

MARCH 11, 2019

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 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  
Dianne Leubert, Commissioner

**CITY STAFF PRESENT:**

Jesus Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Bill Donnell, Public Works Director  
Derek Williams, IT  
Susan Ivy, Parks Manager  
Deborah Balli, Finance Director  
Janine Reyes, Tourism Director  
Ricardo Torres, Police Chief  
Tom Ginter, Director of Planning & Development Services  
Charlie Sosa, Purchasing Manager  
Diana Gonzales, Human Resources Director  
Emilio Garcia, Health Director  
Rudy Mora, City Engineer  
Adrian Garcia, Fire Chief  
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 – February 12, 2019**

Motion made by Commissioner Pecos to approve the minutes of February 12, 2019 as presented, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Pecos, Fugate voting "FOR".

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

**1. Public Hearing on an ordinance to rezone Lund Addn., Block 7, Lot 8, 9, (Amigo Auto Sales) also known as 201 S. 16<sup>th</sup> Street, Kingsville, Texas from C1 (Neighborhood Services District) to C4 (Commercial District), Jonathan Villarreal, applicant, Guadalupe Alvarez, owner. (Director of Planning & Development Services).**

Mayor Fugate announced 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. Jonathan Villarreal, 1463 CR 1465, Alice, TX commented that he would like to open a business at this location. The business would be selling accessory buildings. He stated that currently there is one in Kingsville, 1600 S. 6<sup>th</sup> Street. The buildings would be hollowed out sheds with no work done inside. By placing this business at this location, it would improve the look of that area. This location is a prime location for his business as it used to be an old car lot which has a cement slab that can be used for the buildings. This makes for easier transport once a building gets sold, as they are not sitting on grass/dirt. Mr. Villarreal further commented that he is currently working at a similar location in Alice, but now he wishes to open his own business.

Mr. Tom Ginter, Director of Planning & Development Service commented that his recommendation to the Planning & Zoning Commission was to not approve the rezone as the location is on a major corridor. He further asked that if the city would want a

major corridor which takes you to the downtown area and University with this type of business. He stated that another concern that he had was that when you go to C4, it allows the sale of mobile homes and trailers.

Mayor Fugate asked if staff received any phone calls for or against the rezone.

Mr. Ginter responded that staff received three calls that were against the rezone. Planning & Zoning voted 4-0, to not recommend approval.

Commissioner Hinojosa asked how the buildings will be anchored down? Mr. Ginter responded that the buildings would not be anchored down. Commissioner Hinojosa further asked that with the buildings not be anchored down, could this be a safety issue? Mr. Ginter responded that it could be a safety issue, but there is no ordinance that covers that question.

Commissioner Lopez commented that when she was reviewing the agenda and the backup information, she did not see any information stating that there were individuals that were opposing the rezone. Mr. Ginter responded that staff only received phone calls. Commissioner Lopez further commented that on staff's memo, this information could be mentioned. Mr. Ginter responded that he understood, but there is a second reading for this item as well. Commissioner Lopez commented that she is aware of the second reading but she would still like to ask for the additional information to be listed on staff's memo.

Ms. Elizabeth Ramos, 3400 S. Brahma, commented that as a small business owner she looked on google maps, and she not aware how much cars weigh, considering that there was a car lot at this location, and asked how much does the sheds weigh in comparison to the cars? Ramos further commented that if there is a hurricane, will these sheds blow off in comparison to what was there prior. She further stated that this is the only thing that she can think of, in defense for the applicant. She stated that this is sort of the same large product being sold, in the same type of state it was sold prior to.

There being no further comments, Mayor Fugate closed this public hearing at 6:09 P.M.

