

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, OCTOBER 21, 2019 SPECIAL MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M.**

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting- October 15, 2019

Special Meeting- October 16, 2019

APPROVED BY:



Deborah Balli
Interim City Manager

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, Condemnation Update, 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, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

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

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider a resolution authorizing the City to purchase 9.40 acres of land near NAS-Kingsville for encroachment prevention near the base pursuant to the State Defense Economic Adjustment Assistance Grant Program award and authorizing the Interim City Manager to execute any necessary documents on the City's behalf. (Purchasing Manager).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board located at City Hall, 400 West King Ave, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

October 17, 2019 at 2:00 P.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.

Mary Valenzuela

Mary Valenzuela, TRMC, CMC, City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 15, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, OCTOBER 15, 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
Dianne Leubert, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager
Deborah Balli, Interim City Manager
Diana Gonzales, Human Resources Director
Emilio Garcia, Health Director
Adrian Garcia, Fire Chief
Ricardo Torres, Police Chief
Bill Donnell, Public Works Director
Cynthia Martin, Downtown Manager
David Soliz, Risk Manager
Rudy Mora, City Engineer
Derek Williams, IT Department
Joseph Ramirez, Engineers Assistant
Ron Lee, Fire Marshall

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)

Special Meeting- August 20, 2019
Regular Meeting- August 26, 2019
Special Meeting- August 27, 2019
Regular Meeting- September 9, 2019
Regular Meeting- September 23, 2019

Motion made by Commissioner Lopez to approve the minutes of August 20th, August 26th, August 27th, September 9th, and September 23rd, seconded by Commissioner Leubert. 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 request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as

Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas. (Interim Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:03 p.m.

Mrs. Cynthia Martin, Interim Director of Planning & Development Services stated that the new Kingsville Steakhouse will be opening in a location formerly occupied by another restaurant, since closed, which had no liquor license. The owners of the new steakhouse hope to increase their business by being able to serve liquor in their restaurant, a move that would serve to increase sales tax revenue. Letters were mailed to those within the 300-foot radius. Staff did not receive any complaints.

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 discussion, Mayor Fugate closed this public hearing at 6:04 p.m.

2. Public Hearing on a request to rezone KT&I Co., Block 17, Lot out of 3, also known as 1120 E. Senator Carlos Truan Blvd, Kingsville, Texas from R3 (Multi-Family Residential District) to C2 (Retail District), Ted Figueroa, applicant. (Interim Director of Planning & Development Services).

Mayor Fugate read and opened this public hearing at 6:04 p.m.

Mrs. Martin stated that Mr. Ted Figueroa, La Mision Restaurant would like to purchase and occupy the property at 1120 E. Senator Carlos Truan from the Rio Texas Conference of the United Methodist Church. In order to occupy the former church building as a restaurant and entertainment center, he needs to rezone to C2 Retail District. Mrs. Martin stated that staff did not receive any phone calls regarding this rezone.

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 discussion, Mayor Fugate closed this public hearing at 6:07 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, Condemnation Update, 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, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

Mrs. Deborah Balli, Interim City Manager introduced the new Building Official Mr. Albert Vilches.

Mayor Fugate presented a proclamation for Domestic Violence Prevention Month.

Mrs. Courtney Alvarez, City Attorney announced that the next City Commission meeting is scheduled for Monday, October 28, 2019 with agenda items due by October 18th. She further stated that there may be a need to call a special meeting on Monday, October 21st at 5:00 p.m., this is still to be determined.

No other comments were made.

IV. Public Comment on Agenda Items.³

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

Mr. Lupe Hernandez, 713 E. Henrietta commented on the removal of barricades located between N. 10th Street and N. 12th Street. He stated that his family has lived in this area for many years. He has built a home on his parents' property and for as long as he remembers, these barricades have been there for many years. He further commented that history has it that these barricades were placed due to two families having a dispute. He stated that he doesn't understand why the barricades are still in place. He stated that a few neighbors are in favor of brining those barricades down.

