

MAY 9, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 9, 2016 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Tom Ginter, Director of Planning & Development Services  
Deborah Balli, Finance Director  
Susan Ivy, Parks Manager  
Emilio Garcia, Health Director  
Ricardo Torres, Police Chief  
Willie Vera, Task Force Commander  
Bill Donnell, Assistant Public Works Director  
Carol Rogers, Risk Managers  
Charlie Sosa, Street Supervisor  
Diana Gonzales, Human Resources Director  
David Mason, Purchasing/IT Director  
Robert Rodriguez, Library Director  
Richard Flores, Golf Course Manager  
Stacie Pena, Accounting Manager  
Jim DeVisser, Interim Fire Chief  
Pete Pina, Landfill Supervisor  
Frank Garcia, Wastewater Supervisor  
David Bodiford, Accounting Supervisor

**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 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)**

None.

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

**1. Public Hearing for alcohol variance for a Wine & Beer Retailer's Off-Premise Permit for the establishment known as Murphy USA #7646, located at 1127 General Cavazos Boulevard, Kingsville, Texas. (Planning & Development Services Director).**

Mayor Fugate announced and opened this public hearing at 6:02 p.m.

Mr. Ginter stated that Murphy Oil is building a walk in store at their gas station located in front of Walmart at 1127 General Cavazos. All required notices have been sent out to those within 300ft of the establishment. No complaints have been received from those who received notice.

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

No comments were made. Mayor Fugate closed this public hearing at 6:04 p.m.

**2. Public Hearing for ordinance amending the zoning ordinance by changing the zoning map in reference to K.T.&I. Co, Block 17, Lot out of 11, 12 (Exempt), 5.85 acres (Exempt), also known as the southeast corner of 14<sup>th</sup> and Ailsie from R1-Single Family to C2-Retail District . (Planning & Development Services Director).**

Mayor Fugate announced and opened this public hearing at 6:04 p.m.

Mr. Ginter stated that the First Christian Church is requesting a rezone on their entire property for two reasons. One being that there is a local veterinarian interested in building

a vet clinic on the vacant ground to the south and Ave. B. The church officials feel that for the long term whether they stay there or not, they believe that having the property zoned as C2 would be better for them if they wanted to sell. The Planning and Zoning Commission has approved this item with a 5-0 vote.

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

No comments were made. Mayor Fugate closed this public hearing at 6:05 p.m.

**3. Public Hearing for preliminary and final plat for North 62 acres of Lot 25 Block 20 Kleberg Town and Improvement Company Subdivision also known as Escondido Ranch, owner S&S Kingsville Construction. (Planning & Development Services Director).**

Mayor Fugate announced and opened this public hearing at 6:05 p.m.

Mr. Ginter reported that since this development is in the Extraterritorial Jurisdiction (ETJ) the City Commission is required to have a public hearing for preliminary and final plats in the ETJ. The plats have been reviewed by the City Engineer the City Planner and Commissioner Roy Cantu. The Planning and Zoning Commission was scheduled to meet on May 4, 2016 but did not meet due to a lack of a quorum. Since letters had already been sent out, it was determined to go ahead and conduct the public hearing for the City Commission.

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

No comments were made. Mayor Fugate closed this public hearing at 6:07 p.m.

**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."*

Mayor Fugate presented three proclamations; Motorcycle Safety; Kids to Park Day; and Historical Preservation Month.

Mr. Garza, City Manager, welcomed the new Commanding Officer of Naval Air Station Kingsville, Capt. Erick A. Spitzer. Capt. Spitzer will be station at NAS Kingsville for three years. Garza further introduced Mr. Richard Flores, Golf Course Manager. Garza further discussed the FY 2015-2016 Second Quarter Investment Report and the Quarterly Budget Report.

Mrs. Deborah Balli, Finance Director received on behalf of the City of Kingsville the Distinguished Budget Presentation Award.

Mrs. Courtney Alvarez, City Attorney, reported that the next Commission meeting is scheduled for May 16<sup>th</sup>, to canvass the election held on May 7<sup>th</sup>.

Commissioner Leubert commented that is has been an honor working with city leaders and staff.

Mayor Fugate commented that he would like to thank those who worked the Election. He further thanked Leubert for her had work during the last four years.

Commissioner Garcia thanked Commissioner Leubert for her service to the community.

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

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

None.

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

1. **Motion to approve the reappointments of Joni B. Harrel and Otis Myers to the City/County Health Board for another three (3) year term each. (Health Director).**
2. **Motion to approve a revised resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Center for Continuing Education at TAMUK for "College for Kids" Program for drug abuse prevention programs. (Task Force Commander).**
3. **Motion to approve out-of-state travel for the Mayor and staff to Washington, D.C. from May 15-17, 2016 on city business. (Mayor Fugate).**
4. **Motion to approve out-of-state travel for three Fire Department personnel to attend Crude by Rail class in Pueblo, Colorado in September or October 2016, with travel expenses paid by UPRR. (Interim Fire Chief).**

### REGULAR AGENDA

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

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

5. **Consider approval of alcohol variance for a Wine & Beer Retailer's Off-Premise Permit for the establishment known as Murphy USA #7646, located at 1127 General Cavazos Boulevard, Kingsville, Texas. (Planning & Development Services Director).**

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

6. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to K.T.&I. Co, Block 17, Lot out of 11, 12 (Exempt), 5.85 acres (Exempt), also known as the southeast corner of 14<sup>th</sup> and Ailsie from R1-Single Family to C2-Retail District. (Planning & Development Services Director).**

Mayor Fugate asked if this would affect their tax status. Mrs. Alvarez responded that this would not affect their tax status as the Appraisal District goes by the land and not the zoning.

