

FEBRUARY 11, 2019

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 11, 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  
Hector Hinojosa, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Dianne Leubert, 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  
Cynthia Martin, Downtown Manager  
Diana Gonzales, Human Resources Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Leubert absent.

**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 28, 2019

**Motion made by Commissioner Pecos to approve the minutes of January 28, 2019 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting “FOR”.**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

**1. Public Hearing on consideration of temporary closure of crossover at US 77 and FM 1717. (Mayor Fugate).**

Mayor Fugate read and opened this public hearing at 6:02 P.M.

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.

Mr. Valento Olivarez, Corpus Christi TXDOT District Engineer stated that US 77 and FM 1717 has some growing concerns when it comes to traffic safety. At this time, TXDOT has placed some temporary barrels and signs closing the crossover, not ingress and egress of FM 1717, just the crossover itself. This has come about from accidents occurring within this intersection for the past few years. In 2015, the Austin Traffic Division was asked to send a Task Force and study this intersection. The Task Force came back with some short-term intermediate and permanent solutions for the intersection. Within that timeframe, the speed limit within this area has been reduced and edge lit lighting was added to their sign as well as adding some rumble strips. They also retouched the stripping in that area and repaved and seal coated the area as well and added some additional lighting. Short-term improvements were made in this location, but since December 31<sup>st</sup> there were still some accidents occurring at this intersection. There was an accident at this location that occurred on December 31<sup>st</sup> and two weeks later there was another one accident. Olivarez stated that what TXDOT has done is taken a look at the intermediate solution which was a crossover closure because at this point, since 2015 there has not been enough funding for a permanent

overpass at this location, but now TXDOT is not in the same place it was back in 2015. They have a freeway expansion that will take them from that intersection down south to the Y which is about \$35 million dollar project which is in the planning stage at this time. They are doing some utility adjustments and hoping to get it out to the contractor to bid this time next year. He further stated that the crossover closure would have to happen for the construction of the overpass to begin with. This is just accelerating the closure temporarily until they get the overpass in place.

Commissioner Lopez asked that individuals that are traveling South that want to go back onto FM 1717, they are having to travel to the crossover by the next subdivision. She further asked if there would be any problem with it as residents use it a lot.

Mr. Olivarez responded that this was correct, the next crossover South. He further responded that from what they have seen, it has not been a problem. This is a two week snapshot, but if the first crossover is looked at, south of 1717 intersection the storage lane if traveling the northbound direction, is three times longer than the 1717 intersection. The southbound is comparable of being the same, so they are hoping that the driving patterns will change if using that intersection once they see the closure.

Mr. Garza commented that if the Commission is interested in seeing the alternate routes would be, City Engineer is prepared to show some maps that will show the different routes that people will take with this closure.

Mr. Olivarez commented that with Commissioner Lopez bringing up the next crossover, the reason they feel it is safer to get to the next one is because they will be removing some conflicts points. If you look at 1717 you have an intersection that comes in so you would have four legs coming in, if you go to the next crossover, the decision that the driver would have to make, they are not worried about looking at the next roadway on the other side, they just get into the turn around and looking at traffic coming from the right side.

Commissioner Lopez commented that she was concerned about the congestion of traffic on the next crossover.

Commissioner Hinojosa asked about the crossover prior to getting to 1717, going into the hotel.

Mr. Olivarez commented that this crossover, which is on Trant Rd is being used quite a bit, but they don't foresee it increasing at this particular crossover. They feel that General Cavazos will be used the most.

Commissioner Hinojosa asked that if the intersection closer to the jet is being used the most.

Mr. Olivarez responded that he wouldn't be able to say that it is being used more as this has only been a two week snapshot so he couldn't really say. He feels that patterns will change within time and think that General Cavazos will be used the most.

Commissioner Lopez commented that the people going on to 1717 would have to use the other intersection in order to make a U-turn to come back to 1717.

Mr. Wayne Quandt, 5421 Cypress Creek asked if there was any way to make that the 60 to 65 mph be extended further south. With this closure, it will get worse.

Mr. Olivarez responded he just met with a resident out there about two weeks ago and their traffic engineer is planning on meeting with the city and see if they could move it to their city limits.