Mr. Wayne Grant, 315 S. 23rd stated that he started a non-profit security organization in February 2018. Since they are a non-profit organization, they rely on grant funding. He stated that the grant funding window opens on September 1st and has written to date a little over \$3 million dollars in grants for the organization. He is asking if the city can do a resolution as there are so many grants that require city or county government to be on them and stated that they his organization can be a sub-grantee to that grant. He further stated that if there could be a resolution done where his organization can be a sub-grantee and the grants that he writes for the city, they are willing to have a 60/40 split, with the City getting 60% of the grant money.

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 Leubert to approve the consent agenda as presented, seconded by Commissioner Lopez. 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 amending the Fiscal Year 2018-2019 budget to receive and expend funds for the donation from AEP for the TML Region 11 Meeting. (City Secretary).**

2. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to receive and expend funds for the donation from the Civitan Club for a therapeutic swing and a generational swing for Corral Park. (Parks Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to set aside additional cash match for the City's commitment to the County's EDA Grant for JK Northway Renovations. (Interim City Manager).
4. Motion to approve support of and participation in certain events and parades for Fiscal Year 2019-2020 as stated in the memo and attachments. (Downtown Manager).
5. Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2020. (City Attorney).
6. Motion to approve a resolution authorizing the City to execute grant documents for the Texas Parks and Wildlife Department's Local Park Grant Program for the purpose of making park improvements at Dick Kleberg Park, with an anticipated cash match, authorizing the Parks & Recreation Director to submit the grant, execute the agreement, and act as the Grant Official on the City's behalf with such grant program. (previously named Jason Alfaro, now Susan Ivy). (Parks Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider a request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas. (Interim Director of Planning & Development Services).

Motion made by Commissioner Lopez to approve the request for an alcohol variance for a Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) for the establishment known as Kingsville Steakhouse at 2215 Brahma Blvd., Kingsville, Texas, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to KT&I Co., Block 17, Lot out of 3, also known as 1120 E. Senator Carlos Truan Blvd, Kingsville, Texas, from R3 (Multi-Family Residential District) to C2 (Retail District), Ted Figueroa, applicant. (Interim Director of Planning & Development Services).

Introduction item.

9. Discuss and consider request to remove barricades from an alley that runs between North 10th and North 12th Streets (parallel to E. Ave. A and E. Nettie). (Commissioner Pecos).

Mayor Fugate commented that it is his understanding that this item was on a previous agenda where it failed due to a lack of a motion. Fugate further asked Mrs. Alvarez is this is something that can be reheard? Mrs. Alvarez commented that the item died for a lack of a motion. Mayor Fugate further asked if this item could be resurrected. Mrs. Alvarez responded yes, it could be brought back since there was no motion made for one way or the other.

Commissioner Pecos commented that Mr. Hernandez visited with him on this issue and after saying that this barricade has been here since the 1970's. For safety reasons this area cannot be used for emergency vehicles as they would need to go around. He also stated that the no accessibility to the residents that are living there he felt that Mr. Hernandez needed to come to the meeting and speak as there was no one at the last meeting that spoke on the item, which is why he has requested for the item to be brought back to the Commission.

Mayor Fugate commented that he appreciates Commissioner Pecos bringing this item back, but the problem is that some of the other neighbors were not notified of this hearing. Mayor Fugate asked that if there was any objection if this item could be placed in a future agenda so that notification could be sent out to those that reside in the area.

Commissioner Pecos commented that he is ok with the item being tabled and allow staff to send out letters to those that reside in the area.

Commissioner Hinojosa asked if letters were sent out regular mail or registered mail. Mr. Rudy Mora, Engineer responded that letters were sent out regular mail.

Mayor Fugate asked for staff to send out the letters registered mail, this will make sure that everyone gets their letter.

Commissioner Lopez commented that these barricades were placed there in the late 80's or early 90's.

No action taken on this item.

10. Discuss Caesar Street drainage and street improvement needs. (Commissioner Lopez).

No discussion or action taken on this item.

