

OCTOBER 23, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 23, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSIN ABSENT:

Noel Pena, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Sharam Santillan, Capital Projects Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Nora Martinez, Administrative Assistant
Derek Williams, Systems Specialist
David Solis, Risk Manager
Bill Donnell, Public Works Director
Charlie Sosa, Purchasing Manager
Ricardo Torres, Police Chief
Adrian Garcia, Fire Chief
Susan Ivy, Parks Manager
Deborah Balli, Finance Director
Leo Alarcon, Tourism Director
Israel Vasquez, Facility Maintenance Manager
Roel Cavazos, Fire Marshall
Cynthia Martin, Downtown Manager

I. Preliminary Proceedings.**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Pena absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting - October 9, 2017

Motion made by Commissioner Lopez to approve the October 9, 2017 minutes as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Lopez, Garcia, Fugate voting "FOR". Pecos "ABSTAINED".

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

None.

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, Utilities Billing Update; Police-Communications Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water

And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mrs. Alvarez reported that the next City Commission meeting is scheduled for Monday, November 13, 2017; agenda items for this meeting are due by Friday, November 3, 2017. Alvarez also reported that the City of Kingsville will be hosting its Annual Safe Trick-or-Treat Festival on Friday, October 27, 2017 from 4:00 P.M. to 6:00 P.M. in the 200 and 300 block of Kleberg Ave. She also stated that the Ranch Hand Festival will take place on November. The Skatepark ribbon cutting ceremony took place this past Friday, October 20th which was well attended.

Mrs. Alvarez presented the September Employee of the Month to Ms. Nora Martinez, Parks & Recreation Department Administrative Assistant.

IV. Public Comment on Agenda Items.³

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

No comments were 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 Lopez and Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Fugate voting "FOR".

1. **Motion to approve final passage of an ordinance amending Chapter XV, Article 6-Zoning, amending Appendix A-Land Use Categories to add Mobile Food Vendor and Mobile Food Court. (Director of Planning & Development Services).**
2. **Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2017. (City Attorney).**
3. **Motion to approve a resolution of the City of Kingsville 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 programs. (Chief of Police).**
4. **Motion to approve a resolution of the City of Kingsville 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).**
5. **Motion to approve a resolution recognizing the importance of Municipal Courts, the Rule of Law, and the fair and impartial administration of justice in recognition of Municipal Court Week November 6-10, 2017. (City Attorney).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 7, Food Sales and Food Establishments, Sections 17 & 99 on permit provisions and penalty be modified and Sections 20-25 be added to provide for Mobile Food Unit, Mobile Food Establishment, and Push Car Regulations. (Health Director).**

Mr. Tom Ginter, Director of Planning & Development Services reported that the following changes that will be mentioned, come from the Planning & Zoning Commission. The recommendations they are making relay to the length of time that a

food truck will stay in one spot. The general opinion of the Planning & Zoning Commission is that they should be mobile. By not being mobile can give them an unfair advantage compare to a restaurant, which is the basic logic that the Planning & Zoning Commission used. Ginter further mentioned the recommendations from the Planning & Zoning Commission; under definitions of the ordinance, Section 11-7-20 (D)(d), will include language that says, Mobile food establishment: a self-contained motorized unit or a unit which is pulled by a motorized unit, which is stationary at a location for no more than twelve month (12) months. This would mean that they would have to move after 12 months. Ginter stated that the other changes is 11-7-22 (6), Mobile food units, mobile food establishments, or push cart vendors may be temporarily stopped on private property if: (1) that property is properly zoned, and (2) they have written notarized permission of the property owner to be on the property for that purpose. Ginter further stated that deleting the language that refers to access to sewer and water, which will lend itself to be a permanent location if that had access because of that investment and their opinion is that they should be mobile. Section 11-7-22 (16), Mobile Food Units and Mobile Food Establishments may not be in a stationary location for more than 12 months; which is the same logic as before. Ginter also stated the final one is that they really prefer that, for mobile food units, do not have seating, as it would lend itself to be permanent.

Mayor Fugate asked about having benches.

Mr. Ginter stated that this was discussed at the Planning & Zoning Commission meeting that they didn't have an issue with people waiting in line and sit down, they just didn't want them to sit there and eat. Ginter further stated that the City Attorney has assisted them by adding item 21 to the ordinance, which states, Mobile Food Units may not utilize customer seating unless located at an approved Food Court and subject to the Court's conditions therein.

Commissioner Lopez asked that with regards to the seating, who will be going out there to make sure they are in compliance to the ordinance?

Mr. Ginter responded that this will be a hard thing to do, as his inspectors are already over whelmed with other inspections.

Mayor Fugate commented that this would probably be the Health Department's responsibility.

Commissioner Garcia commented that if the permit was for twelve months in one location, with some of these mobile food units placing themselves in one spot and like the location they are in, they will move to different location for one day, then make their move back to the prior location, will that account for being mobile.

Mr. Ginter commented that his was discussed in the Planning & Zoning meeting, and this is correct. The mobile food unit can move five feet over from the original location, will that be considered mobile. The general impression and recommendation was to try and keep them mobile as much as possible.

Mayor Fugate asked if staff received any input from the vendors.

Mr. Ginter responded that he hasn't received any input from the vendors.

Mrs. Alvarez commented that when the Commission makes their motion on this item, if they choose to approve, staff would need to know whether the Commission wants to approve the one that was introduced at the prior meeting, which is in the Commission packet or if they would like to approve the one that contains the recommendations by the Planning & Zoning Commission.

Commissioner Garcia asked that the one that was presented today, is the one with the amendments recommended by the Planning & Zoning Commission?

Mr. Ginter responded that this was correct.

Motion made by Commissioner Garcia to approve this ordinance with the amendments that were recommended by the Planning & Zoning Commission, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pecos, Fugate voting "FOR".

7. Consider out of state travel for the Finance Director and Accounting Manager to attend the GFOA conference in St. Louis, Missouri, May 6-9, 2018. (Finance Director).

Mrs. Deborah Balli, Finance Director commented that this item would authorize out of state travel for the Finance Director and Accounting Manager to attend the GFOA Conference in St. Louis, Missouri.

Motion made by Commissioner Garcia to approve this out of stated travel for the Finance Director and Accounting Manager to attend the GFOA Conference in St. Louis Missouri, seconded by Commissioner Lopez and Commissioner Pecos.

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


8. Consider authorizing the purchase of four SUVs for the Police Department via BuyBoard, as per staff recommendation. (Chief of Police).

Mr. Ricardo Torres, Chief of Police reported that this item is for the purchase of four 2018 Chevy Tahoe's Police Package vehicles from Caldwell Country Chevrolet from, Texas using Buyboard. In the current budget, it was budgeted to purchase five Ford Expeditions originally. Ford Expeditions have a small back seat area, which would make it difficult if a larger person is to be placed in the back area of the vehicle. It is now being recommended to purchase the four Chevy Tahoes which has more space in the back seat area. These vehicles will replace police vehicles that have been or will be removed from service. Total expenditures will be \$127,280.00, which will be coming out of Chapter 59 Funds. Staff request approval for the proposed expenditures from Caldwell Country Chevrolet of Caldwell, Texas.

Motion made by Commissioner Pecos to authorize the purchase of four Chevy Tahoes, seconded by Commissioner Lopez and Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Fugate voting "FOR".

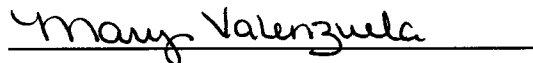
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:20 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, City Secretary