

JUNE 12, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 12 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
Charlie Cardenas, Public Works Director/Engineer
Kyle Benson, IT Manager
Sharam Santillan, Capital Projects Manager
Cynthia Martin, Downtown Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Leo Alarcon, Tourism Director
Derek Williams, Systems Specialist
Robert Rodriguez, Library Director
David Solis, Risk Manager
Bill Donnell, Asst. Public Works Director
Deborah Balli, Finance Director
Charlie Sosa, Purchasing Manager
Susan Ivy, Parks Manager
Pete Pina, Landfill Supervisor
Ricardo Torres, Chief of Police

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 – May 25, 2017

Motion made by Commissioner Pena to approve the minutes of May 25, 2017, seconded by Commissioner Garcia. 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. 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 & 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, 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.”

City Manager, Jesús Garza announced that Mr. Charlie Cardenas, City Engineer/Public Works Director will be resigning from his position effective June 30th. Mr. Cardenas will go and work for the City of Corpus Christi beginning on July 3rd. Garza thanked Mr. Cardenas for all his hard work and dedication he has given to our City. Mr. Garza further reported that the abatement for the gymnasium building is ongoing. The abatement project will take several days before starting the demolition of the building which will not take longer than 30 days for this site to be cleared. The completion of the Cottage Building is about 99% complete with staff moving in at the end of this week with the anticipation of beginning the operations out of this building by the end of next week. Garza commented that for tonight's meeting, there is an item for an agreement with the Greater Area Economic Development Council. This agreement is for office space for the Economic Development Director which will begin July 1st. Mr. Garza at this time asked for Mr. Jason Alfaro, Parks & Recreation Director to give the Commission an update on the on goings at the Parks.

Mr. Jason Alfaro reported that projects at the Brookshire Pool have been completed for the most part. Some of the improvements to the pool include shade structures, pool liner, new diving board, and have begun the placement of WiFi at the pool. Alfaro reported that the Parks Department hosted a movie night and had over 200 attendees at this event. Mr. Alfaro handed out a site plan of the skate park which is proposed to be near the Brookshire Park.

Mr. Garza commented that the skate park is on schedule which has a projected date of completion in Fall 2017. The final design will be completed in the next two weeks with construction to follow. Staff is working on a more comprehensive plan for this park, it will include playground equipment and a trail around the park. The improvements to this park and the Brookshire Pool have brought in some positive feedback from the community. Garza reported that several years ago, the city funded Water Well 25, which is in the northern part of the city, was completed in the Fall. It has been taking several months to get this well in operation but as of now it is operating live. He reported that the endpoints for the water meters, since last discussed, there were 600 that needed to be replaced, as of now there are 300 that need replacement.

Commissioner Pecos asked that with regards to the skate park, is the concept of the skate park to allow kids to have competitions or other events on the weekend.

Mr. Garza responded that the design concepts that are in the skate park are intended for a skate park. It can be used for skate competition, but there are different elements such as bigger bowls and other elements that may be needed to have a skate competition that may not be there due to trying to be cost effective.

Commissioner Lopez asked about the mowing of Caesars ditch and will it ever be done.

Mr. Garza responded that he hopes to but it is a very manual labor process to do it, and not sure if a mower can get in there to mow it, but staff will try to tackle it as best as they can.

Commissioner Lopez commented that she had seen city staff cleaning the edges of the ditch, but the middle still needs some work.

Mr. Cardenas commented that the Caesar ditch is very dangerous to mow. Some of the work that is being done is being done by a weed eater.

Commissioner Lopez commented that the ditch is also eroding. Mr. Cardenas commented that vegetation helps with the erosion. Commissioner Lopez commented that vegetation will not allow for the water to drain properly which then floods into the neighborhoods.

City Attorney, Courtney Alvarez, reported that the next City Commission meeting is scheduled for Monday, June 26, 2017. Deadline to submit agenda items for this meeting is Friday, June 16, 2017.

The City Commission thanked Mr. Cardenas for his dedication and hard work to the City of Kingsville.

Mayor Fugate announced that the Legislature has called a special session that will begin July 18th. He further commented that House Bill 277, regarding the protection of our air base was approved and signed by the Governor. This bill requires a 25 mile radius around our air bases which does not allow windfarms to ask the State for any State money to help develop those farms which goes a long way in protecting our bases. Fugate further commented that the next move is to go to the Federal level and work on tax credits and have the same type of moratorium around the air bases where they can't receive tax

credits for air bases. Mayor Fugate further announced that this year, Naval Air Station-Kingsville will be celebrating its 75th Birthday. There will be several events the weekend of June 30th.