11. Consider aesthetic design for new US 77 Overpass between General Cavazos and CR 2120. (City Engineer).

No action taken.

12. Consider a resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2015 Ford Interceptor. (Police Chief).

Mr. Ricardo Torres, Chief of Police reported that the police department is requesting to enter into an MOU with the Kleberg County Attorney Specialized Crimes and Narcotics Task Force. The Task Force has a 2015 Ford Interceptor and a 2016 Ford Interceptor which they have agreed to transfer care, control and maintenance of said vehicle to the Kingsville Police Department for our use. The vehicles will need some minor repairs.

Commissioner Hinojosa asked if the repairs could be done by staff in the Garage Department. Chief Torres responded no.

Motion made by Commissioner Leubert to approve the resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2015 Ford Interceptor, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

- 13. Consider a resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2016 Ford Interceptor. (Police Chief).**

Motion made by Commissioner Pecos to approve the resolution authorizing the Police Chief to enter into an Interagency Agreement between the Kingsville Police Department and the Kleberg County Attorney Specialized Crimes and Narcotics Task Force for a 2016 Ford Interceptor, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

- 14. Consider out-of-state travel for the Tourism Director to attend the 2019 Cowboy Christmas Expo during the National Finals Rodeo in Las Vegas, New Mexico from December 12-15, 2019. (Tourism Director).**

Mrs. Janine Reyes, Tourism Director stated that the travel is to Las Vegas, Nevada and not New Mexico.

Motion made by Commissioner Lopez to approve the out-of-state travel for the Tourism Director to attend the 2019 Cowboy Christmas Expo during the National Finals Rodeo in Las Vegas, New Mexico from December 12-15, 2019, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".

- 15. Consider a resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized City representatives with full authority for investment purposes and providing for disclosure of financial interest. (Finance Director).**

Motion made by Commissioner Leubert to approve the resolution approving the City of Kingsville Investment Policy and Investment Strategies; designating the City Manager, Director of Finance, and City Accounting Manager as the authorized City representatives with full authority for investment purposes and providing for disclosure of financial interest, seconded by Commissioner Pecos.

Commissioner Hinojosa commented that the City Accounting Manager is not part of the committee and asked if there was any reason why?

Mrs. Balli commented that it has never been included as she sits on this committee as Finance Director.

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

- 16. Consider authorizing purchase of a mobile jetter unit for the Wastewater Department. (Public Works Director).**

Mr. Bill Donnell, Public Works Director stated that the current mobile jetting unit was purchased in 2011. This unit needs replacement due to corrosion and pump issues. The new unit is a very similar trailer mounted high pressure sewer cleaner and mounted on a tandem axle trailer with a 700-gallon capacity water tank and an 800-foot hose reel used for jetting sewer mains where the large vector is unable to enter.

Commissioner Leubert asked if this can be used for stormwater? Mr. Donnell responded yes.

Motion made by Commissioner Pecos to authorize purchase of a mobile jetter unit for the Wastewater Department, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Lopez, Fugate voting "FOR".

17. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter III-Administration, providing for revision of Article 1-City Commission). (City Attorney).

Mrs. Alvarez stated that this change was brought about due to a new State Statue. She stated that looking at some articles that have interpreted this section as well as looking at what some other cities are doing, the city already has a public comment section at the beginning of the agendas which has been in place for a very long time. Prior to the new State Statue, there was no requirement for public entities to allow the public to speak during any portion of their meeting. Other cities would have it but would have it at the end of their meeting which would allow their citizens to speak but not prior to any actions being taken. Alvarez stated that after looking into this, it is not required that the public be allowed to comment on each item as the item is being addressed. This only requires that we have a public comment section at the beginning of the meeting prior to taking any action on items, which is what we currently do now. She further stated that there is one other change made, that if an individual requires a translator, those individuals are allowed double time. She stated that if the Commission would like to have the comments at the beginning of the meeting verses during each item, staff can modify what is in the agenda packet and remove that and keep with the current practice, while adopting the other parts of the statue.