**2. Public Hearing on an ordinance to rezone Sims 3, Block 2, Lot 16-23, W2'24, (El Corral) also known as 1415 N. 14<sup>th</sup> St., Kingsville, Texas from C4 (Commercial District) to C2 (Retail District), Olga Barrera, owner applicant. (Director of Planning & Development Services).**

Mr. Ginter stated that this building is located behind the El Corral Restaurant. The owner, Olga Barrera, would like to turn this structure into a housing unit for one of her employees to reside in. The property owner would need to meet all permit that are required. This item was approved by the Planning & Zoning Commission with a 5-0 vote. Staff did not receive any calls for or against.

Commissioner Lopez asked the entire property will be rezoned to C2 and next door would be C4. Mr. Ginter responded that this was correct.

Commissioner Leubert asked if the applicant mentioned to staff how many people will be living on this property and how many units will there be or will it be one big house? Mr. Ginter responded that he has received the impression that it will only be one house and one family living at this location. Commissioner Leubert further commented that she also agrees with Commissioner Lopez regarding adding more information to future items.

Mr. Garza commented that this is only for the rezone of the property only. Once the Commission approves the rezone, the applicant would need to follow certain steps before building anything on the property. Regardless of whether there will be one house or if it will consist of several units; this will come at a later time. This is only for the rezone for the usage of this property.

Commissioner Lopez commented that this would be good information for the Commission to know before coming into a meeting.

Mr. Garza commented that this is the reason there is a public hearings and a second readings so that by the time an ordinance gets fully adopted, the Commission is comfortable as possible with the information that is given to them.

There being no further comments, Mayor Fugate closed this public hearing at 6:15 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."*

Mr. Ricardo Torres, Police Chief presented patches and badges to retiree Mr. David Garza for his 20 years of service to the City of Kingsville Police Department.

Mr. Adrian Garcia, Fire Chief recognized Mr. Roel Cavazos, retired Fire Marshall for his years of service to the City of Kingsville. He further introduced the new Fire Marshall, Mr. Ronald Lee.

Mr. Ginter gave an update on the old county hospital. Phase 1 has been completed for this site, which was a table top review of records associated with this property. A Phase 2 has also been done, which consisted of several monitoring wells being drilled on the property to determine if there was any contamination to the soil or water, of which nothing was found. Ginter commented that it is clear that there is asbestos in the building. He further stated that in order for the City to qualify for the Brownfield Cleanup grant, the City must own the project site. Currently S and S Title company is working with the estate, so they have one person be responsible for signing any legal documents regarding the sale of the building. He further commented that it is his understanding that this could be completed by the end of March. This will allow the individual, Debra Scholmack as the signee, to sell the city the property. The grant application will be due November 1, 2019. Right now the rules and grant application itself will stay the same, but will probably not know for sure until late summer. The estimate for this project is \$200,000 which is good until September 28, 2019.

Mr. Garza commented that worst case scenario, if the city does not get awarded this grant, and the city would want to redevelop the property, it would be roughly about \$400,000 which is to abatement the property than have it demolished.

Commissioner Pecos asked if there was a match required for the grant. Mr. Ginter responded that there may be a 10% match, but wasn't sure.

Mr. Emilio Garcia, Director of the Health Department made a brief presentation on some of the projects going on at the Animal Shelter.

Mrs. Courtney Alvarez, City Attorney reported that the next scheduled Commission meeting is set for March 25<sup>th</sup> with deadline to staff to turn in their agenda items on March 15<sup>th</sup>. She further announced events going on in the City.

Commissioner Lopez asked who was monitoring activities at Flore Park. Mrs. Susan Ivy, Parks Director responded that they have one employee that goes out every morning checking chemical levels at the pool and splash pad, but there is no one monitoring throughout the day.

Mr. Garza commented that there are no security cameras at this location at this time.

Commissioner Hinojosa commented that he would for staff to start looking into updating the City Charter. He further commented that one change he would like to see changed in the Charter is Commission terms to be changed from 2 year term to 4 year term as well as have term limits.

Mrs. Alvarez commented that it has been about 13 years since the last Charter Review. There was also an initiative to make some changes with regards to the Charter and those were not approved by the voters.

