

NOVEMBER 26, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 26, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Edna Lopez, Commissioner
Dianne Leubert, Commissioner
Hector Hinojosa, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Jesus Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Bill Donnell, Public Works Director
Rudy Mora, City Engineer
Derek Williams, IT
Susan Ivy, Parks Manager
Cynthia Martin, Downtown Manager
Charlie Sosa, Purchasing Manager
Emilio Garcia, Health Director
Israel Vasquez, Interim Golf Course Manger
Adrian Garcia, Fire Chief
Frank Garcia, Waste Water Supervisor
Robert Rodriguez, Library Director
Deborah Balli, Finance Director
Pete Pina, Landfill Supervisor
Janine Reyes, Tourism Director
Baltimore Mejia, Parks Department

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 – November 13, 2018

Motion made by Commissioner Pecos to approve the minutes of November 13, 2018 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting “FOR”. Lopez “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, 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; Landfill Update, 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, **Employee Recognition**, 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.”*

Mr. Jesus Garza, City Manager presented the Employee of the Month to Mr. Baltimore Mejia, Parks Department for the month of September and Mr. Charlie Sosa, Purchasing Manager for the month of October. Garza thanked Ms. Janine Reyes, Tourism Director

and her staff for their hard working of the Ranch Hand Festival and other festivities that took place the weekend before Thanksgiving.

Performance Measure and Staff Reports were provided to the City Commission. The Commission thanked Ms. Reyes and her staff for all their hard work during the Ranch Hand Festival.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for December 10th. The deadline for staff to submit items for this meeting is Friday, November 30th. Alvarez commented that this is the last meeting of the year, unless a second meeting is needed for any reason. Alvarez further commented that agenda item #14 will be pulled from the agenda for further review by staff.

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 Pecos to approve the consent agenda as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

1. **Motion to approve final passage of an ordinance granting to AEP Texas Inc., its successors and assigns a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under and through the streets, avenues, alleys and public places of the City of Kingsville, Texas. (City Attorney).**
2. **Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance Chapter VII, Article 5, Traffic Schedule II, providing for a new school zone on N. 19th Street and E. Henrietta Avenue for the Jubilee Academies School and the installation of school zone signs and for the removal of a school zone on E. Ailsie Avenue for Christian Life Academy. (City Engineer).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for Park Recreation Programs due to donations received. (Parks Manager).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for TCEQ SEP for Wastewater effluent violation fees (from failure of blower and back-up blower in June). (Public Works Director).**
5. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for Water Well #22 emergency repairs. (Public Works Director).**
6. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for the cash match for CDBG Grant #7218269 for manhole rehabilitation (sewer line system improvements). (Public Works Director).**
7. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of additional Police Department software and equipment. (Police Chief).**
8. **Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc., for drug and alcohol prevention programs. (Police Chief).**

9. Motion to approve out-of-state travel for City Commission and City Staff to the ICSC RECon Global Retail Real Estate Conference in Las Vegas, Nevada on May 18-23, 2019. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

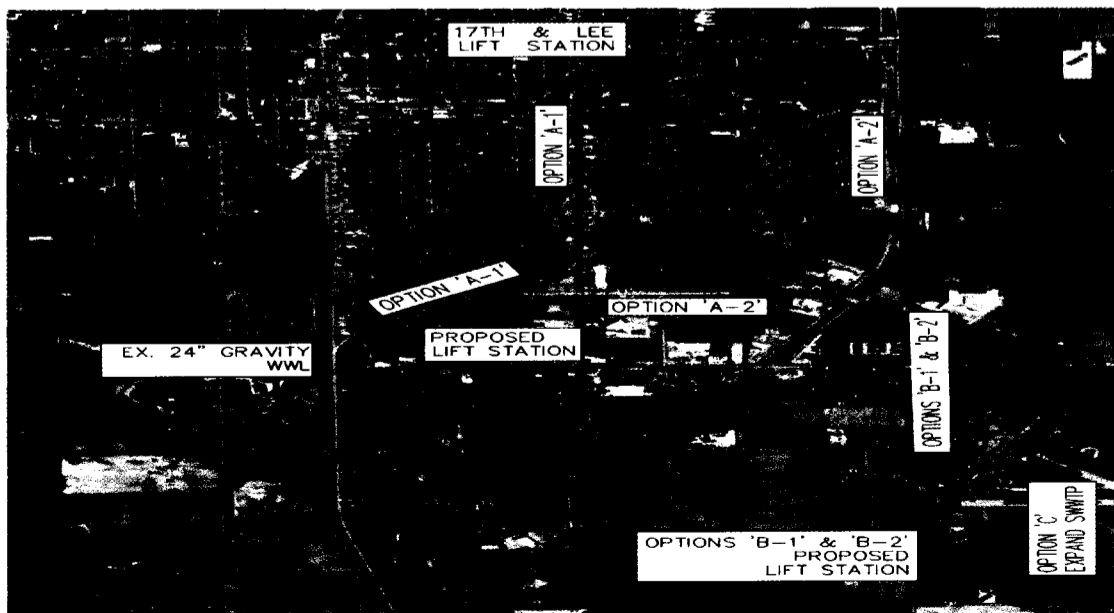
VI. Items for consideration by Commissioners.⁴