Motion made by Commissioner Leubert to have the public comments continue at the beginning of the meetings, as it is now, and changing the time limit from 5 minutes to 3 minutes and allowing the extra time for anyone that would require a translator and changing the start of the Commission meetings from 6:00 p.m. to 5:00 p.m., seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Leubert, Pecos, Lopez, Hinojosa, Fugate voting "FOR".

18. 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. (Interim City Manager).

Mayor Fugate announced the executive session and convened the meeting into closed session at 6:40 p.m.

Mayor Fugate reconvened the meeting into open session at 6:50 p.m.

VI. Adjournment.

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

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

OCTOBER 16, 2019

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 16, 2019 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 12:15P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, IT Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 12:15 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)

None.

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, Condemnation Update, 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, Library Summer Programs, Grants Update. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items.³

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

V.

Consent Agenda

Notice to the Public

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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)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. **Executive Session: Pursuant to Section 551.074, Texas Government Code, the Personnel Exception, the City Commission shall convene in Executive Session to conduct interviews with the city manager applicants and to deliberate the appointment, employment, and duties of the City Manager. (Mayor Fugate).**

Mayor Fugate announced the executive session and convened the meeting into closed session in the Executive Conference Room located in the City Manager's Suite at 12:16 p.m.

City Commission comes out of executive session at 5:30 p.m. and reconvenes to the Helen Kleberg Groves Community Room to adjourn the meeting.

Mayor Fugate reconvened the meeting into open session in the Helen Kleberg Groves Community Room at 5:32 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 5:32. p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

REGULAR AGENDA

AGENDA ITEM #1

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING THE CITY TO PURCHASE 9.40 ACRES OF LAND NEAR NAS-KINGSVILLE FOR ENCROACHMENT PREVENTION NEAR THE BASE PURSUANT TO THE STATE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT PROGRAM AWARD AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS ON THE CITY'S BEHALF.

WHEREAS, the City Commission of the City of Kingsville found on October 9, 2017 via Resolution #2017-72 that it was in the best interest of the citizens of Kingsville, that the City apply for a Defense Economic Adjustment Assistance Grant (DEAAG) Program with the State of Texas to apply for grant monies for the acquisition of property to prevent encroachment around the local military base; and

WHEREAS, the State budgeted money for this grant program to assist military communities in Texas with infrastructure projects and other initiatives to increase military value and mitigate any potential negative effects to the military institutions in future BRAC rounds; and

WHEREAS, acquiring land around the military institutions to protect them from encroachment issues is a tool that many other defense communities around the country have used to ensure the long-term viability of their local military institutions; and

WHEREAS, the base is a large employer of local civilian personnel and the base has a significant economic impact on the City, County, and State, such that the proposed land acquisition could be deemed for a public purpose; and

WHEREAS, the City has worked with the local base to identify properties that would be viable for this program; and

WHEREAS, the City was awarded the DEAAG grant and authorized execution of a contract with the state for such grant; and

WHEREAS, on February 12, 2018 via Resolution #2018-10 the City Commission authorized city staff to negotiate with landowners, survey properties, and begin the acquisition process so that deeds of sale can be brought back to the Commission for approval using the DEAAG Grant; and

WHEREAS, this will be the third of four properties identified for acquisition by the grant as the first property, a 5.02 acre tract of land located at Pt of Lots 6 & 7, Block Section 12, Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas, was authorized for acquisition from property owner Jody Van Fleet via resolution #2018-61 on October 22, 2018; and

WHEREAS, staff negotiated with property owner Kingsville Area Industrial Development Foundation (hereafter "Industrial Foundation") a price of \$80,000 for two tracts of land totaling approximately 38.09 acres of land that included a tract of land located at Pt of Lot 2, Block 13, Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas, which is near NAS-Kingsville and was one of the properties originally identified for acquisition through the grant and that purchase was authorized by Commission on July 22, 2019 via Resolution #2019-61, as well as roughly 10 acres of land originally owned by Glenn Yaklin that was also acquired by the Industrial Foundation; and