Introduction item.

7. **Consider approval of two drive thru windows for a mixed use project at King & University Corner, also known as 1029 W. Kleberg, as per staff and P&Z recommendation. (Planning & Development Services Director).**

Mr. Ginter stated that the mixed use ordinance requires that the Planning and Zoning Commission approve drive through windows in a mixed use project. The Planning and Zoning Commission recommended approval of the request with a 6-0 vote.

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

8. **Consider award for Architectural Services (RFQ 16-07) for the pump house renovation project and for contract negotiation as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason stated that staff advertised for an RFQ in the Kingsville Record on April 6<sup>th</sup> and April 13<sup>th</sup> and also posted on the City of Kingsville website. The city received three respondents which were ranked by the Evaluation Committee by the criteria listed on the RFQ. It is recommended that RFQ 16-07 Architectural Services for Historic Pumphouse be awarded to Killis Almond from San Antonio. The project will expend \$35,000 in design construction documents and administration with some additional expenses in travel and printing.

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

**9. Consider award for bid RFP #16-08 for Wastewater Metal Precipitant, as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason stated that this item provides staff recommendation for Bid 16-08 Wastewater Metal Precipitant. Bid notice was published in the Kingsville Record on April 10<sup>th</sup> and April 17, 2016, as well as being published on the city's website. Two potential vendors submitted proposals by the deadline. It is recommended that Bid 16-08 Wastewater Metal Precipitant be awarded to Kruger/Veolia from Raleigh, NC. This project will expend approximately \$35,000.

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

**10. Consider award for bid RFP #16-09 for Hauling Services for various city departments, as per staff recommendation. (Purchasing & Technology Director).**

Mr. Mason reported that this item was advertised for bids on April 9<sup>th</sup> and April 16, 2016 in the Kingsville Record and posted on the City's website. A total of five potential vendors submitted proposals. While J.S. Trucking appears to be the lowest bidder, they do have an active DOT operating status. In order to limit risk and liability to the City, it is staff recommendation the award be made to the lowest bidder with current DOT operating status, J. Salazar and Son's Trucking, 1325 E. Huisache, Kingsville, TX.

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

**11. Consider a resolution authorizing the Mayor to enter into an Interlocal Agreement between Kleberg County and the City of Kingsville for video magistration equipment at the Kleberg County Jail. (Purchasing & Technology Director).**

Mr. Mason stated that the City would like to install equipment at the County Jail for the video magistration of incarcerated persons in order to reduce the transportation of inmates to Municipal Court.

Commissioner Pecos asked if the City was purchasing this equipment. Mr. Mason responded yes, but could be used by both County and City.

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

**12. Consider approval of the Texas Parks & Wildlife Community Outdoor Outreach Grant contract and acceptance of donations for grant matching funds. (Parks & Recreation Manager).**

Mrs. Ivy stated that funding approved from Texas parks & Wildlife total \$44,410.00. The grants also include matching funds from the Parks budget, Kleberg County, Keep Kingsville Beautiful, and in-kind funding from King Ranch and Kenedy County Agriculture Life Extension Service.

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

**13. Consider accepting donation for Parks Department for pool equipment. (Parks & Recreation Manager).**

Mrs. Ivy stated that a donation in the amount of \$5,499 from the Brookshire Foundation for the purchase of new commercial grade vacuum for the Brookshire Pool.

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

**14. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget to accept and expend donations for the Parks Department for the pool. (Finance Director).**

Introduction item.

15. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget for Landfill expansion that includes Phase II of the landfill permit amendment and the construction and engineering of Sector 4. (Finance Director).

Mrs. Balli stated that the funding for Sector 4 will come from landfill closure funds. This requested budget amendment reduces the Landfill Closure/Post Closure fund balance in the amount of \$2.1 million. With the final permit amendment proposed to be submitted by October 2016, the anticipated TCEQ permit approval date is around October 2017 based on a 12 month review process. Staff recommends approval to proceed with a portion of Section 4 development and the additional funding for the completion of the permit amendment up to TCEQ submittal

Commissioner Garcia asked if staff has considered inflation. Mrs. Balli responded that the \$280,000 that is brought in every year is from customer that comes in. This number was taken from information that was considered today and where we would be in 10 years.

Introduction item.

**16. Consider a resolution of the City of Kingsville, Texas finding that AEP Texas Central Company's application for approval of a distribution cost recovery factor to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which the resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).**

Mrs. Alvarez commented that the City has participated with the Cities Served by AEP TCC in prior rate case and cost recovery filings. AEP TCC pays for the cost of the review of their request, so there is no out of pocket cost to the City. As there is no individual or agency that reviews the rate cases and recovery requests on behalf of the affected parties/citizens, the legislature has given the cities authority to do so with the utility company paying for the expenses involved in the review.

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

**17. Consider introduction of an ordinance amending the Fiscal Year 2015-2016 budget for the Texas Parks & Wildlife Community Outdoor Outreach Grant and to accept and expend donations for the Parks Department. (Finance Director).**

Introduction item.

**18. 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).**

**19. 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).**

Mayor Fugate announced the Executive Sessions for both agenda item #18 and #19. He further convened the meeting into Executive Session at 7:08 P.M.

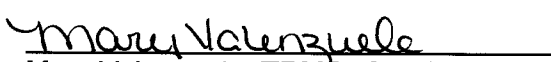
Mayor Fugate reconvened the meeting into open session at 7:48 P.M.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:48 p.m.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, City Secretary