Lisa Bockholt, 1411 FM 1717 commented that when she first move here there used to be yellow flashing caution lights. As of ten years ago, those flashing lights have been removed which has a drastic change to the area. She further commented that knowing that there will be an overpass coming soon, her options are General Cavazos or the next turn by the hotel. The two problems that she has encountered are, if you go through General Cavazos down to Golf Course Road, down Golf Course Road there is no lighting on the road. She commented that she has received calls from several of her neighbors asking her to speak on their behalf with regards to their concerns about lighting on that particular road. She further stated that she prefers to turn on the overpass near the hotel but then she runs into the bad road that is full of potholes.

Mr. Olivarez commented that he will work with the City Manager regarding the lighting concerns that were just mentioned by Mrs. Bockholt.

Mr. Arturo Mendieta, 2439 E. FM 1717 commented that he also agrees with Mrs. Bockholt with regards to bad lighting. He also has used Golf Course Road and has found that there is not enough lighting on this particular road. With the crossover closure, traffic will not move to General Cavazos and with dump trucks picking up dirt from a location across 1717, with them making a right turn it could be a hazardous situation.

Mr. Chuck Saverline, 374 FM 2619 commented that he is not a resident of the city but appreciates the opportunity to speak on this behalf. Since the crossover has been closed, less than two weeks, his route home from work every evening is southbound 77 all the way to Ricardo. Since the crossover has been closed, he has had one car pullout in front of him going south coming out from 1717 westbound. He was able to avoid an accident from occurring but cars coming out from that intersection, whether they want to go straight or make a righthand turn, it is a difficult intersection to see because cars coming southbound are coming off from the hill going down which makes it difficult to see. With the speed limit at 65mph, you still have cars traveling at 75 plus mph through the area. Saverline also commented that he would like to thank the law enforcement for their strong presence on Hwy 77.

Mr. Lance Hamm, 912 South Creek commented that since 1975, there has been over 50 fatalities on Hwy 77, so this has not been a safe highway, but a convenience to get people through our town in a quick manner. As it is seen now, the County Judge made a quick decision, to make the decision to act and switch from convenience to safety and putting the lives of our residents first and the convenience of a two minute detour on the back burner. Hamm further commented that with regards to the turn lanes, if you go most other places throughout the state, you will see designated turn lanes that are painted that are using the shoulder. He would like to see a painted acceleration lane as it is seen in other parts of the state. Hamm further commented that he approves what the County Judge and County Commissioner did with regards to the closure of the 1717 intersection. He further stated that the two main issues at this intersection have been avoided now, which was the northbound median short turn distance, turn lane deceleration lane, which has been taken care of, and the short width of the median has also been taken care of because now we don't have the T-bone crashes of people trying to get into the median (inaudible) really quickly and finding themselves stuck in the fast lanes and getting T-boned. He further stated that he would be interested to know when TXDOT is going to get out permanent barriers, not that he is looking for concrete barriers as that has always been one of pet-peeve of his of placing a concrete barrier out there within two or three feet of a highway as it is a fixed object that will create a hazard. He stated that he likes the soft barrels which would give the driver something soft and get back onto the road, rather than a hard concrete. He stated that if concrete barriers are placed, TXDOT can flare the concrete barriers so that if a driver hits the concrete barrier, they are able to bounce off and back to the lane rather than hitting the guardrail head on.

There being no further comments, Mayor Fugate closed this public hearing at 6:25 P.M.

## **2. Public Hearing on designation of reinvestment zone for the City of Kingsville. (City Attorney).**

Mayor Fugate read and opened this public hearing at 6:25 P.M.

Mrs. Alvarez, City Attorney, reported that as with the last public hearing, this hearing was also noticed in the local newspaper. This is one of the procedural requirements in order to setup a reinvestment zone and a reinvestment zone as a prerequisite in order to having tax abatement guidelines and tax abatement agreement being offered to any developers. This is something that the city has done several time in the past and this is a good economic tool to have a available.

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 6:26 P.M.

### **III. Reports from Commission & Staff.<sup>2</sup>**

*"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."*

Mrs. Susan Ivy presented a plaque to the NAS Kingsville Officers/Soldiers for their hard work on the painting of the A4 Skyhawk Jet located at Dick Kleberg Park. This project was completed on January 28, 2019. The Commission thanked them for their work on this project. Mayor Fugate read a summary of the project.

