

AUGUST 14, 2017

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 14, 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
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
Diana Gonzales, Human Resources Director
Kyle Benson, IT Manager
Sharam Santillan, Capital Projects Manager
Israel Vasquez, Facility Maintenance Manager
Emilio Garcia, Health Director
Jason Alfaro, Parks & Rec Director
Derek Williams, Systems Specialist
David Solis, Risk Manager
Bill Donnell, Asst. Public Works Director
Charlie Sosa, Purchasing Manager
Ricardo Torres, Police Chief
Deborah Balli, Finance Director
Cynthia Martin, Downtown Manager
Joe Casillas, Water Production Supervisor
Robert Rodriguez, Library Director
Adrian Garcia, Fire Chief
Terry Valentine, Fire Captain
Mike Garcia, Fire Engineer
Philip Boyd, Firefighter
Shea Tate, Firefighter
John Hernandez, Firefighter
Felix Camarillo, Fire Engineer
Chris Loudon, Firefighter
Justin Lozano, Firefighter

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 - July 24, 2017

Motion made by Commissioner Pecos to approve the minutes of July 24, 2017 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pecos, Fugate voting "FOR". Garcia and Pena "ABSTAINED".

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, **Certificate Recognition**, 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, **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.”*

Adrian Garcia, Fire Chief, recapped on the fire that occurred on July 29, 2017, in the Downtown Historic District. Assistance from surrounding areas came to assist the Kingsville Fire Department. The City of Kingsville presented these entities with a framed certificate and a token from the Kingsville Fire Department for their assistance: Naval Air Station-Kingsville Fire Rescue, Kleberg County Fire Rescue, Nueces County ESD 3, Kenedy County Fire Rescue, Annville Fire Department, Alice Fire Department, Ben Bolt Fire Department, Sandia Fire Department, Celanese Bishop Plant Fire Rescue, Kleberg County Sheriff's Office, Sensible EMS, and Air Med EMS. Others were also presented with a token from the Fire Department for their assistance: Chief Clack, Annville Fire Department; Mr. Charlie Sosa, Purchasing Manager; Cynthia Martin, Downtown Manager; and two civilians Mr. Carlos Sosa and Mr. James Peratrovich.

Mayor Fugate thanked all those who came to assist with the fire. He commented that it is very heartwarming to know that when the city has an emergency of this magnitude, not only does the community come together but so does the surrounding entities.

Mr. Bill Donnell, Assistant Public Works Director reported that the City of Kingsville Public Works Department will be hosting a household hazardous waste program due to the copper level violation received from TCEQ. This will also include Kleberg County as part of the settlement and enforcement action brought by TCEQ. This program will allow citizens to dispose household hazardous waste for free. This will take place August 26th from 9:00 A.M. to 12:00 P.M. at the Public Works Warehouse located 1300 E. Corral. Once this part of the SEP is done, it will conclude that violations requirements for the North Plant. Flyers will be posted listing items that are acceptable and not acceptable.

Mr. Charlie Sosa, Purchasing Manager gave an update to the City Commission on the renovations of the Municipal Building. He passed out maps and renderings of the renovation to the Commission. The two departments that are housed at the Municipal Building are the Utility Department and Municipal Court Department. The second floor of the Municipal Building will have temporary offices for both departments while the first floor gets renovated for the permanent housing of the Utility Department and Municipal Court.

Mr. Jay of Solka Nova Torno went through the renovation plans with the City Commission. He commented that construction drawings should be complete in the beginning of October with construction to begin in December 2017.

Mr. Garza went through the construction plans with the City Commission.

Mayor Fugate asked if the construction plans have been shared with the Municipal Court Judge. Mr. Garza responded that the plans have been shared with the Judge.

Commissioner Garcia asked about bathroom facilities for staff and detainees that are brought in for court.

Mr. Garza commented that both staff and detainees will have use of the same bathroom facility, until construction is complete.

Commissioner Lopez asked about entrance for the public. Mr. Garza responded that the building will have the same entrance except for the door in the alley.

Commissioner Pena asked for the time line of the project.

Mr. Sosa commented that once the project is started, the plan is to complete the project in eight months.

Commissioner Garcia commented that he is still concern about the bathroom facilities being used by both staff and detainees as the detainees are smart individuals and can take any object with them.

