

MARCH 13, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 13, 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
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
Diana Gonzales, Human Resources Director
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Kyle Benson, IT Manager
Susan Ivy, Parks Manager
Sharam Santillan, Capital Projects Manager
Robert Rodriguez, Library Director
David Solis, Risk Manager
Cynthia Martin, Downtown Manager
Ricardo Torres, Chief of Police
Bill Donnell, Asst. Public Works Director
Derrick Williams, Systems Specialist
Pete Pina, Landfill Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. 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 – February 13, 2017

Regular Meeting – February 27, 2017

Motion made by Commissioner Lopez and Commissioner Pena to approve the minutes of February 13, 2017 and February 27, 2017, seconded by 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 for an alcohol variance for a Wine and Beer Retailer’s Permit and Retail Dealer’s On-Premise Late Hours License for an establishment known as Hoggies Sports Bar, located at 1206 N. 6th Street, Kingsville, Texas. (Director of Planning and Development Services).

Mayor Fugate announced the Public Hearing at 6:01 P.M.

Mayor Fugate asked what was the previous establishment that was located at this property.

Mr. Tom Ginter, Director of Planning and Development Services responded that this use to be called Colors Bar. Reason for variance is change of ownership.

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

There being no further comments, Mayor Fugate closed this public hearing at 6:02 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, Utilities Billing 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, 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. Garza commented to the City Commission that staff has purchased a new podium that is ADA accessible. Garza also announced that the Fire Department will be having a ceremony for the new Fire Truck and Ambulance on March 27th at 5:00 P.M.

Mrs. Courtney Alvarez, City Attorney, announced that the next meeting is scheduled for March 20th. This meeting is a special meeting and will begin at 6:00 P.M. The next regular meeting is scheduled for March 27th. Deadline for items to be placed on this agenda is Friday, March 17th. Alvarez also announced that the next scheduled Trash Off Day is set for April 8th.

IV. Public Comment on Agenda Items.³

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

No public 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 Pena to approve the consent agenda as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting “FOR”.

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2016-2017 budget to include Lexipol subscriptions service for the Kingsville Police Department out of Ch. 59 Seizure Funds. (Director of Finance).

2. Motion to approve a resolution authorizing the City of Kingsville to continue participation in the Texas Main Street Program, authorizing the Mayor to execute the Texas Main Street Locally Designated Program 2017 Contract, and designating Downtown Manager Cynthia Martin as the Main Street Program Manager for the City of Kingsville to coordinate program activities. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider an alcohol variance for a Wine and Beer Retailer’s Permit and Retail Dealer’s On-Premise Late Hours License for an establishment known as Hoggies Sports Bar, located at 1206 N. 6th Street, Kingsville, Texas. (Director of Planning and Development Services).

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

4. Consider introduction of an ordinance amending Chapter III, Article 7-Personnel Policies, Section 1-Classification and Compensation Plan to reclassify and rename

a certain position within the exempt schedule of the Fiscal Year 2016-2017 City of Kingsville Classification and Compensation Plan. (City Manager).

Mr. Garza requested that this item be heard at the end of the agenda, as staff is working on some information he has requested.

No objections were made. This item will be heard at the end of the agenda, prior to the Executive Session.

Mr. Garza commented that a couple of weeks ago he made a reorganization announcement that impacted a few positions. He briefly recapped the Commission on some of the changes. There is a vacancy due to a departure in the Sanitation Supervisor, so the reorganization consolidates the Sanitation Supervisor duties with the Landfill Supervisor duties but did not require any changes to the compensation plan as it is on a testing basis for the rest of the fiscal year. If this reorganization works out, there will be proposal to change that supervisors position to Solid Waste Supervisor position which the Interim Landfill Supervisor will be receiving a stipend through the end of the fiscal year. If the change works out, staff will reassess the compensation within the new budget. With this reorganization of the Sanitation Supervisor, it could potentially save the city close to \$60,000 per year. Also with the departure of the Purchasing Director, Garza is interested in reorganizing the structure to have the Purchasing individual to report directly to the Finance Director. The change to the compensation plan reduces the Purchasing position several classes down and places it at a level with other managers. This change also produces a savings of \$10,000 to \$15,000 per year. Garza then showed a worksheet showing the Director positions that the city has had through the last several years and what the impact would be with some of the potential changes being proposed. For the Director positions, the last several years it has been at 12 positions and four-five years from now it was at 11 positions. With the potential proposal of changing the Purchasing Director position, it brings the number of Directors to 11 which is the same number of Director positions that we had in 2014. As for the City Manager Reports, it shows that in 2015, when he started as City Manager, there were 16 positions that reported to the City Manager including Director position as well as some manager positions. In the last year and a half, it has been a conscious effort, on his part, to reorganize the organization to lessen the number that have direct report to the City Manager. With these proposed changes, it will help with accountability and productivity. Under the Leadership Team, that percentage has jumped from 10.9% to 11.4% as some manager positions were added.