Mrs. Ivy presented an update on the Parks and Recreation Projects. One of the projects is the Brookshire Pool re-decking and sand filter replacement. This project is contracted at \$49,650 to contractor Advanced Cement Specialties from Fort Worth, TX. The start date was February 5, 2019 with an anticipated completion date of March 1<sup>st</sup>. The replacement of sand filter at the pool has been contracted to Galloway Pools of Corpus Christi for a cost of \$48,877. This work is to start this week. Funds were budgeted for this project in the CO Fund FY 18-19. Replace pool house fencing, staff is getting bids at this time to replace this old fencing that separates the pool house from the open pool area. They are pricing the same black fencing that has been placed around the entire pool premises and around the splash pad. This project has not yet been funded. Staff is hoping to have some savings in other projects to complete this project. The installation of new playground equipment in neighborhood parks; delivery of all equipment has been completed today. Demo of Thompson Park existing playground is scheduled for March 18<sup>th</sup> with installation beginning March 20<sup>th</sup>. Flores Park construction will follow behind. Construction of new Vishal Raju Bhagat Memorial Dog Park, in Dick Kleberg Park, construction drawings completed by city Engineering Staff on February 5, 2019. Public Works Staff will be staking out area which will begin this week to locate utility lines and begin bringing in dirt. Purchasing Manager has begun the process for collecting bids for equipment, fencing, irrigation. City staff will be bringing in dirt to create the proper elevations and drainage for the project. Anticipated completion is late summer. Other projects in progress, refurbishing press boxes/concession stands in Baseball/Softball/Soccer Fields; working on scoreboard repairs; turfgrass maintenance on athletic fields; repair of BBQ Pit in Thompson Park; fill in of surfacing material, engineered wood fiber for Flato Park Playscape; and irrigation repair and improvements on athletic fields.

Mayor Fugate asked for an update on the Wildlife Grant. Mr. Garza responded that due to the federal shutdown, it impacted their ability for them to proceed making awards.

Commissioner Lopez commented that on September 12, 2018, they met with citizens near Thompson Park where they voiced some concerns about security lighting north of the restroom area and they also asked for more lights around the basketball court. One other concern they had was the fact that the basketball court is near Ceaser Street and the court is only being secured by a cable, which would allow a car to come straight into the basketball court if an accident happens. Lopez asked if staff is looking into their concerns. Mrs. Ivy responded staff will look into their concerns.

Mrs. Courtney Alvarez reminded staff that a Special Meeting will take place between the City and County Officials to hear about the Economic Plan on Tuesday, February 12, 2019 at 5:00 p.m., at City Hall. The next regular Commission meeting is scheduled for February 25<sup>th</sup> with deadline to submit agenda February 15<sup>th</sup>.

Commissioner Hinojosa congratulated students from H.M. King High School who were in the Texas All-State Band, Alexandra Cortez, Arianna Jimenez, Emilio Soliz, and David Flores.

Commissioner Lopez commented that Lady Lions Basketball Team has a playoff game tomorrow at 7:00 p.m. at the Steinke Center.

#### **IV. Public Comment on Agenda Items.<sup>3</sup>**

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

Mr. Anthony Zamora, 808 E. Doddridge commented that crosswalks are not working and not updated. There is no lighting near Walmart which is something that he would like for TXDOT to look into.

Mr. Lance Hamm, 912 South Creek, commented that at the 1717 intersection, out of the four points of entry or exit, there is only one that has a by the book lane which is the southbound, turn west to go to 1717, which is a designated turn. The other three points which go southbound on 77, northbound on 77 or coming off northbound 77 coming eastbound from 1717, there is no designated lane, which are the three that need to be worked on. He further stated that the second point he would like to speak about is the speed limits, which is still an issue. City ordinance calls for 45 or 55 mph, the city and county both have signs resolutions on the book asking TXDOT for 55 mph speed limit. It is his understanding, after looking at the rules, that if the city and TXDOT don't agree, TXDOT is suppose to submit their plan and the city's plan to the Texas Transportation Commission where they will give a minute order of which one they

approve. He further thanked the city on all they are doing for getting traffic safety at this intersection.

Mr. Arturo Mendieta 2439 E. FM 1717 commented that the waste treatment plant has some bad order going on for a while and asked for the city to look into it. He commented on 1717 road needing to be worked on as well as overgrown trees.

Mrs. Lisa Bockholt, 1411 E. FM 1717 commented on 1717 condition and it's closure. She stated that this road has been resurfaced a number of times and it is the worst job she has ever seen. Bockholt further commented that she does volunteer for animal control, and further commented that the Animal Control staff does a great job and are very helpful.