Mayor Fugate commented that these detainees have Class C misdemeanors and don't foresee this happening.

Mr. Sharam Santillan, Capital Improvements Manager presented the Commission with an update and drawings for the Kingsville City Hall Landscaping Phase I.

Mr. Garza presented the third quarter investment report for the period ending June 30, 2017. For the end of the third quarter as of June 30th, the total cash and investments are \$27,776,575.00. Total non-investment cash account balances is \$2,467,506.21. Kleberg Bank money market accounts ending balance as of June 30, 2017 is \$8,098,829.94. The investment portfolio of the City of Kingsville is in compliance as it relates to the adopted Investment Policy.

Mrs. Courtney Alvarez, City Attorney reported that the next regularly scheduled Commission meeting is set for August 28th. Deadline to submit agenda items for this meeting is Friday, August 18th. Alvarez further reported that the City Commission will also have special meetings on August 21st, August 22nd, August 29th, and August 30th beginning at 4:00 P.M.

IV. Public Comment on Agenda Items.³

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

Mr. Tim Acosta, Kingsville Record, commented that he will be departing the Kingsville Record as he has taken a position with the Corpus Christi Caller Times. He thanked the City Commission and staff for their support.

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. 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 accept and expend donation for the Parks Department. (Parks Director).**
2. **Motion to appoint Dr. John Cicala to the Main Street Advisory Board as the Texas A&M University-Kingsville representative for a two-year term. (Downtown Manager).**
3. **Motion to approve certification of 2016 excess debt collections and the certification of 2017 anticipated collection rate, pursuant Section 26.04(b) of the Texas Property Tax Code. (Director of Finance).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **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).**

Adrian Garcia, Fire Chief reported that this item is for an agreement between the City of Kingsville and the American Red Cross for the use of the JK Northway. Chief Garcia is the current Emergency Management Coordinator and has worked together with representatives of the American Red Cross in preparing this agreement. This agreement will make the JK Northway facility available to assist the community in the event the American Red Cross needs to open a shelter in Kingsville. The American Red Cross will designate a Red Cross official to manage the activities at the Facility. The shelter operation will be paid by the City, with the option to ask for reimbursement from the American Red Cross within 60 days, after the occupancy of the American Red Cross ends and with the appropriate documentation.

Motion made by Commissioner Pena to approve this resolution authorizing the City Manager to execute a Facility Use Agreement between the City of Kingsville and the American Red Cross, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

5. Consider resolution authorizing the Mayor to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to McRoberts School Property. (Fire Chief).

Chief Garcia reported that this is coming from the Kingsville Fire Department for an agreement with the Kingsville Independent School District (KISD), for the use of McRoberts School located at 404 W. Corral Ave. This property will be used for training for first responders. This school is an empty campus which can be used for dry runs without the use of water. This agreement can be terminated at any time by any party with or without cause upon thirty days advance written notice.

Motion made by Commissioner Pena to approve the resolution authorizing the Mayor to enter into an Interlocal Agreement between the City of Kingsville and the Kingsville Independent School District relating to McRoberts School Property, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

6. Consider accepting 2017 certified total appraised, assessed, and taxable values of all property and the total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District. (Director of Finance).

Mrs. Melissa De La Garza, Kleberg County Tax Assessor, reported the values that were presented to her office by the Kleberg County Appraisal District for an amount of \$817,992,210.00 for the City of Kingsville, 2017.

Motion made by Commissioner Garcia to accept the 2017 certified total appraised, assessed, and taxable values of all property and the total taxable values of new property in the City of Kingsville as certified by the Kleberg County Appraisal District for an amount of \$817,992,210.00, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

7. Consider a proposed tax rate; if proposed tax rate will exceed the effective tax rate or the rollback rate (whichever is lower), take record vote and schedule public hearings (for August 28th & September 5th, 2017 at 6:00 P.M. at the Helen Kleberg Groves Community Room, City Hall, 400 W. King Ave., Kingsville, TX). (Director of Finance).