Commissioner Garcia asked if it was the intention for staff to call the Parks & Rec Manager position instead of Parks & Recreation Manager.

Mr. Garza responded that this is how it was changed in the Comp Plan. This will be looked at later once the new budget process begins.

Introduction item.

5. Consider authorizing change order #1 for the Brookshire Pool PVC Liner Project, per staff recommendation. (Capital Improvements Manager).

Mr. Sharam Santillan, Capital Improvements Manager, reported that this item authorizes the approval of a change order to the Brookshire Pool PVC Liner project that removes the installation of the RecDeck Recreational Flooring over the pool coping from the project scope. On January 23, 2017, the City of Kingsville awarded the Brookshire Pool PVC Membrane Liner and RecDeck Recreational Flooring contract to Renosys in the amount of \$61,740.00 The project consists of the installation of a PVC membrane liner over the main pool and the installation of the RecDeck Recreation Flooring over the coping stone of the pool. Upon beginning the project, Renosys noted coping repair work that was beyond their expertise to perform needed to be done prior to the flooring being installed. This led staff to get quotes from outside vendors for repair of the coping. Upon receipt of the scope of work needed for the coping, staff performed a cost-benefit analysis that showed that it was more prudent to replace all the coping than to repair some and have the vendor install the flooring over it. The financial impact is a reduction of \$6,550.00 for a total revised project price of \$55,190.00.

Mayor Fugate asked why this wasn't done in the first place especially if the city is saving \$6,000.

Mr. Garza responded that there is a savings of \$6,000 from this contract but not necessarily total project cost. This price is with this specific contract. Separately now the city will pay to replace the coping which will be done by a different company with a different contract. Staff is working on getting quotes from the different companies for the replacement of the coping. This amount ranges from \$10,000 to \$13,000. This will be a more expensive option by replacing the coping. The item on the agenda today is solely for the contract for that company.

Mayor Fugate asked if it is staffs intention to open the pool early this year.

Mr. Garza commented that it is staffs goal to open the pool in April. No date has been finalized yet.

Motion made by Commissioner Pena to authorize change order #1 for the Brookshire Pool PVC Liner Project, per staff recommendation, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

6. Consider a resolution authorizing staff to proceed with placing for sale the City's 11.013 acres of land located off US HWY 77 Business/Loop 428 at KT&I Co., Block 18, Lot Pt, 10 in Kingsville, Texas. (City Manager).

Mr. Garza stated that this property is off Loop 428. This property is currently zoned residential. Staff is asking for Commission approval to proceed with the sale of the property. There is still a need to have a separate action item which will come to the City Commission for approval at a future meeting where the city would be entering a broker agreement, which is like the process that took place for the Care Building. If Commission approves this item tonight, staff will consider their options on considering a broker or if the city is going to independently appraise the property. Garza commented that this is an overall effort to evaluating city owned property and evaluate the pros and cons of owning property. This is a property that the city has owned for a very long time and we don't foresee the city occupying the property for specific use so staff wants to propose selling it and getting off the city's books and back on the tax roll.

Mayor Fugate commented that he is sure staff has considered this and feels that the city will not have a need for this building in the future.

Mr. Garza commented that the only growth would be for a third Fire Station which has been discussed in the past. In conversations with staff and the Fire Chief, when the city proceeds with building a third Fire Station it would probably be located closer to General Cavazos area as oppose to Loop 428. This property is 11 acres and a Fire Station would not require the eleven acres.

Commissioner Garcia asked if there is a possibility of an exchange/swap of property with someone else at a better location.

Mr. Garza responded that staff has not considered a swap and is not sure if this is something that could be done legally as the city owns the property and certain legal steps must be taken to sale the property.

Mrs. Alvarez commented that there are certain exceptions to the statutory requirement to dispose of the property via sealed bids, auction or through a bidder. This would be dependent on the facts situation as to whether one of those exceptions would be met.

Mayor Fugate commented that if memory serves him right and not sure exactly how it happened he thinks that this is how the City of Kingsville go this property, through a swap.

Commissioner Pena commented that if we had a specific purpose for a swap it would make sense.

Mr. Garza commented that the city is not in the position where we have the resources to need another piece of property or the resources to build a third Fire Station. From a staff's perspective, in that part of town it's the only additional building that would come. Garza stated that he is aware that there has been conversation about a Municipal Building by the Kingsville Police Department, but in terms on that side of the city, the only conversation that staff is aware of for an additional building or property would be for a third Fire Station, which the city is nowhere near to be able to do that.

Mayor Fugate commented that the city has other properties that are available to the City, which are properties that the city owns.