IV. Public Comment on Agenda Items.³

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

Lance Hamm, 912 South Creek, made the following comments. I again come to this Commission to talk about road safety at the US77/FM1717 intersection. At previous City Commission meetings, in emails, & in a sit-down meeting with TxDOT, I have asked for your support. I have asked for your help. I have asked for your action...to save a life on our deadly highway. It's been 2 months since my initial email that ended with: PLEASE HELP ME SAVE A LIFE! All caps with an exclamation mark... and today... again... I see nothing on the agenda about saving a life of a Kingsville area resident. 1) We see your priorities; 2) We see the City Ordinance that calls for a 55 mph speed limit on US77; 3) We see the City & County Commission Resolutions requesting TxDOT for a 55 mph speed limit on US77; 4) We ENDURE THE BURDEN of the crashes, the property loss, the injuries, & the deaths at the US77/FM1717 intersection; 5) We ENDURE THE BURDEN of the obvious TxDOT engineering flaws at this intersection including NB L/R turn lane distances of 145 feet, only 17% of that distance which is meant to be a safe decel/accel lane distance by the TxDOT manual that states 865 feet is required to be safe; 6) We have had to ENDURE, in the past, a known unsafe TxDOT engineered merge lane on southbound US77 at King Avenue where a local 52 year-old man was sadly killed on a motorcycle; 7) We have had to ENDURE, in the past, over 30 road deaths on US77 since the bypass was first constructed many years ago. Mr. Hamm continued to comment that he is positive that we can accurately state that: 1) US77 Bypass... is a failure; 2) Fast speed limits & the associated TxDOT reliance on the 85th Percentile Rule for at-grade intersections on US77... is a failure; 3) TxDOT's safety oversight of US77 and especially its priority to construct the King Ranch private-farm-equipment overpass prior to constructing the overpass at the 5-time deadly crash site of US77/FM1717... is a failure. Hamm stated that he is positive we can accurately state that it would be a monumental failure for this Commission to not act quickly. He further commented that he respectfully request, again, that the Kingsville City Commission act quickly to accomplish two road safety issues at the US77/FM1717 intersection: 1) Request a 55 mph speed limit Minute-Order from the Texas Transportation Commission, and 2) Ensure TxDOT immediately complies with all best-practice engineering safety standards, especially by-the-book distances for safe accel/decel turn/merge lanes. Mr. Hamm commented, Act quickly to get that done, and I think YOU will save a life.

Larry Garcia 103 W. Sage Road, commented that he is against the request for a rezone of 221 W. Sage Road from residential to agriculture. He further commented that an ordinance that was put in place back in 1962, section 9-3-3, stating that animals were not allowed in city limits, therefore we must enforce that ordinance. He further commented that he resides at this address because Mr. Schoech painted this pretty picture of all these houses behind their houses, and now he sold the property. He request that the City Commission not approve the rezone.

Noelia Chapa, 313 W. Sage Road, commented that she has lived in this area for 12 years. Chapa stated that there was a misunderstanding when Mr. Schoech sold her the land and maybe Mrs. Avalos had a misunderstanding herself, but the thing is that this property is under single dwelling which is what is stated in their contracts. She is also against the rezone from residential to agriculture.

John Guerrero, 321 W. Sage Road, commented that he wants this property to stay residential. He further commented that property values are higher when it is zoned residential. When he first moved into the area, there wasn't many homes, now there are more homes being built within the area. He commented that he doesn't have anything against their neighbors or the animals, as he himself has animals in his property for the livestock show, but he does have an issue with the animal pens being built close to his fence/property line. He stated that there are 30 acres and doesn't understand why it couldn't have been pushed back. He further commented that he would like for the property to be kept as residential-1.

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 appoint Lance Hancock to the Hotel Occupancy Tax Fund Advisory Board for the unexpired portion of a 2-year term due to Toni Nagel-Mason's resignation. (Tourism Director).**
2. **Motion to approve accepting donation of equipment, Cellebrite's UFED Touch Ultimate SW, from the Kleberg/Kenedy County District Attorney for the Kingsville Police Department. (Chief of Police).**
3. **Motion to approve a resolution of the City of Kingsville, Texas approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor, hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals, finding that the meeting at which this resolution is passed is open to the public as required by law, requiring notice of this resolution to legal counsel. (City Attorney).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

4. **Consider final passage of an ordinance amending the zoning ordinance by changing the zoning in reference to KT&I Co., Block 7, Lot W/23, Pt 4, 31.55 acres, also known as area behind 221 W. Sage Road from R1-Single Family to AG-Agriculture District, applicant Victoria Avalos. (Director of Planning and Development Services).**

Mayor Fugate asked that if there weren't any objections from the City Commission, he would like to take no action on this item at this time as there are some matters he would like to discuss with the City Attorney and some fact issue he would like to visit with. No objections were made by the Commission.

No action taken.