10. Presentation and discussion regarding Wastewater System analysis and suggested improvements by contract engineer, LNV Engineering, Inc. (City Engineer).

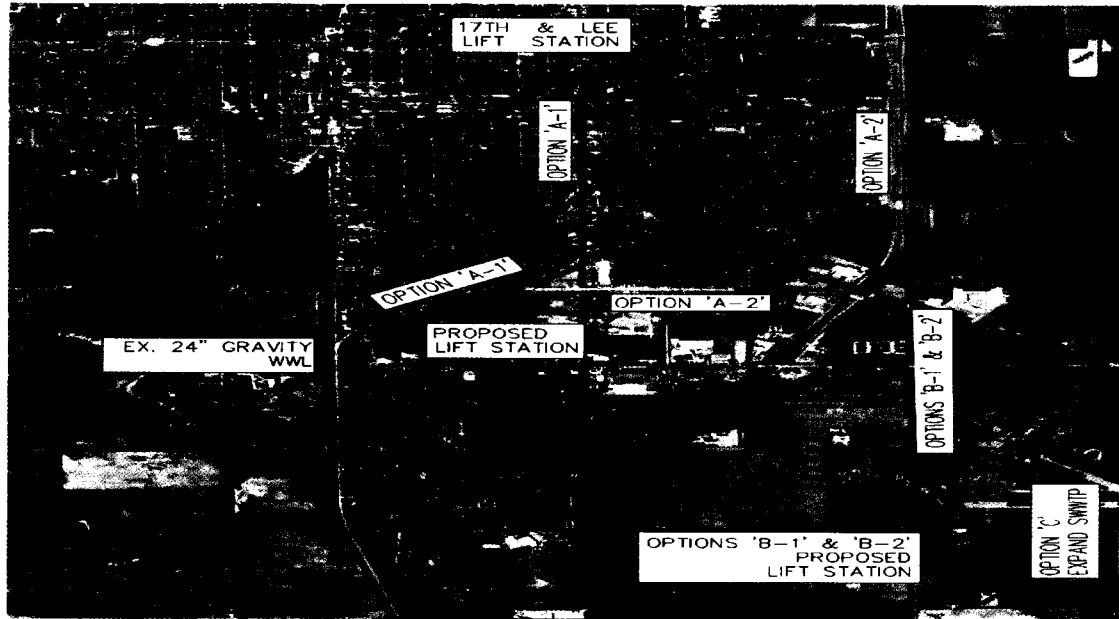
Mr. Rudy Mora, City Engineer reported that the purpose of this report is to inform the Commission of the options needed to address the South Wastewater Treatment Plant capacity. At 75% capacity, the City must begin the planning process for expansion. At 90% capacity construction of Wastewater Treatment Plant expansion must begin. The South Wastewater Treatment Plant is designed for 1.0 MGD. TCEQ enforces these rules with in our Wastewater Treatment Plant Permit. Based on the estimated population projections provided by the Texas Water Development Board, the South Wastewater Treatment Plant would reach its 90% capacity near year 2025. If the City were to focus on future expansion on the south side it must begin planning as soon as possible.