Mrs. De La Garza reported that the effective tax rate, which is the rate that would bring in the same amount of revenues from last year to this year in the amount of \$.84299. Last year's rate was \$.84220 with the City's rollback rate this year is \$.88682 and proposing a tax rate of \$.88681, which is right below the rollback rate and will give the City the flexibility during budget workshops to decide which rate the Commission decides to adopt. If the Commission wants to adopt a higher rate than last year's rate it would be a good idea to propose a higher rate for now, then later bring it down to the rate that we've had. This is done year after year which is usually done this way with the City where they schedule the two public hearings and usually adopt last year's rate. To play it safe, the city likes to go back below the rollback rate which is \$.88681 for 2017. With this rate being proposed, the reason for the increase that the city will be looking at, the newspaper article is going to be for the purpose to use this tax increase is for the quality of life improvements which include increases to the Fire Department personnel and increase of focus in the maintenance of city parks. Mrs. De La Garza commented that whenever you adopt a proposed rate, that is higher than your effective rate, you have to have a purpose of why whenever it is published in the newspaper. This will be published in the ad that will be published in the Kingsville Record on Sunday, August 20, 2017.

Mayor Fugate commented that this is something the City does every year. The City never sets the rate to the proposed rate. This rate hasn't been increased since 2010 which is \$.84220.

Mr. Garza commented that the proposed budget that was released on Friday, is balanced with keeping the existing tax rate that the city had last year.

Mrs. De La Garza commented that since there was an increase in value it will show as there was an increase but because of the increase in value. De La Garza further stated that once the city adopts that rate, she will go back and fill in those amounts, preparing

everything for budget with the correct amount reviewed by the City Manager and City Attorney to make sure everything is correct.

Motion made by Commissioner Pecos "I move that the proposed property tax rate be set at \$0.88681 and that public hearings be set for Monday, August 28th and that public hearings be set for Monday, August 28th and Tuesday, September 5th, 2017 at 6:00 P.M. in the Helen Kleberg Groves Community Room located at City Hall, 400 W. King Ave., Kingsville, Texas, seconded by Commissioner Pena.

Mrs. Alvarez commented that just for clarification, this is only the proposed rate. The City Commission at a future meeting and this is for the public in introducing an ordinance on September 5, 2017 that will actually set the budget and the actual tax rate and looking at adopting that on September 11, 2017.

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

8. 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 commented that in the thirteen years he has been Mayor, he doesn't recall ever had an item come up so many times as this item. He feels that they are all well versed on this issue unless someone needs to be refreshed on this item.

Mrs. Alvarez commented that she would like to make a point of clarification, at the last regular meeting when this item was last discussed, there was a recusal and in doing some research on case law and interpreting how that might impact the number of votes required since this item was not approved by Planning & Zoning it does require a Super Majority which is normally four votes out of five eligible voters. Based on the legal research which has two pertinent Texas cases that dealt with this issue, which are still valid law. Whenever you have a death, resignation or a disqualification due to a conflict of interest, that reduces the eligible members to vote from five to four. The cases that have interpreted this say that you would need three out of four of the eligible votes in order for the item to be passed. Alvarez further stated that traditionally you need four out of five but due to the recusal it reduced the number of eligible voters.

Mayor Fugate asked if there was a motion for this item.

Motion made by Commissioner Pecos to approve this 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;

Mayor Fugate asked for a second to Commissioner Pecos motion. No second motion was made at this time. Mayor Fugate again asked if there was a second to the motion, no second motion was made at this time. Mayor Fugate again asked if there was second to the motion, still no second. Fugate again asked for a second to the motion, no second. Fugate announced that motion "DIES" to a lack of a second.

This items "DIES" due to a lack of a second.

9. Consider awarding RFA #17-12 for Depository Services and authorizing staff to negotiate a contract, as per staff recommendation. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager, reported that this item authorizes the City to enter into negotiations with Kleberg Bank. The services are for Depository Services Contract. Request for Applications for Proposal #17-12, was published in the Kingsville Record on July 22, 2017 and July 29, 2017. Request for Applications were accepted until 2:00 P.M. on July 8, 2017. One proposal was received which was from Kleberg Bank. Staff reviewed RFA #17-12 and found the information received to be responsive. It is recommended that the City contracts with Kleberg Bank, 100 E. Kleberg Ave., Kingsville, TX, for depository services. Kleberg Bank can meet and exceed the City's financial needs.