5. **Consider a resolution authorizing the Mayor to execute a Real Estate Lease Agreement between the City of Kingsville and the Kingsville Greater Area Economic Development Council. (City Manager).**

Mr. Jesús Garza, City Manager reported that this item is for a real estate agreement between the City and the Greater Area Kingsville Economic Development Council for office space at the Cottage Building. The tenant shall pay a monthly lease payment of \$600.00 per month equally an annual lease payment totaling \$7,200. This money will assist with the utilities of the building. A security deposit of \$250 is to be paid on or before move-in. The lease term shall be for three years and shall commence on July 1, 2017 through June 30, 2020. The lease will automatically renew for one year renewal terms each year after the initial term, for a maximum total of five years.

Motion made by Commissioner Pena to approve this resolution authorizing the Mayor to execute a Real Estate Lease agreement between the City of Kingsville and the Kingsville Greater Area Economic Development Council, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

6. **Consider a resolution authorizing the City Manager to execute a Facility Use Agreement between the City of Kingsville and the American Red Cross. (Fire Chief).**

Mr. Garza reported that this agreement would allow the American Red Cross to use the JK Northway for post event shelter. This is a shelter that will only be activated upon by the City and manned by the American Red Cross, it will provide all the insurance requirements once they occupy the space. There is no cost to the City in terms of upfront expense. They have already done this with the County where the American Red Cross took over one of the Domes which is located at the High School. Garza commented again that this is strictly for post event and not a shelter that citizens can go to during an evacuation.

Mayor Fugate commented that his only concern is that he read the language about how the City will be reimbursed which is kind of vague. Fugate asked the City Attorney for her opinion.

Mrs. Alvarez, City Attorney, commented that the City has the opportunity to request reimbursement for reasonable expenses while they use the facility. Alvarez further commented that she didn't think the city would be able to get more than that.

Mayor Fugate further asked if the city was still going to control what comes into the JK Northway. He recalls the last time this facility was used for a shelter during Katrina Hurricane. He stated that he wants to be sure that the city has some say whether or not we want that event coming to Kingsville. He further stated that he does not want the American Red Cross telling the city that an event is going to happen whether the city has concerns or not.

Mr. Garza commented that this might be a FEMA issue.

Mrs. Alvarez commented that they would make a request for the use of the facility and at that time the city would consent or not consent to the event.

Mayor Fugate asked that as a body, the city would still have some say on what comes into that facility.

Mrs. Alvarez responded that at the time, it would not be the City Commission making the decision, it would be the Emergency Management Coordinator.

Mayor Fugate commented that he has some concerns about this agreement. We are in the process of spending millions of dollars in the facility, and then we turn it over to the American Red Cross to put anything they want into the facility, really concerns him.

Mrs. Alvarez commented that the new project is on the way or closer to completion, the city could always revisit the agreement, but since this is a couple of years off, this is something to have in place in the event its needed.

Mr. David Solis, Risk Manager commented that when he and Chief Garcia met with the American Red Cross at the facility, they said that it would be the city's call. They just to be able to, if the city was going to allow the JK to be used as a shelter, they wanted the agreement in place. Solis stated that staff has told the Red Cross that it would be most likely a yes, but that the city also has scheduled events. When they do make the request, staff would have to look at the schedule for the facility and there may be a possibility that the city would have to turn down their request.

Commissioner Lopez commented that this would need to be in writing and not just verbal.

Commissioner Pecos commented that we have three domes that were built specifically for this which are located behind the High School and Pan American School. Pecos asked why the Red Cross would want to use the JK Northway when we have three domes which were especially built for these types of events.

Mr. Garza commented that the FEMA Domes that Commissioner Pecos is referring to are not intended to be shelters for this purpose that we are referring to here. Garza stated that from his understanding, the domes are intended to be as a last resort for the people that have to stay back. Not necessarily a place that after an event would be manned by the American Red Cross. These domes are FEMA funded which would give FEMA control of what takes place in those domes as they paid for them. For this particular case, we are suggesting telling the American Red Cross that whenever the City decides to activate a shelter, as it would be up the Mayor or his designee to activate a shelter during an emergency situation, that that would be a site for their choice.

Mrs. Alvarez read a part of the agreement which states that upon request and if feasible we will permit them to use and occupy the facility on a temporary basis. Alvarez commented that she is not sure what other additional language the Commission may want to be included in this agreement.

Mayor Fugate commented that he is very concerned that the city is going to spend tax payers dollars to renovate this facility and turn it over to a third party where we have no control, Fugate commented that he is not willing to do that. He further commented that he recalls seeing pictures of the Superdome after Katrina and he is not willing to do that, particularly the way the agreement is worded.

Commissioner Lopez commented that she is agrees with Mayor Fugate.

Mr. Garza stated that staff can retake a look at the agreement and see what other language can be added to help suffice the Mayor's concerns.