Mr. Scott Jones, Project Manager of LNV Engineering reported that back in March 26, 2018, the city approved Resolution #2018-22, LNV Master Services Agreement. In April 9, 2018, the City approved Resolution 2018-24, LNV Task Order No. 1. Task Order No. 1 was to re-route 200,000 gallons' wastewater flow from South Wastewater Plant to the North Wastewater Plant. The purpose of the project was to reduce existing wastewater flows to South Wastewater Plant and to provide capacity at the South Wastewater Plant for future development in the south part of town. The capacity at the Wastewater Treatment Plants are as followed: South Plant average rated capacity is 1.0 MGD with average daily flow of 0.78 MGD for a percentage of total capacity currently used of 78%. The North Wastewater Plant is at an average rated capacity of 3.0 MGD and an average daily flow of 1.50 MGD for a percentage of total capacity currently used at 50%. Jones commented that TCEQ requirements for Wastewater Treatment Plant capacity at 75% of permitted capacity, must begin the planning process for Wastewater Treatment Plant expansion and must meet the needs of the projected population. At 90% of permitted capacity; construction for the Wastewater Treatment Plant expansion must begin. Previous studies have shown that approximately 70% of the city's growth is expected to occur on the South side service area. Jones stated that as you look at the two plants as a whole, it has 4 million gallons of average daily capacity of which only 57% of existing treatment capacity is being used. Wastewater flows need to be allocated more appropriately. Benefits to reallocation approach, takes advantages of City's existing infrastructure; flow diversion and low cost capacity upgrades. Phased improvements provide ample time for decision making and identify and prioritize needs at each of the plants based on equipment condition and risk of failure, reliability, and operational impacts. Re-route options to research are Option A, redirect flow from existing lift station; Option B, transfer flow from SWWTP to NWWTP; and Option C, expand SWWTP.

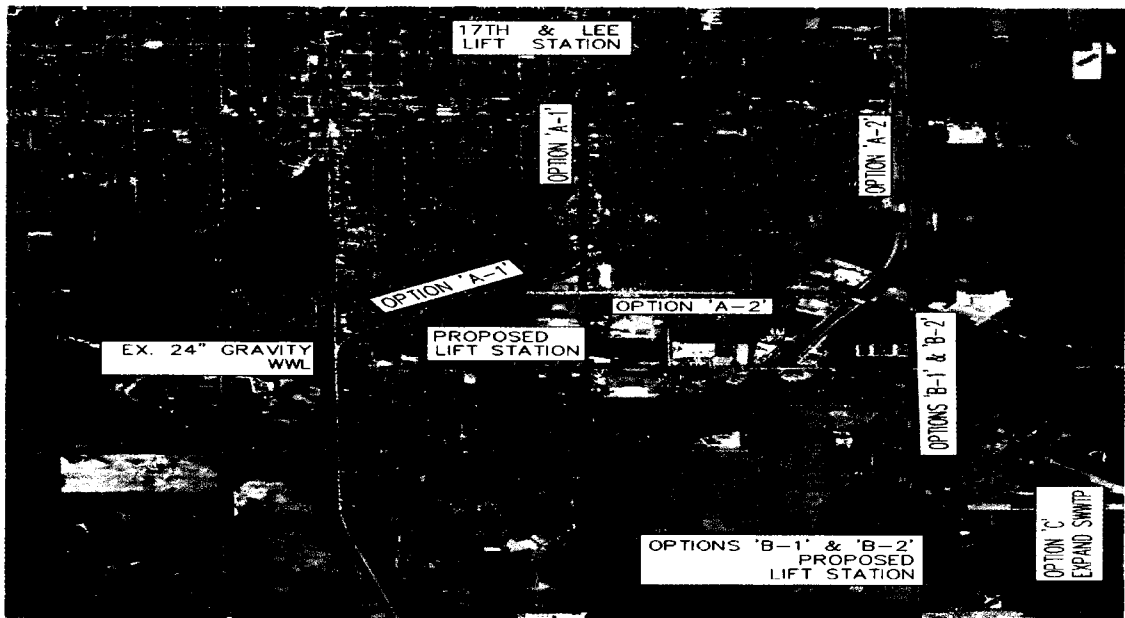
Option A-1 would take flow from an existing lift station and using a force main and transfer that through the city's existing collection system to the North. Mr. Jones displayed a map showing the lift stations in the city and show where the flow would go through. Map for Option A-1 is pictured below.



Option A-2 would build new lift station, possible land purchase required, long length to new 4" forcemain with many obstructions requiring installation to be performed by boring. Map of A-2 is pictured below.



Option B-1 is for a new lift station on city property; all new construction materials; new 4" forcemain from South Wastewater Plant to North Wastewater Plant with minimal obstructions with possible easement acquisition required. This would provide a limited backup to South Wastewater Plant. Map for Option B-1 is pictured below.