WHEREAS, the larger tract of Industrial Foundation property was re-surveyed and the new survey showed 30.469 acres of land at the site originally thought to be 28.69 acres in size; and

WHEREAS, in September staff negotiated with property owner Kingsville Area Industrial Development Foundation a price per acre that resulted in a price of \$63,984.90 for the 30.469 acre tract of land located at Pt of Lot 2, Block 13, Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas, which is near NAS-Kingsville and was one of the properties originally identified for acquisition through the grant and that purchase was authorized for purchase by Commission on September 23, 2019 via Resolution #2019-90; and

WHEREAS, the Industrial Foundation was not ready to sell the roughly 10 acres it acquired from Glenn Yaklin (actually 9.40 acres) in September 2019, it is ready to sell the land at this time; and

WHEREAS, staff negotiated the same price per acre as the land acquired in September with property owner Kingsville Area Industrial Development Foundation for the 9.40 acres which resulted in a price of \$19,740.00 for the land located at Farm Lot 2, Section/Block 13, Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas, which is near NAS-Kingsville and is one of the properties originally identified for acquisition through the grant; and

WHEREAS, the transactional documents have been prepared and staff needs approval from the City Commission of the City of Kingsville through this resolution to finalize the purchase of the property, which will result in the acquisition of the three of the four originally identified properties.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

THAT the City Commission authorizes City staff to finalize the purchase of a 9.40 acre tract of land located at Farm Lot 2, Section/Block 13, Kleberg Town and Improvement Company Subdivision, Kleberg County, Texas for a price of \$19,740.00 with property owner Kingsville Area Industrial Development Foundation in compliance with the agreement with the State of Texas for the Defense Economic Adjustment Assistance

Grant Program for funding for land acquisition to prevent encroachment around the local military base.

II.

THAT the City Commission authorizes the Interim City Manager to act on the City's behalf in executing any necessary documents for this action.

III.

THAT the City may allow the Industrial Foundation to retain an avigation easement for the airspace above the land to prevent potential air strike hazards in that space.

IV.

THAT this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission the 21st day of October, 2019.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

F. M. ROAD 2045 (80 FT. R.O.W.)

CONVEYANCE

P.O.B.

34.04 ACRES EXCEPTED FROM
WARRANTY DEED WITH VENDOR'S LIEN
THOMAS N. SANFORD AND WIFE, ANN SANFORD
TO MALTBY BUILDERS, INC.
VOL. 140, PG. 754, JANUARY 10, 1997

LOT SIX (6), SECTION TWELVE (12)
KLEBERG TOWN AND IMPROVEMENT
SUBDIVISION, ENVELOPE 18 OF PLAT REC.

20.92 ACRES
(TRACT 1)
WARRANTY DEED
MALTBY BUILDERS, INC.
TO RAM-BRO CONTRACTING INC.
VOL. 980, PG. 647, DEC. 18, 2007

SPECIAL SESSION
COMMISSIONERS'
COURT
MOTION CARRIED TO
OPEN 60 FOOT WIDE
DEDICATED RIGHT
OF WAY TO LOT SIX
BETWEEN TRACT 1
AND FARM LOT TWO,
SECTION THIRTEEN
CERTIFIED EIGHT JUNE, 2017

9.40 ACRES

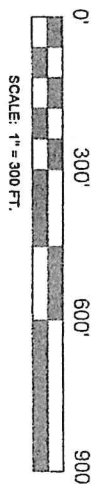
WARRANTY DEED WITH VENDOR'S LIEN
STEVE'S OILFIELD SERVICES, INC.
TO TRANSPORTATION & MUD SERVICES
OF SOUTH TEXAS, INC.
VOL. 11, PAGE 785, JUNE 16, 1989
TAX RESALE DEED
TO KINGSVILLE AREA INDUSTRIAL
DEVELOPMENT FOUNDATION
VOL. 418, PAGE 371, AUGUST 20, 2009
UNRECORDED SURVEY DATED: OCT.-NOV. 2008
CALLED TO CONTAIN 28.808 ACRES

