Key components of Public Engagement steps are at a new online community survey, which goes into much more detail than the online public survey. The next step would be preparing a level of services assessment. This will show what type of programs Kingsville may have compared to other communities. This is compared to a needs assessment which is taking all the public information that is received through stakeholder interviews, steering committee, and online survey to tie the level of service standards with the priorities that members of our community have identified. All this information is taken and combined in order to prepare the City's recommendations and strategies which will include some specific priority infrastructure in a number of our parks. There is a fifth component for this particular process following adoption which is the conceptual master plan. It is being proposed that two conceptual master plans as part of this particular plan process. A Parks Master Plan also identifies infrastructure improvements and some capital improvements.

Mr. Garza stated that on the conceptual plans, staff has already predetermined one park that will for sure get the conceptual plan, that being Dick Kleberg Park. As for the second Park, that is being left open for now.

Commissioner Garcia asked that with regards to the Community Advisory, he would like for the students of the Micro Society be involved with the process.

Mr. Garza stated that individuals outside the Steering Committee will have the opportunity to voice their ideas for this process. It has been discussed with staff how to put the word out for individuals to state their input for the project.

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

**9. Consider authorizing renewal of the City's Windstorm Coverage for the period of May 1, 2016 through May 1, 2017. (Interim Risk Manager).**

Mrs. Carol Rogers reported that the City's windstorm insurance will be expiring at the end of the month. Victor O. Schinnerer & Company, Inc. has marketed over a dozen carriers to find the City its best option. These options have been reviewed by the Risk Manager and TML and Victor O. Schinnerer and it is their recommendation to go with Option number 1.

Mr. Steven Rincon, TML Representative commented that the original recommendation is substantial ranging to what is going to be covered from what was covered in terms of the 114 locations that were originally scheduled to increasing to 192 locations. This would

meet the City's property schedule that TML has covered. By doing this, it increased the premium by \$3,457. When looking at this in terms of exposure and building value, they are covering \$7.1 million dollars, which is a good rate. While being able to get such a low cost, is because Ametrias is divided into eight different carriers that all share the actual risk, so they are actually carrying \$43,232,823 in actual coverage.

Mayor Fugate asked if there are any municipalities that do not carry wind storm insurance. Mr. Rincon responded not in the Tier 1 or Tier 2 counties.

**Motion made by Commissioner Pena to authorize renewal of the City's Windstorm Coverage for the period of May 1, 2016 through May 1, 2017, seconded by Commissioner Pecos and Commissioner Garcia.**

Commissioner Garcia asked if this insurance included the new City Hall. Mr. Rincon responded that the new City Hall has not been included until the Certificate of Occupancy is received, then it will be added. Commissioner Garcia further asked what the annual premium. Mr. Rincon responded that as of today it will be insured at \$9.45 million with the actual addition being \$32,417.70 for the new City Hall with a \$25,000 deductible for a named storm.

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

**10. Consider final passage of an ordinance amending Chapter VII, Article 8, Section 3-Traffic Control Devices, providing for the authority to place all way stop signs on Armstrong Ave. at Avenue B. (City Engineer/Public Works Director).**

Mayor Fugate asked that agenda item #10 not be considered during tonight's meeting as more information is needed from staff.

Mr. Garza asked what the direction to staff for this particular item is.

Commissioner Leubert commented that when a study is being done, it should take more than one day for the study. This needs more thought process.

Mr. Charlie Cardenas commented that a non-control crosswalk and is a dangerous crosswalk. Eventually this area will need to have a traffic signal.

No action taken.

**11. Consider waiver of building permit fees for HOME Program to assist County with grant cash match. (Planning & Development Services Director).**

Mr. Tom Ginter, Planning & Development Services Director reported that Kleberg County has submitted an application to the Texas Department of Housing and Community Affairs for funding through the HOME Program. The HOME Program which is funded through the U.S. Department of Housing and Urban Development and administered through Texas Department of Housing and Community Affairs helps low income homeowners fund repairs to bring homes into compliance or replace houses when the costs of rehabilitation are more than the limits for repairs. The minimum match is dependent upon the population of the city/county. The three homes under consideration are in the city limits of Kingsville.

Mayor Fugate asked who will be administering this program. Mr. Ginter responded that the program will be administered by Donna Johnson of GrantsWorks.

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

**12. Consider a building permit for 304 E. Alice that was presented to the Historical Board. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager reported that this item is an item that has been approved through the Historical Board to which they recommend approval.

Mayor Fugate commented that he Statue that the city is trying to comply with is vague as to whether or not this has to happen. Fugate commented that this is just another road block for someone that wants to get a permit issued and get their program done. Fugate

stated that he doesn't understand why these items are coming before the Commission if the Historical Board has already voted unanimously to approve the item.

Mrs. Martin commented that it is a matter of the ordinance and the interpretation of the law.

Mayor Fugate commented that this is just another road block, citizens are waiting to get these projects done and the Historical Board has already approved it unanimously, and they have to wait for the City Commission to have a meeting to get the item approved. Fugate further commented that this is frustrating to him, making the citizen wait additional time. He doesn't understand why these items are brought to the Commission when they shouldn't have to.

Mrs. Alvarez commented that staff is being consistent in our current application until such time the ordinance is amended.

Mayor Fugate commented that he disagrees, it is not inconsistent and this is her opinion but he does not agree with Mrs. Alvarez. Fugate further stated that these types of items do not have to come to the City Commission for approval.

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

**13. Consider a building permit for 222 E. Alice that was presented to the Historical Board. (Downtown Manager).**

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

**14. Consider a resolution of the City of Kingsville authorizing the Adopt-a-Park and Adopt-a-Field programs for the Parks Department. (Parks Manager).**

Mrs. Susan Ivy, Parks Manager, commented that the groups interested in the Adopt a Park Program generally want to provide community service and are not asking for any financial gain. However, the employee time saved by the volunteer work done by these organizations is very valuable to the City.

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

**15. Consider a resolution of the City of Kingsville authorizing the Sports Facility Usage Agreement Program for the Parks Department. (Parks Manager).**

Mrs. Susan Ivy stated that the agreement for youth leagues would require shared field maintenance and payment of the electrical usage only for their contract period. They would be allowed to run concessions and pay the usage for the electric bill for the concession stands as well. They would be expected to assist with fundraising for improvements to the athletic facilities and coordinate work days for the facilities.

Commissioner Garcia asked if there were any other types of agreements in place in the past. Mrs. Ivy responded that there were some, but not as detailed as this one.

Mayor Fugate commented that he would have liked to see a provision about not waving any fees.

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

**16. 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).**

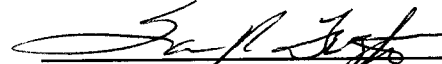
Mayor Fugate announced the Executive Sessions for both agenda item #16 and #17. He further convened the meeting into Executive Session at 6:52 P.M.

Mayor Fugate reconvened the meeting into open session at 7:38 P.M.

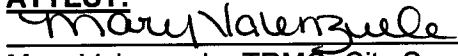
**17. Executive Session: Pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:39 P.M.

  
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Sam R. Fugate, Mayor

**ATTEST:**

  
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Mary Valenzuela, TRMC, City Secretary