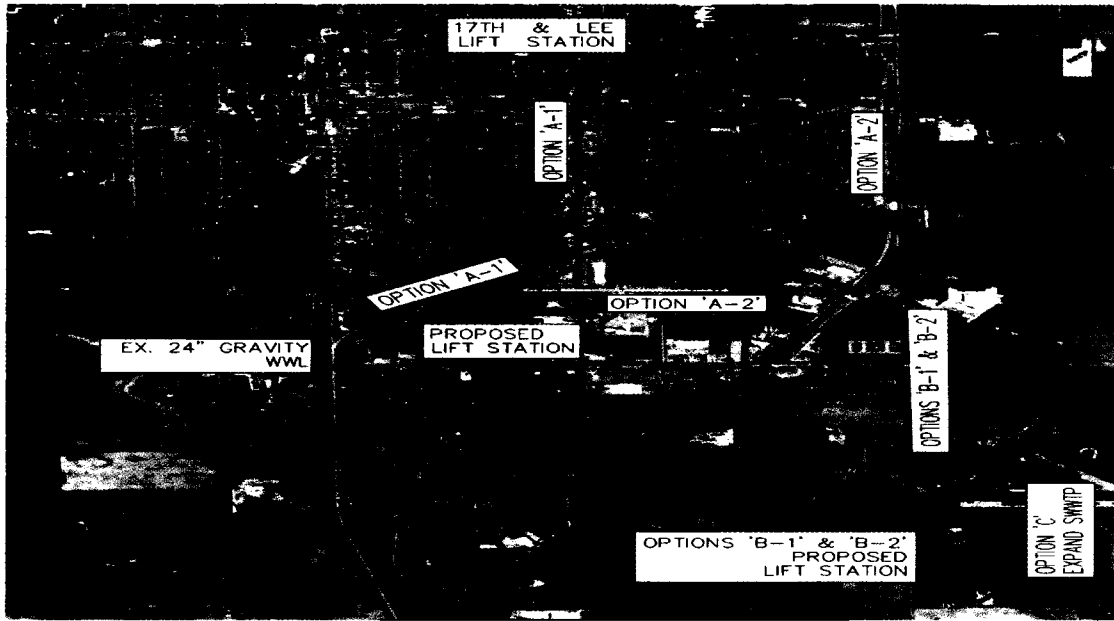


Mayor Fugate commented that the city services NAS Kingsville and asked which goes to the North Plant. He asked if this couldn't connect to that as it is a lot closer than going from the South Plant to the North Plant, if it was taken on with the base.

Mr. Jones asked if the Base was going into the North Plant? Mayor Fugate responded yes. Mr. Jones commented that they are working on making space in the South Plant. Mayor Fugate commented that NAS Kingsville is closer to the South Plant, which is a new line, if they can hook into that line there wouldn't be 23,000 feet. Fugate further asked for Mr. Bill Donnell, Public Works Director to speak on this.

Mr. Donnell commented that the effluent line coming from the Base is on the Northside of the Base, closer to Santa Gertrudis. If it was on the Southside then it could be possible

Option B-2 is for a new lift station on city property; all new construction materials; new 8" forcemain from South Wastewater Plant to North Wastewater Plant with minimal obstructions (possible easement acquisition required). This provides a full back up to the South Wastewater Treatment Plant. Map of Option B-2 is pictured below.



Option C is the expansion of South Wastewater Treatment Plant. Requires extensive research and investigation of existing plant to determine how to expand plant. This is the most expensive option at \$5.9 million dollars.

Mr. Jones stated that city staff option preference to go with Option A-1. It is LNV's recommendation to go with option A-1 and if everything is ok with the 18" line, the city is looking at \$1.5 million dollars. Jones stated that LNV is in agreement with staff's recommendation, which is Option A-1, as the alternative in moving the 200,000 gallons from South to North. Some finance options are general obligation bond, which require voter approval and less red tape. Certificates of Obligation, non-voter approval and has a shorter timeline and less red tape. USDA Funding is a 40-year low interest debt, funds not available until closing and has red tape. Texas Water Development Board, low interest, loans available anytime, with a mid-January application (loan forgiveness) and has some red tape to go through. Jones further stated that there are grants available, but grants are typically up to \$300,000.