Mayor Fugate asked where staff is at on the three houses that were supposed to have the families apply for housing as these properties were to be demolished.

Mr. Ginter stated that one has a spot, but they don't want to go.

Mayor Fugate commented that these are safety issues, particularly the one on Santa Gertrudis. There needs to be something done because if any of properties catch on fire, the city would be responsible for those homes.

Mr. Garza commented that staff will provide an update at the next meeting.

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

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

Paige De Vaudercourt, 2016 S. 3<sup>rd</sup> Street commented that she is concerned about her neighbor(s). She stated that she has called the Community Appearance about the property that is in bad condition. She has also called the Health Department for dogs at large. She stated that at this property, there is some type of car repair going on. She also stated that she is concerned about the dogs at-large. They call the Animal Control Department and they come out to pick them up but then get released at a later time. She would like harsher penalties to be in place.

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 Lopez and Commissioner Leubert to approve the consent agenda as presented, seconded by Commissioner Hinojosa. 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 expend funds for professional services related to landfill permit amendment responses to TCEQ. (Public Works Director).**
2. **Motion to approve appointment of Lisa Garza-Munoz to the Hotel Occupancy Tax Advisory Board for a two-year term. (Tourism Director).**
3. **Motion to approve a resolution accepting funds for Operation Stonegarden Grant #3194304 with the Homeland Security Grants Division of the Governor's Office for Border Security to interdict criminal activity with no anticipated cash match; authorizing the Kingsville Chief of Police to act on the City's behalf with such program. (Police Chief).**

#### REGULAR AGENDA

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

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

4. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lund Addn., Block 7, Lot 8, 9 also known as 201 S. 16<sup>th</sup> Street, Kingsville, Texas from C1 (Neighborhood Services District) to C4 (Commercial District). (Director of Planning & Development Services).**

Mayor Fugate asked for the Planning & Zoning vote.

Mr. Ginter responded that the Planning & Zoning had a 4-0 vote not to approve.

Introduction item.

5. **Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Sims 3, Block 2, Lot 16-23, W2'24. (E)**

Corral) also known as 1415 N. 14<sup>th</sup> St., Kingsville, Texas from C4 (Commercial District) to C2 (Retail District). (Director of Planning & Development Services).

Introduction item.

6. **Consider awarding RFP#19-05 for East Caesar Avenue Street Improvements (Reconstruction), as per staff recommendation, and approving a resolution authorizing the City Manager to enter into a Standard Form of Agreement between the City of Kingsville and Contractor on the Basis of a Stipulated Price for East Caesar Avenue Street Improvements (RFP#19-05). (Purchasing Manager).**

Mr. Mora stated that the purpose of the project is to provide street improvements along E. Caesar St. The project scope of work for the Base Bid included sections of Full Depth Construction and Mill & Overlay between 6<sup>th</sup> and 14<sup>th</sup> St. The Alternate No. 1 Bid, deducts the Mill & Overlay items from the Base Bid so the street improvements would only include sections of Full Depth Construction and one course seal over the existing street between 6<sup>th</sup> and 14<sup>th</sup> St. Alternate No. 2 Bid, is a single course seal along E. Caesar Ave. between 14<sup>th</sup> St. and Bypass 77. Street striping is included the Base Bid and Alternate No. 2. The Commission gave staff direction to move forward with street improvements for E. Caesar Ave. between 6<sup>th</sup> and 14<sup>th</sup> St. when prioritizing various street improvement projects at a meeting on March 26, 2018. Staff advertised for bids in the local paper on January 27, 2019 and February 3, 2019. A non-mandatory pre-bid meeting was held on February 12, 2019 with two potential bidders attending. Three bids were received by the deadline of Tuesday, February 26, 2019 at 2:00 p.m. Bids were received from three contractors which included Garrett Construction Company from Ingleside, TX; Clore Equipment from Harlingen, TX; and Donald Hubert Construction from Kingsville, TX. References were verified for each of the contractors. The bid/contract documents stipulated the superintendent shall have at least 5 years of experience in the day to day field management and oversight of projects of a similar size and complexity to the project. Additionally, the documents required the foreman also shall have a least five years of experience in oversight and management of the work of various subcontractors and crafts. The apparent low bidder, Clore Equipment, did not meet these requirements. The second low bidder was Garrett Construction Company. It is staff recommendation to award the project to Garrett Construction company Base and Alternate No. 2 Bid for the amount of \$650,000.00 and authorizing City Manager to execute a contract for the same.