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: Hinojosa, Pecos, Lopez, Fugate voting "FOR".**

1. **Motion to approve final passage 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).**
2. **Motion to approve resolution authorizing participation in the 16<sup>th</sup> Annual Ride on the Wild Side Charity Bike Ride (to be held on April 27, 2019) and authorizing the City Manager to execute an Indemnity Agreement with King Ranch for said event. (City Attorney).**

### REGULAR AGENDA

#### CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.<sup>4</sup>

3. **Consider a resolution of the City of Kingsville supporting the Texas Department of Transportation's temporary closure of the F.M. 1717 crossover on U.S. Highway 77 and requesting expedited construction of the F.M. 1717 Overpass Project. (Mayor Fugate).**

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

Mayor Fugate commented that the first overpass that went around King Street, the second one should have been place on FM 1717 and not the last one as it has been a dangerous intersection since it was built.

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

4. **Consider introduction of an ordinance calling a Special Election for a Venue Project Election in accordance with Chapter 334, Local Government Code, to be held in the City of Kingsville, Texas and other matters related thereto. (City Manager).**

Mr. Garza commented that as it has been discussed in the past, this item is simply calling for the election to occur in May. He further stated that the Comptroller's office has responded stated that there is no budgetary impact to the State and giving us the approval to proceed with the calling of the election.

Mrs. Alvarez commented that this tax is for a venue tax, which will not impact our general citizens but only those individuals that stay at our local hotels within the city limits.

Introduction item.

5. **Consider introduction of an ordinance calling a Special Election to be held on May 4, 2019 in the City of Kingsville, Texas, on the question of the sale of City park land and other matters related thereto. (City Manager).**

Introduction item.

6. **Consider introduction of an ordinance designating a certain area as a reinvestment zone. (City Attorney).**

Introduction item.

7. **Consider a resolution approving the extension of an application and agreement for the Historic District Façade Grant Program from Adelmo & Yolanda Luera for Al's Hair Design for property located at 321 E. Kleberg Avenue, Kingsville, Texas. (Downtown Manager).**

Mrs. Cynthia Martin commented that this would be their second extension.

Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR".

8. **Consider award of RFP for Design Guidelines for Kingsville's Local Historic District, as per staff recommendation, and authorize staff to negotiate a contract. (Downtown Manager).**

Mrs. Martin commented that a grant was awarded in February 2018, but because of budgeting, the matching funds were not put in until now. She further stated that the design guidelines go back to the Master Plan of 2008. These guidelines will be a great reference to the Community residents on what they can do and can not do.

Motion made by Commissioner Pecos to approve this award, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Pecos, Lopez, Fugate voting "FOR".

9. **Consider a resolution authorizing application for, participation in, and acceptance of funds from the 2020 Operation Border Star Program with 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. (Police Chief).**

Chief Torres commented that as it has been asked in years past, they are asking for money to help in their law enforcement operations and enhanced law enforcement patrols to facilitate the directive actions in the amount of \$80,000 with no cash match.

Motion made by Commissioner Pecos and Commissioner Hinojosa to approve this resolution, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Fugate voting "FOR".

10. **Consider a resolution authorizing the City Manager to enter into a Corporate MasterCard Program Member Account Agreement between the City of Kingsville and BMO Harris Bank N.A. for P-Cards. (Finance Director).**

Mrs. Deborah Balli, Finance Director commented that this is a new agreement for P-Card services provided by a new provider, PFM Payment Solutions. The change in provider is being requested due to additional functionality, increased rebate opportunities, and lower administration costs.

Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Pecos, Fugate voting "FOR".

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

Mr. Garza stated that this is amendment is only for the movement of the EDC Office from the Cottage Building into the City Hall building. By doing this move, it will give the EDC the space that they need as well as giving us the space that we need in order to improve the city's one stop shop.

Commissioner Lopez asked if there is an additional cost for this move.

Mrs. Alvarez commented that the only section from the agreement that changed is Section 1, Premises, which only moves the EDC Office from the Cottage Building to an office located inside City Hall.

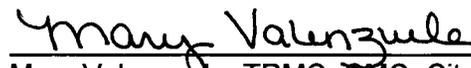
**Motion made by Commissioner Pecos to approve this resolution, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Hinojosa, Lopez, Pecos, Fugate voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:09 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, CMC, City Secretary