Commissioner Garcia commented that he has some other issues that is not addressed in the agreement such as the individuals that will be boarding at the facility, will they be allowed to take their animals or pets to this facility.

Mrs. Alvarez commented that there is an area to setup temporary pens.

Commissioner Garcia asked if we are prepared as a city to board larger animals which are not necessarily pets.

Mr. Garza commented that this are good questions and staff would need to have more conversations on this.

Mayor Fugate commented that if we do have an emergency and we need to take care of our own citizens, we can do so and if the American Red Cross wants to come in and help, that fine, but we would still have control over the situation. Fugate further commented that he is not prepared to lose that control.

Mr. Garza commented that we also need to take into mind a resource standpoint. The American Red Cross has the ability to provide the items needed to provide for those that are being sheltered.

Commissioner Garcia asked what would be the situation if the JK Northway was to be inhabitable or damaged, do we have an alternative space.

Mr. Garza responded that the American Red Cross has other sites as they partner with schools, churches and other organizations. Garza stated that the annexes that the City has and submits list a variety of different places such as gyms to churches, but the JK Northway was not on that list but we are not wanting to incorporate it. One of the other goals behind this is that by us using it for that purpose, also allows us the ability to apply for grants to make improvements to the JK Northway. By the City designating the JK Northway as a shelter location opens up the opportunity for the City to apply for grants.

Mayor Fugate commented that maybe it would be best to pass on this item and take no action at this time.

Commissioner Pecos agreed with Mayor Fugate and further stated that it would be best for staff to look at adding some new language to the agreement.

No objections were made by the City Commission, therefore no action was taken on this item.

7. Consider a resolution accepting funds for Operation Stonegarden with the Homeland Security Grants Division of the Governor's Office for local border security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program. (Chief of Police).

Motion made by Commissioner Garcia to approve this resolution accepting funds for Operation Stonegarden with the Homeland Security Grants Division of the Governor's Office for local border security to interdict criminal activity with no anticipated cash match, authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

8. Consider introduction of an ordinance amending Chapter III-Administration, Article 3 Departments, Boards, & Commissions, by adopting Sections 3-3-120 through 3-3-130, providing for creation of a Main Street Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Planning and Development Services).

Mr. Garza commented that both agenda items 8 & 9 stems from the completion of the Master Plans. The creation of these two Boards will assist with the implementation of the Downtown Vision Plan as well as the parks Advisory Board. We want citizens to stay involved with the process and assist the City to stay on the right path of both plans.

Commissioner Lopez asked who will appoint the members to both Boards.

Mr. Garza responded that the City Commission will be in charge of making the appointments. These two ordinances are for the creation of the Boards. At a later meeting, staff will bring forward names of individuals that would like to serve on these Boards for City Commission approval.

Commissioner Lopez stated that there are two openings and maybe staff needs to look into having a member serve from the Woman's Club as they are involved with the community.

Mayor Fugate commented that the City is always looking for people to serve on the different Boards the City has in place. Fugate further commented that if any of the Commission

members have someone in mind to submit the name of the individual for consideration. Fugate then asked if the Commission appoints all members for all Boards.

Mrs. Alvarez's response was yes. She further stated that after the memo was submitted, one of the Board members had to resign due to other matters that were taking up time from this group, there is going to be three vacancies.

Mr. Garza commented that for the Main Street Board, the language includes seven voting members, four of which are representatives of the district, one representing the University, and two members that are residents of the City of Kingsville.

Introduction item.

9. Consider introduction of an ordinance amending Chapter III-Administration, Article 3 Departments, Boards, & Commissions, by adopting Sections 3-3-140 through 3-3-150, providing for creation of a Parks Advisory Board, terms for members, meetings, quorum and voting at meetings, removal and vacancy. (Director of Parks and Recreation).

Mr. Garza commented that one thing different with this Board is that it includes one member that is a resident of the Kleberg County.

Introduction item.

10. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to increase vehicle maintenance in the Sanitation Division. (City Engineer/Public Works Director).

Mr. Cardenas reported that this item is for some unforeseen expenses to the City's sanitation fleet. Cardenas stated that the department is already operating in the red for this item.

Introduction item.

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to increase wastewater utility plant maintenance. (City Engineer/Public Works Director).

Mr. Cardenas reported that this item is for some unforeseen maintenance expense to the City's wastewater utility plant maintenance as well as some repairs to the lift station located at 17th & Lee.

Introduction item.

12. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget for additional vehicle maintenance in the Fire Department. (City Engineer/Public Works Director).

Mr. Cardenas reported that this item is for additional vehicle maintenance for the Fire Department.

Introduction item.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:51 P.M.

ATTEST:

Mary Valenzuela
Mary Valenzuela, TRMC, City Secretary

Sam R. Fugate
Sam R. Fugate, Mayor