Mayor Fugate asked if the City has done any business with Garrett Construction Company in the past. Mr. Garza responded no.

Commissioner Lopez stated that when she spoke with the City Engineer, she was told that from 6<sup>th</sup> to 7<sup>th</sup> Street it would be a full depth construction. Mr. Mora commented that this was correct.

Mr. Mora gave a description of what a full depth construction is.

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

7. **Consider a resolution authorizing the City Manager to enter into an Agreement for Professional Services between the City of Kingsville and Mainstreet Architects, Inc. for design guidelines for the local historic district. (Downtown Manager).**

Mr. Ginter reported that this item authorizes the City Manager to enter into a contract for professional services with Mainstreet Architects, Inc., for Design Guidelines for the Kingsville local Historic District. The financial impact to the City will not exceed \$20,000. The City received a Certified Local Government Grant for this project that will reimburse the City up to \$20,000 and required a \$20,000 cash match for a total project cost of \$40,000. Currently \$40,000 is budgeted for this project from fund 085.

Commissioner Hinojosa commented that he is not comfortable with funding the project before any work is done and asked if the city could pay the 20% after they do the work. He further questioned that the contract of \$39,000 states that it would need Commission approval which doesn't since the amount is less than \$50,000. He asked for staff to look into that clause and see if that could be modified. He further asked if the amount of the contract changes from \$39,000 to \$45,000, would it need to come back for Commission approval.

Mr. Garza responded that anytime there is an adjustment to an agreement that is approved by the Commission, the amended agreement comes back to the Commission for their approval again.

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

8. **Consider a revised resolution of the City Commission of Kingsville, Texas authorizing the submission of an application to the Texas Community Development Block Grant Program, Texas Capital Fund, authorizing the City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant 2018 Program for improvements to the downtown area. (Downtown Manager).**

Mr. Garza stated that in October 2018, the Commission passed a resolution authorizing the submission of an application to the Texas Community Block Grant Program, Texas Capital Fund in the amount of \$250,000 for ADA improvements and sidewalk repairs under a special program only available to Main Street communities. If awarded the grant, the cash match of 20% or \$50,000 will come from the Downtown Certificate of Obligation. Additional match contributions of in-kind services are proposed from engineering and administrative work done by city staff.

**Motion made by Commission Leubert and Commissioner Pecos to approve the revised resolution, seconded by Commission Lopez.**

Commissioner Hinojosa asked that on the \$50,000 is that listed on the budget? Mr. Garza commented that it should be in the budget as it was part of the remaining funds from CO 2016, downtown redevelopment. Commission Hinojosa further commented that the resolution reads that the it is not in there and will be done through other methods. He further asked that at this point, we will worry about the time and whenever the city receives the approval of it. He further stated that the resolution states that the city does not have the money and the memo from Cynthia Martin states that we do have the money.

Mrs. Alvarez commented that Roman Numeral VI states that the city is committing \$50,000 from CO 2016 downtown funds as a cash match contribution toward the activities of this project. She further asked Commission Hinojosa if there was something else in the resolution that said anything contrary to that.

Commissioner Hinojosa commented that he thinks on the resolution it said that the city did not have the money. He stated on page 1 of the resolution it states "City intends to make an application for \$250,000 of funding and has set aside a twenty percent cash match in the FY 18-19 budget for this item in the CO 2016 downtown funds, should it be awarded, as the city does not have the funding to cover more than that for the project it may be able to contribute some in-kind services as well, which also enhance scoring of the application". Hinojosa further commented that on the memo it states that there is money and the resolution states that there isn't money and is it correct to think that it would be covered through in-kind services.

Mrs. Alvarez responded that the on the resolution it indicates that the 20% cash match will be from CO2016, if however the cash match were to be more than the 20% of the \$250,000, then the city would be using in-kind services to cover any extra amount.

Commission Hinojosa commented that he understands this, but just wants to make sure that the city has \$50,000 cash money in the account as it wasn't clear as to where the money was in the budget. He further asked staff if what they are saying is that the money is in there.

Mr. Garza responded that it's in the CO 2016 funds. Commissioner Hinojosa asked for staff to show him where the money is located within the budget as he could not locate it in the budget himself.

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

9. **Consider a resolution authorizing the City Manager to enter into Agency Affiliation Agreements between the City of Kingsville and Texas A&M University-Kingsville for student internships for Social Work Program-MSW and for BSW Social Work Program. (Police Chief).**

Chief Torres stated that the Kingsville Police Department is requesting a resolution authorizing the City Manager to execute internship agreements with Texas A&M Kingsville. He stated that he has met with Maria A. Iyescas Interim BSW Program Director and Assistant Professor of Practice and Kristen Gonzalez a master's degree candidate in the field of social work regarding partnering to provide services for

domestic violence victims. Ms. Gonzales is currently working as an intern with the Corpus Christi Police Department and would be able to step in and head a program for the Kingsville Police Department. She will provide 205 hours of service for her internship.

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

**10. Consider out-of-state travel for two SWAT personnel to travel to Pittsfield, Massachusetts on or about May 6, 2019-May 8, 2019 to inspect and then receive delivery of a Lenco BearCat G3 vehicle for the Police Department. (Police Chief).**

Chief Torres stated that the police department is requesting approval of out-of-state travel to Pittsfield, Massachusetts to inspect and then accept delivery of Lenco BearCAT G3 for use by the 2007 Texas Tactical Police Officer's Association Unit Citation Award winning SWAT Unit.

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

**11. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to accept and expend grant funds for OPSG Stonegarden Grant #3194304. (Police Chief).**

Introduction item.

**12. Consider introduction of an ordinance ratifying classifications and prescribing the number of positions in such classifications for the classified service in the Police Department; renaming the classifications for consistency with other departments. (Human Resources Director).**

Mrs. Gonzales stated that this item is for the renaming of three classifications of authorized civil service positions as follows: 2 positions from Lieutenant to Commander; 6 positions from Sergeant to Captain; and 5 positions from Corporal to Lieutenant.

Commissioner Hinojosa asked if this was just renaming the positions? Chief Torres commented that this would only rename the positions listed.

Introduction item.

**13. 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).**

**14. 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 announced both executive sessions and convened the meeting into closed session at 7:22 p.m.

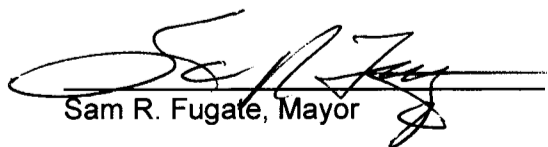
Executive session #13 ended at 7:45 p.m.

Executives Session #14 began at 7:45 p.m.

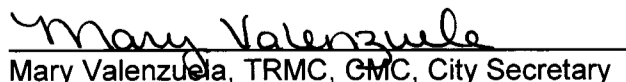
Mayor Fugate convened the meeting back into open session at 7:53 p.m.

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:54 P.M.

  
Sam R. Fugate, Mayor

**ATTEST:**

  
Mary Valenzuela, TRMC, GMC, City Secretary