WARRANTY DEED WITH VENDOR'S LIEN
STEVE'S OILFIELD SERVICES, INC.
TO TRANSPORTATION & MUD SERVICES
OF SOUTH TEXAS, INC.
VOL. 11, PAGE 785, JUNE 16, 1989
TAX RESALE DEED
TO KINGSVILLE AREA INDUSTRIAL
DEVELOPMENT FOUNDATION
VOL. 418, PAGE 371, AUGUST 20, 2009
UNRECORDED SURVEY DATED: OCT.-NOV. 2008
CALLED TO CONTAIN 23.808 ACRES

LOT TWO (2), SECTION THIRTEEN (13)

DATE: MARCH 24, 2019
I HEREBY CERTIFY THAT THIS PLAT
REPRESENTS AN ACTUAL SURVEY
PERFORMED BY ME ON THE GROUND.

WILLIAM DOUGLAS DOVE
REGISTERED PROFESSIONAL LAND
SURVEYOR TEXAS REGISTRATION NO. 4143
FIRM NO. 10078300

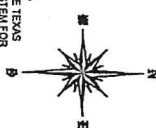


SURVEY OF 9.40 ACRES OUT OF FARM LOT 2, SECTION 13
OF THE KLEBERG TOWN AND IMPROVEMENT COMPANY SUBDIVISION
AS RECORDED IN CABINET 1, ENVELOPE 18 OF THE PLAT RECORDS
OF KLEBERG COUNTY, TEXAS

DRAWN	DATE	WILLIAM DOVE AND ASSOCIATES
APPROVED	DATE	111 KNOLL TRAIL SANDIA, TEXAS 78383
SCALE	SHEET	PROJECT NO.
1" = 300'	SF047-19	PHONE (361) 547-9665



ALL BEARINGS AND
DISTANCES ARE
BASED ON THE TEXAS
PLANE COORDINATE SYSTEM FOR
THE SOUTH ZONE, 1983 NORTH
AMERICAN DATUM.



EXHIBIT

9.40 Acres out of Farm Lot Two (2), Section Thirteen (13), of the Kleberg Town and Improvement Company Subdivision, as recorded in Cabinet 1, Envelope 18 of the Plat Records of Kleberg County, Texas, and being described by metes and bounds as follows:

BEGINNING at a 5/8" rebar with cap found in the West line of said Farm Lot Two (2) at a point of intersection with the South line of F. M. Road 2045;

THENCE N 87Deg-22Min-14Sec E with said South Right-of-Way a distance of 51.77 feet to a 5/8" rebar found at a point of curvature to the right;

THENCE continuing with the South Right-of-Way of F. M. 2045 with said curve to the right with a radius of 1392.50 feet, a chord bearing of S 79Deg-48Min-11Sec E, a chord length of 534.84 feet for an arc length of 538.19 feet to a 5/8" rebar with cap found for corner;

THENCE S 1Deg-56Min-49Sec E with the more Northerly West line of an unrecorded Survey of that certain Tract of land conveyed to Kingsville Area Industrial Development Foundation by a Tax Resale Deed dated August 20, 2009, and recorded in Volume 419, Page 371 of the Official Records of Kleberg County, Texas, said unrecorded Survey called to contain 29.808 Acres, for a distance of 631.92 feet to a 5/8" rebar with cap found for corner;

THENCE S 88Deg-55Min-17Sec W with the more Westerly North line of said 29.808 Acres a distance of 586.69 feet to a 5/8" rebar with cap inscribed, "1963" found in the West line of said Farm Lot Two (2);

THENCE N 1Deg-00Min-46Sec W with said West line a distance of 735.02 feet to the POINT OF BEGINNING and containing 9.40 Acres.

All Bearings are Grid Bearings based on the Texas Plane Coordinate System for the South Zone, 1983 North American Datum.

Date: March 24, 2019

SF047-19



William Douglas Dove
Registered Professional Land Surveyor
Texas Registration No. 4143
Firm No. 10078300