Mr. Garza commented that in the adopted budget, staff included a contribution to potentially go towards funding some of these projects. He further stated that working with the city's financial advisor and leading up to the proposal of the budget, staff educated the financial advisor and informed the Commission as to the debt capacity situation with the utility fund and that there isn't any capacity until 2026. One of the ideas that was suggested by the financial advisor was to explore a funding mechanism that would allow the city to do an interest only payment from the time the city gets it until 2026. In 2026, start paying down what the city actually owes. Garza stated that reason for bringing this to the Commission prior to the holidays, is that the city has some options, assuming that the Commission is in support of the recommendation from both staff and LNV. This would allow for staff to look at some of the efforts that have Spring deadlines. The intent is to make sure that there is synergy on how to approach the issue.

Commissioner Leubert asked how long and what timeframe and what is the cost to check that line and see if it is viable.

Mr. Jones commented that this is part of what they would do, which is third party work. LNV would hire companies that would come in and do the CCTV.

Commissioner Leubert asked if this service was already included in this or is it a separate cost.

Mr. Jones responded that it is included in the \$1.5 million.

Mr. Garza commented that timing wise, how long would it take.

Mr. Jones responded that the CCTV work would just need to be scheduled. It's 8,000 feet so it may take a couple of weeks up to a month. Jones further stated that the capacity analysis, they have that planned out for 3 months intentionally so that we could, not only get dry time flow, but also with rain and we can find out what infiltration is in the line and what the flow is when it rains. This process is by design which is about 3 to 4 months.

Mr. Garza commented that the basis of the question is, when does the city find out if the cost is \$1.5 million or \$3.1 million.

Commissioner Luebert commented that she was looking for the timeline on checking the lines.

Mr. Jones commented that if they did a separate contract to do this, they could do a contract for the assessment of that line.

Commissioner Leubert commented that this would need to be done either way, if the city goes that direction. Mr. Jones commented that this would be one of the prime things they would have to do, if the city pursues that option.

11. Consider whether to authorize staff to seek an amendment to the professional engineering agreement with Kimley-Horn for drainage master plan for additional sites. (City Engineer).

Mr. Mora stated that on September 24, 2018, during Kimley Horn's presentation to City; the Commission inquired if the drainage system surrounding HEB was included in the 9 locations of the Master Drainage Master Plan. This location was not included but can be amended into the contract along with others determined by the Commission or Staff. Another location that city staff would like to include in this amendment is Armstrong near the University. If given the approval to seek a contract amendment, the actual amendment to the contract would come back to the Commission for approval.

Mr. Garza commented that on Armstrong it would run from Santa Gertrudis to Corral. He further commented that this was taken from some strong feedback coming from the Texas A&M University-Kingsville, of them requesting that the city take a look at this area. He stated that most of this flow goes in the southeast direction and their particular case, it goes towards Santa Gertudis and Armstrong, which then takes the water north into the creek which causes some concerns of the capacity of that line. Garza stated that the University has some tunnels with utilities, and often time these tunnels with utilities get flooded, which is a concern for them. He further stated that on the King side, that general area runs from 6th to 14th Street. This particular area on King is the responsibility of TXDOT, as it is their road.

Mr. Mora commented that he received a preliminary cost of \$6,000 each. Commissioner Lopez asked how much was paid originally? Mr. Mora responded that originally was closer to \$100,000.

Commissioner Hinojosa asked that if the city moves forward with these two new locations, as there is already nine locations that have been identified, and now we are added two more, is staff going to have to rearrange the priorities of the nine locations.

Mr. Garza responded that assuming that the city was to amend the agreement and incorporate two sides, staff can ask Kimley Horn to take the same rationale that they used to produce the recommendation and incorporate these two new locations. Garza further stated that this would ultimately be up to the city to determine the priority level of these locations. Garza commented that in some of these project areas inclusive of the two new locations, do involve TXDOT and is the responsibility of TXDOT. He further stated that TXDOT does like to see cities initiate an effort to bring about infrastructure upgrades, as they won't do it. TXDOT's position will be that if the city has the concern and want to see this fixed, the city would need to take the first step; and by doing this plan, is a way of doing it.

Commissioner Hinojosa commented that TXDOT would have to assist in the funding of this project. Mr. Garza responded yes. Hinojosa further commented that he is aware that the city needs to improve its flooding situation that will cost a lot of money; but which ones get done first? Hinojosa also asked if the money for this would be coming from the Storm Water fees? He also commented that the problem is that with all these studies being done, things can easily change in five years. He stated that he isn't against the studies and doesn't have any problems right in front of HEB or the one by the University.

Mr. Garza commented that these aren't projects that are to be done tomorrow. If the Commission feels more comfortable tabling this discussion and having a more robust conversation about the financing piece in general, it can be done. Staff can always come back at a later time and have more discussion on the storm water fee, as it already pays for some debt service. Garza commented that today's conversation was to have a conversation, ultimately if the commission did not want to proceed in amending the contract, we would have to do that which will require a negotiation with Kimley Horn and would be brought back to the Commission.

Commissioner Lopez commented that the nine were heavy in price, why add more if the city can't afford it.

Mayor Fugate commented that all these projects are out of the reach from the city. Does the city spend more money and come back with more projects that the city can't do? He further commented that the main thing is to get TXDOT to commit, that if the city does the studies, they fix the problems on their roads.

Mr. Garza commented that the city can try and get some commitment from TXDOT. Staff has already been working on setting up a meeting with TXDOT out of the Corpus Christi Office. Garza further stated that the Commission can table the item until the meeting with TXDOT takes place and maybe staff will have better answers for the Commission.

Commissioner Lopez asked if the project across from HEB the only TXDOT project? Mayor Fugate that there is also one on 14th Street. Lopez asked if this was the one next to Pizza Hut.

Some discussion took place amongst the Commission and staff regarding 14th Street and the road behind Pizza Hut.

Commissioner Pecos commented that all the flooding that happens in these areas, were created by TXDOT. He further commented that when TXDOT did 14th Street to King Ave., the city didn't have this type of flooding. After they fixed those streets the city began to have problems with flooding. He further commented that he doesn't see why TXDOT wouldn't want to partner with the city as they created the problem. They are aware of the problem that they created but they keep telling the city that there is no funding but will look into it later.

Commissioner Hinojosa suggested that maybe staff can also get the University to partner with the city on this project as well.

No action taken on this item.

- 12. Consider introduction of an ordinance amending Chapter XV, Article 5-Historical Districts and Landmarks and Article 6-Zoning, Sections 15-5-30 & 31 and 15-6-127, providing that the Historic Preservation Officer has the authority to review and approve signage in the historical district. (Director of Planning and Development Services).**

Mrs. Cynthia Martin, Downtown Manager stated that at the last Historic Development Board meeting, the Board approved by a 6-0 vote to recommend these changes to the ordinance. The Board is recommending that these permit applications for new signage be added to the list of those allowed to be reviewed and approved administratively by the historic preservation office, without review by the Historic Development Board.

Introduction item.

- 13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for prior fiscal year (FY2017-2018) purchase orders that need to be rolled over to the current fiscal year. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that this item authorizes the approval of a budget amendment to fund purchase orders that need to be rolled over due to unfinished projects or items ordered that did not get received by September 30th and cannot be covered in the FY 18-19 adopted budget without this amendment.

Introduction item.

- 14. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of Lexipol Public Safety Policy Management Software. (Fire Chief).**

No discussion took place for this item, as item was pulled from the agenda.

- 15. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of Fire Prevention Educational supplies. (Fire Chief).**

Mr. Adrian Garcia, Fire Chief stated that the Fire Pup Safety Program through the National Fire Safety Council, develops fire safety educational materials targeted to reach children of elementary school age. A National Fire Safety Council representative collects the donations on our behalf and we then purchase the Fire Pup Safety Program educational material. This purchase will expend a total of \$3,000 budgeted in supplies.

Introduction item.

- 16. Consider authorizing the purchase of parks equipment and installation from Park & Play Structures via BuyBoard, as per staff recommendation. (Parks Manager).**

Mrs. Susan Ivy, Parks Manager stated that she is asking that a package of Playground Equipment and amenities be authorized for purchase through a Buy Board approved vendor, Park and Play Structures in San Antonio. This park equipment will be for Thompson Park, Flores Park, and Corral Park. The total expenditure for this project will be \$142,052.16 and will be funded from CO 2016 Funds.

Motion made by Commissioner Hinojosa to authorize the purchase of parks equipment and installation from Park & Play Structures via BuyBoard, as per staff recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

17. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate read and convened the meeting into Executive Session at 7:02 P.M.

Mayor Fugate reconvened the meeting into open session at 7:17 P.M.

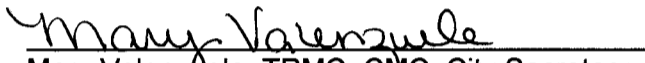
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:17 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, TRMC, CMC, City Secretary