Motion made by Commissioner Pecos to authorize staff to proceed with placing for sale the City's 11.013 acres of land located off US HWY 77 Business/Loop 428 at KT&I Co., Block 18, Lot Pt, 10 in Kingsville, Texas, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

7. Consider a resolution accepting funding from the Texas Historical Commission for FY2017 Certified Local Government Grant Award for a National Register Nomination for Downtown, authorizing the Mayor to be the Authorized Official and the Historic Preservation Officer to act on the City's behalf with such grant as the project manager. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager, state that this item requests the City to accept funding from the Texas Historical Commission for a FY 2017 Certified Local Government

Grant award for a National Register Nomination for downtown authorizing the Mayor to be the authorized official and the Historic Preservation Office to act on the City's behalf with such grant as the Project Manager. The primary purpose of designation is to provide a valuable economic development tool for historic downtown properties. Owning a commercial historic building in a National Register District provides the owner the opportunity to receive investment tax credits for a certified rehabilitation on the both the Federal and state levels. It also provides the owner the opportunity to apply for certain grants for restoration/rehabilitation dependent on funding.

Motion a made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos.

Mayor Fugate asked if the new City Hall building was on the national register. Mrs. Martin responded yes. Fugate further asked how big this area was going to be. Mrs. Martin state that it wasn't that large of an area, not the entire downtown area. Mayor Fugate commented that this is a good idea and after working on this building (City Hall) it does constraint the property owner and how they make any changes to their own building. Fugate asked if this was going to make it harder for the property owner as it is already.

Mrs. Martin commented that it shouldn't make that much of a difference.

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

8. Consider a resolution authorizing the City to submit an application to the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program for the State of Texas requesting grant funding for law enforcement equipment and technology improvement projects on behalf of the Kingsville Police Department with no anticipated cash match. (Chief of Police).

Mr. Ricardo Torres, Chief of Police, commented that this is for four desktop consoles for the dispatchers which are ADA compliant. These desks have the ease of access and are ergonomically built with access to various climate controls and mobility functions. The four desk will cost \$64,000. This grant does not require any cash match.

Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Lopez and Commissioner Garcia.

Commissioner Pena commented that he appreciates Chief Torres for looking out for these types of grants.

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

9. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to include the purchase and installation of a 4th Emergency Warning Siren. (Chief of Police).

Chief Torres stated last week there was a failure of two sirens. Staff has contacted the storm siren engineers and some adjustments were made to the sirens so that they won't fail again. Torres stated that a certain group met to see where would be a good location for the fourth siren. It was decided that near the Border Patrol Station would be the best area for the fourth siren. This did leave a hole in the city but after doing some decimal testing, this would be best for the siren. After the fourth siren is in place, testing will take place to be sure there is not a need for an additional siren.

Mr. Garza commented that this stems from feedback that was received from residence after the May 31, 2016 storm. These residences live on the East side of the highway and were not able to hear the siren, especially with vehicular noise coming from the highway.

Commissioner Lopez stated that she received several calls from citizens stating that they are not able to hear the siren from within their home.

Mr. Garza commented that these sirens are not designed to be heard from the inside of a home. It is pretty much meant to be heard by those who are outside to pretty much tell you to go inside. Unless you live near a siren, then it will be heard inside.

Mayor Fugate commented that it is not fair to judge this with the storm that occurred on May 31, 2016. That was an unusual storm as there was no prediction of bad weather coming in.

Introduction item.

10. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to include Special Events Overtime for the Kingsville Police & Fire Departments. (Finance Director).

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to increase the Equipment Rental and Equipment Maintenance Budgets for the landfill. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, City Engineer/Public Works Director, stated that this is for the extended rental of a dozer and the repairs to the scraper were unforeseen and not expected during this budget process. This equipment is necessary for daily operations.

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 budget to increase the contribution for the Kleberg County Airport Grant cash match. (Director of Finance).

Mr. Garza commented that the city had already budgeted around \$3,600 in this year's budget. After receiving an additional request for an additional \$2,400 for a total of \$6,000. The additional funds would come from the Economic Development Fund that was set up this year. Garza further commented that the improvements made to the Airport will impact the city from an economic development standpoint. Staff received document from the State of Texas who is managing the grant and shows confirmation that show that the difference is what it is at this point.

Introduction item.

Now, Mayor Fugate returned to agenda item #4.

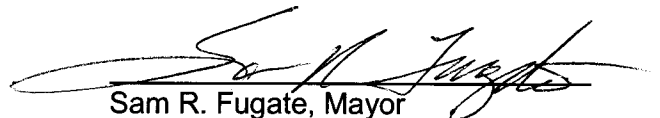
13. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental 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 session and convened the meeting into closed session at 6:38 P.M.

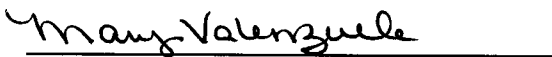
This executive Session ended at 7:01 P.M

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:02 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary