

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 28, 2019 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
 Kyle Benson, IT Manager
 Bill Donnell, Public Works Director
 Rudy Mora, City Engineer
 Derek Williams, IT
 Susan Ivy, Parks Manager
 Deborah Balli, Finance Director
 Janine Reyes, Tourism Director
 Ricardo Torres, Police Chief
 Adrian Garcia, Fire Chief
 Tom Ginter, Director of Planning & Development Services
 Charlie Sosa, Purchasing Manager
 Robert Rodriguez, Library Director
 Cynthia Martin, Downtown Manager

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 – January 14, 2019

Motion made by Commissioner Lopez to approve the minutes of January 14, 2019 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting “FOR”.

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

1. Public Hearing on a replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, KT&I Co., Kleberg County, Texas to reduce the remaining number of lots from 17 to 11; applicant Mark Dizdar, owner Port Aransas Venture #7. (Director of Planning & Development Services).

Mr. Tom Ginter, Director of Planning & Development Services stated that in April 2016 the final plat was completed for Lakeview Villas Subdivision. The final plat consisted of 24 lots, each lot being less than the 5,500 square feet minimum required. The objective was to build garden homes on smaller lots. The last building permit issued for this subdivision was in November 2016. As of today, only 7 homes have been built on the 24 lots leaving 17 vacant lots in the subdivision. Mr. Mark Dizdar has decided to change direction pertaining to construction and with this replatting, will build single family homes. The reason for the replatting is to get the remaining lots to the minimum of 5,500 square feet. To accomplish that he has reduced the number of lots that will be left in the subdivision from 17 to 11. Homeowners within the subdivision have been spoken to and they in support of this change.

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 6:06 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; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Health Department, 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, Golf Course Update. No formal action can be taken on these items at this time.”

Mr. Jesús A. Garza, City Manager presented the Employee of the Month award for December to Mr. Derek Williams and Mrs. Stephannie Resendez.

Mr. Garza gave a brief update of the Quarterly Budget Report for quarter ending December 2018.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for February 11th, with the deadline for staff to submit their agendas items no later than Friday, February 1st. She also reported that the City Commission will have a joint meeting with Kleberg County Commissioners on Tuesday, February 12th at 5:00 p.m. at City Hall.

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 accept donation from South Texas Crimes and Narcotics Task Force for Parks Department’s Healthy Partners Recreational Programs. (Director of Parks & Recreation).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend Park donations from the Kleberg County Sheriff’s Department, South Texas Crimes and Narcotics Task Force, and Castaneda Clinic for Family Partners Recreational Programs. (Director of Parks & Recreation).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **Consider a resolution of the City of Kingsville supporting the Texas Gulf Terminals Deepwater Port Facility. (Mayor Fugate).**

Mayor Fugate stated that this project will not affect the City of Kingsville. This project will promote economic growth in the City and throughout the region. The Texas Gulf Terminals has proposed a new offshore terminal for crude oil exports along the Texas Gulf Coast. This resolution is only to support the Texas Gulf Terminals Deepwater Port Facility.

Commissioner Hinojosa asked what would happen should an accident occur.

Mayor Fugate responded that the is a safe project.

Motion made by Commissioner Leubert to approve a resolution of the City of Kingsville supporting the Texas Gulf Terminals Deepwater Port Facility, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

4. **Consider approval of a replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, the KT&I Co., Kingsville, Kleberg County, Texas to reduce the remaining number of lots from 17 to 11 (to allow for larger lot size for single family homes). (Director of Planning & Development Services).**

Motion made by Commissioner Pecos to approve the replat of the final plat of Lakeview Villas subdivision being 3.783 acres out of Farm Lot 1, Section 22, the KT&I Co., Kingsville, Kleberg County, Texas to reduce the remaining number of lots from 17 to 11 (to allow for larger lot size for single family homes), seconded by Commissioner Leubert.

Mr. Garza asked for the vote that the Planning & Zoning took on this item. Mr. Ginter stated that the Planning & Zoning voted to approve 5-0.

Commissioner Leubert commented that she understands that Mr. Dizdar has spoken with the homeowner of the subdivision and are being supportive of the change, but has staff spoken to any of them. Mr. Ginter responded that city staff did not speak with any homeowners.

Commissioner Hinojosa asked if staff could the financial impact from this project.

Mr. Ginter explained that by building single family homes compared to not building any homes on the property, would increase the property taxes. He further stated that there is more of a market for single family homes. Ginter further stated that without the homes being built, the city will still need to abate the properties when necessary. Ginter further explained that when someone purchases a vacant lot, that property owner is now responsible for that lot, therefore, the city does not have to go out there and abate it.

Mr. Garza commented that he and staff members attended the Homeowners Association meeting for Paulson and Falls which did have a few items that were brought up during that meeting regarding concerns related to drainage. He stated that the city knows from experience that the answer with the drainage is associated with the way that the outfall works in the area.

Mr. Ginter stated that he and the Engineer have done a field study in that area and at the end of Isbella there are two inlets which are located on the North and South side of the street. He stated that there is a pipe on the north end that runs to the south side and into the detention pond. Water that falls on the street will flow to the West and into those two inlets.

Mr. Garza displayed a map showing that there is a second phase to this project with a cul-de-sac. Map was not provided for the minutes.

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

5. **Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV-Land Use, Article 6-Zoning, Appendix A-Land Use Categories, Section 1-Land Use Chart, providing for the addition of provisional and recreational sporting good sales, including boats and vehicles to be permitted in I1 (Light Industrial) District. (Director of Planning & Development Services).**

Mr. Tom Ginter stated that the applicant, Phil Neesen is wanting to use the property he owns located at 2201 N. Highway 77 to build a facility to sell and service Polaris off the road vehicles. The current zoning for this property is I1, Light Industrial. The use that involves what he wants to do with the property is only allowed in C3 and C4 zoning. This facility would have a positive impact for the City. The estimated capital investment is \$1.8 million, with the hiring of 10 to 14 employees and with growth potential. The Planning and Zoning Commission heard this item during their January 23, 2019 meeting and voted 4-0 to recommend approval for the changes. Introduction item.

6. **Consider a resolution revising the City of Kingsville Purchasing Card (P-Card) Policy for use of the City credit card. (Finance Director).**

Mrs. Deborah Balli, Finance Director commented that there are a few minor changes that are being made to this policy.

Motion made by Commissioner Leubert to approve this resolution revising the City of Kingsville Purchasing Card (P-Card) Policy for use of the City credit card, seconded by Commissioner Lopez and Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

7. **Consider a resolution authorizing the City to submit an application to the Office of the Governor for a Homeland Security Grant for the purpose of requesting grant funding on behalf of the City for equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match. (Police Chief).**

Motion made by Commissioner Lopez, Commissioner Hinojosa, and Commissioner Pecos to approve a resolution authorizing the City to submit an application to the Office of the Governor for a Homeland Security Grant for the purpose of requesting grant funding on behalf of the City for equipment for law enforcement purposes for the Kingsville Police Department with no anticipated cash match, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

8. **Discussion on declassification and/or redesignation of park land. (City Manager).**

Mr. Garza spoke about the possibilities of declassifying and/or re-designation of certain park land within the city. Maps of certain locations were displayed for the Commission. With the special election that will be called for the venue tax, staff would like to consider placing an item on that ballot for citizens to vote on declassifying or re-designation of certain park land. This park land are those areas that are very small, more of a triangular shape land, that has no capability for park equipment to be installed. There are three locations that staff is considering to declassify as park land, two of them are near the University. One being on the corner near Fire Station No. 2, which is classified as park land, but not used as park land.

Commissioner Hinojosa commented that the University may be interested in purchasing this piece of land.

Mr. Garza continued to state that the other piece of property is in the intersection of Richard and Lantana. This is a corner lot that is not being utilized as park land. He further stated that the third piece of property is Kenedy Park. This park is located within areas that already have several neighborhood parks within that area. The area that has no neighborhood park is the area near City Hall. During the Parks Master Plan, it was recommended to declassify Kenedy Park from being a park, as there are other parks that service that area, and activate the area next door to City Hall into a neighborhood park. Garza stated that staff has already gone through the exercise of naming the area next to City Hall in honor of the King Ranch Family. There was also a site plan that was done for the area next door to City Hall.

Mayor Fugate commented that the name of the area next to City Hall is Chamberlain Park, which is the original name.

Mr. Garza stated that there are several benefits to doing this. One, it would assist staff, rather than just adding another neighborhood park and having to maintain it, it would be removing one and adding one, which the city would not need to increase staff to help maintain another park. He further stated that because of the location of Kenedy Park, it being off of 14th Street, it goes hand and hand with this administrations mind set that why have pieces of properties that are not on the tax rolls. During the public hearings for the Parks Master Plan, there was only one neighbor that resides near Kenedy Park that was in favor of declassifying these from being a park as it is unsafe due to the homeless issue that takes place at Kenedy Park.

Mayor Fugate commented that he never sees any children playing at this particular Park as there is no park amenities at this location.

Mr. Garza commented that there is a deed restriction on this property, as it is property that was donated by the King Ranch. He stated that the Mayor recently had a meeting with Mr. Underbrink and they are being flexible to work with the city on this issue.

Mayor Fugate commented that if they knew that ever funds that is received from this property would be used for Chamberlain Park they would be ok with it.

Mrs. Alvarez commented that the two areas that the City Manager mentioned earlier, back in the day when those two properties were being developed, in order for it to be

an attractive amenity for people in the subdivision, there were these corners of areas that were classified on the plats as parks. She stated that the way that the Local Gov't Code is written is that so long as an area is classified as a park, it would have to go before the voters at an election in order to be declassified as a park and then sold. She stated that just a few years ago, the City of Corpus Christi went through the same process of declassifying 24 parks within their city. She further stated that in Kingsville, Kenedy Park is the only true park that people would recognize as a park that the city might potentially be considering putting a proposition on the ballot in order to declassify it as a park. There is a condition on the deed that states that this area has to be used as a park and also has a reversionary clause that at any time the city did not want to use it as a park, she or her heirs from the Ranch could come in and reclaim their right to property. She further stated that based on the Mayor's conversation with them, they don't have any desire or use for this property, they could re-deed the property back to the city after the election is done, if the voters decide to declassify the property from being designated as a park.

Commissioner Leubert asked if this is appropriate to do this before the King Ranch has their yearly meeting?

Mrs. Alvarez commented that there are three different statutes that need to be looked at; Local Government Code, Election Code, and Parks and Wildlife Statute. The Parks & Wildlife Statute states that if the city is going to be doing any kind of taking or any type of declassification, there would need to be a public hearing and have a finding that it is not feasible and prudent alternative to the sale and the second thing that the Commission would find, through a resolution is that all reasonable planning has been done to minimize harm to the land from the sale. She further stated that the Parks & Wildlife statute also states that notice be published in the newspaper for three consecutive weeks prior to the public hearing and has to be done on a paper that gets published daily. The statute says that if you don't have a paper that publishes daily in your community, you must go to an adjoining county that has a paper that is published daily, which in this case it would need to be published in the Caller Times. Publication of the notice can be published on February 3rd, 10th, and 17th, and the Commission would be able to have the public hearing on the three park areas on February 25th. She stated that there is nothing from preventing the Commission from calling the Special Election on February 11th for both the venue tax and the sale of the parks. If for some reason after having the public hearing on February 25th and the Commission changes its mind, the Commission can always go back and remove the second proposition for the sale of the park. She further stated that it is her understanding, after speaking with the City Secretary, the ballots for this election would go to print in mid-March.

The Commission agrees in giving staff direction to move forward with the declassification of certain park land.

Mrs. Alvarez commented that within the park property that is sold, the Local Government Code statute requires that the proceeds from the sale of that property, go back into the same purpose for which the property was initially used, which would go back into the parks.

9. **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).**

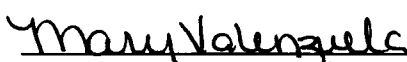
Mayor Fugate announced and convened the meeting into Executive Session at 7:02 p.m. Mayor Fugate reconvened the meeting into Open Session at 7:21 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:22 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, TRMC, CMC, City Secretary