Motion made by Commissioner Pena to approve he award of RFA #17-12 for Depository Services and authorizing staff to negotiate a contract with Kleberg

Bank, 100 E. Kleberg Ave., Kingsville, TX, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

10. Consider resolution authorizing the City Manager to enter into a Contract for Professional Services with Hardy-Heck-Moore, Inc. for a National Register of Historic Places Nomination. (Downtown Manager).

Mrs. Cynthia Martin Downtown Manager, reported that during a meeting on July 10, 2017, City Commission voted to award RFP #17-16 for a consultant for the National Register of Historic Places Nomination for Kingsville's Downtown Historic District to Hardy, Heck, Moore, Inc. The budgetary impact for this project is not to exceed \$15,000.

Motion made by Commissioner Pecos to approve the resolution authorizing the City Manager to enter into a Contract for Professional Services with Hardy-Heck-Moore, Inc. for a National Register of Historic Places Nomination, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

11. Consider resolution authorizing the Chief of Police to enter into a Memorandum of Understanding with FEMA for Access to IPAWS-Open. (Chief of Police).

Ricardo Torres, Chief of Police, reported that this is a request for approval to allow the City Manager to enter into an MOA with FEMA to issue public alerts via IPAWS-OPEN. This is the 3rd step in becoming an authorized Alerting Authority. The Kingsville Police Department has been utilizing Nixle services over the course of several years. To fully leverage the capabilities of the system, the purchase of additional capabilities to include a tool that will allow to push notifications via the Integrated Public Alert and Agency Warning System. The City will have no financial impact. Costs of Nixle has been covered.

Motion made by Commissioner Garcia to approve this resolution authorizing the Chief of Police to enter into a Memorandum of Understanding with FEMA for Access to IPAWS-Open, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

12. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments. (Chief of Police).

Chief Torres stated that the Council of Governments regional planning commissions are required to execute a Contract for 9-1-1 Services with the Commission on State Emergency Communications every two years in order to continue providing emergency communications services in this region. The City Commission previously approved resolutions in the past, therefore, the proposed agreement has not changed from the one the City Commission approved in 2015.

Motion made by Commissioner Garcia to approve this resolution authorizing the City Manager to execute an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Lopez, Pena, Fugate voting "FOR".

13. Consider a resolution authorizing the City to submit an application to the Office of the Governor, Criminal Justice Division for the purpose of requesting Rifle-Resistant Body Armor Grant Program funding for equipment for law enforcement personnel of the Kingsville Police Department with no anticipated cash match. (Chief of Police).

Chief Torres stated that this resolution will designate the City Manager as the grantee's Authorized Official to allow his designee, the Chief of Police to apply for, accept, reject, alter, or terminate the grant on behalf of the application agency for the Rifle Resistant Body Armor Grant thru the Office of the Governor Criminal Justice Division.

Motion made by Commissioner Garcia to approve this resolution authorizing the City to submit an application to the Office of the Governor, Criminal Justice Division for the purpose of requesting Rifle-Resistant Body Armor Grant Program funding for equipment for law enforcement personnel of the Kingsville Police Department with no anticipated cash match, seconded by Commissioner Pecos and Commissioner Lopez. The motion was passed and approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "For".

14. Consider a resolution authorizing the City Manager to apply to the Texas Facilities Commission for eligibility to receive Federal Surplus Property. (Chief of Police).

Chief Torres stated that this item is to allow an application to the Texas Facilities Commission Federal Surplus Property Program by the City Manager as the Authorized Official to execute legal documents for the application.

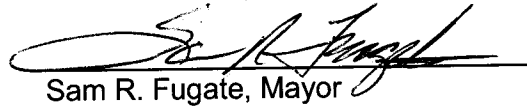
Motion made by Commissioner Pena to approve this resolution authorizing the City Manager to apply to the Texas Facilities Commission for eligibility to receive Federal Surplus Property, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

15. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the City of Kingsville and Texas A&M University-Kingsville for student internships. (City Manager).

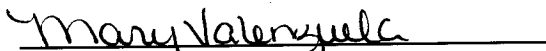
Motion made by Commissioner Garcia to approve this resolution authorizing the City Manager to enter into a Memorandum of Understanding between the City of Kingsville and Texas A&M University-Kingsville for student internships, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:35 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, City Secretary