

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, JANUARY 23, 2012
REGULAR MEETING

HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
4:00 P.M.

I. Preliminary Proceedings.

OPEN MEETING

CONVENE INTO REPORTS FROM COMMISSION & STAFF –
ITEM III- REGARDING PROPOSED EXPENDITURE OF FY
2011 BUDGET SAVINGS.

APPROVED BY:



Vincent J. Capell
City Manager

6:00 P.M. – Regular Session of the Agenda continues.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

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

III. Reports from Commission & Staff²

"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, Convention and Visitor's Bureau, 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, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor presentation. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items³

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discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

1. Motion to approve final passage of ordinance amending the Fiscal Year 2011-2012 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful Projects. (Finance Director).
2. Motion to approve a resolution of the City of Kingsville supporting Bullying Awareness. (Mayor Fugate).
3. Motion to approve authorizing participation in 2012 Ride on the Wild Side Charity Bike Ride to be held on April 21, 2012. (City Attorney).
4. Motion to approve waiving all City fees and any fees for services for participants of the Kleberg-Kenedy County Junior Livestock Show Parade to be held on January 27th, 2012. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

NONE

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 citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This facility is 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 citysec@cityofkingsville.com for further information. Braille Is Not Available. The City of Kingsville reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086 regarding any item on this agenda.

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, 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:

January 19, 2012 at 9:30 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

Edna S. Lopez by Mary Valenzuela
Edna S Lopez, TRMC, GMC
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)**

JANUARY 9, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 9, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Bob Trescott, Downtown Manager
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Dave Mason, Purchasing/IT Director
Robert Rodriguez, Library Director
Willie Vera, Task Force Commander
Mike Kellam, Director of Development Services
Bill Donnell, Asst Public Works Director
Diana Gonzales, Human Resource Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
John Garcia, Risk Manager
Caron Vela, Accounting Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M., and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes for the regular meeting held on Monday, December 12, 2011. **Commissioner Wilson made a motion to adopt the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Laskowski, Pecos, Wilson voting “FOR”. Fugate “ABSTAINED”**

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

III. Reports from Commission & Staff²

“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, Convention and Visitor’s Bureau, 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, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor presentation. No formal action can be taken on these items at this time.”

City Manager Capell reported he did not have information on the cost for City services for the Martin Luther King Day Parade, but the cost shouldn’t be substantial. A report will be provided at a later time. He reported on having several workshops scheduled because he is trying to avoid turning regular Commission meetings into workshop meetings. He reported he will be making a change that when there’s a workshop the Commission will receive the workshop information in a minimum of seven (7) days. He added that a workshop will be scheduled at least once per month in order to achieve the Commissions’ objectives and goals, and to make alterations on improvements. He reported on a time change for the meeting scheduled for January 30th, 2012, the meeting was previously scheduled for 4:00 P.M, but will be at 5:30 P.M.

Ms Alvarez reminded Staff the deadline for agenda items and staff reports for the next regularly scheduled meeting of January 23rd is this Friday at 5:00 P.M. Monday, January 16th is a City Holiday and City offices will be closed. The next Staff meeting is scheduled on Wednesday, January 18th at 11:00 A.M., and court on Thursday, the 19th at 3:00 P.M.

Commissioner Laskowski announced there will be a living legend that will be Roasted and Toasted this Saturday night at the TAMUK Student Union Building and invited the public to attend.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-2. **Commissioner Wilson made a motion to approve the consent agenda as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting “FOR”.**

V. Consent Agenda

1. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys & Girls Club of Kingsville. (Task Force Commander).

2. Motion to approve out of state travel for Commission members and staff to attend the National League of Cities – Congressional City Conference 2012 in Washington, DC on March 10th – 14th, 2012. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider authorizing Life Scout Troop 385 to install two handicap parking spaces on Ella Avenue and Eight Street within city right-of-way. (City Engineer/Public Works Director).

Ms Alvarez stated the memo stated two parking spaces but the attached map indicated there would be three spaces and Mr. Khan had also informed her of this. Mr. Khan stated that Boy Scout Brian James Loera Springer approached the City that he wanted to install three handicap parking spaces for an Eagle Scout project. Mr. Khan stated there is no need for a handicap ramp. Mr. Springer addressed the Commission and stated his project will consist of three handicap parking spaces, two on Eighth Street and one on Ella Street. In addition to having parking spaces stenciled on the asphalt there will be poles and signs. He stated his project needs to be completed by February 11th, when he turns eighteen. This project will be in front of St Martin's Church.

Commissioner Laskowski stated that putting the handicap on the street is fine, but it's not enforceable unless the sign is visibly in front of the vehicle. Mr. Khan stated Mr. Springer met with the Street department regarding the signs.

Commissioner Wilson made a motion to authorize Mr. Springer to move ahead with this project, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

4. Consider accepting donations for Keep Kingsville Beautiful. (Finance Director).

Mr. Rushing stated the City received a donation from Dr Ruby K Payne in the amount of \$1,000.

On behalf of Dr Payne, Ms Sandra Messberger made the formal presentation to Commissioner Laskowski & Mayor Fugate.

Commissioner Laskowski stated the monies will defray costs for the beautification project on Yoakum and 6th Street.

Commissioner Garcia made a motion to accept the donation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

5. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful Projects. (Finance Director).

Mayor Fugate stated this is an introduction item which is self-explanatory.

INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:15 P.M.

Sam R Fugate, Mayor

ATTEST:

Edna S Lopez, TRMC, CMC
City Secretary

PUBLIC HEARING(S)

**PETITIONS,
GRIEVANCES, &
PRESENTATIONS**

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2012- 01

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 GENERAL FUND BUDGET FOR THE CITY OF KINGSVILLE TO ACCEPT DONATIONS FOR KEEP KINGSVILLE BEAUTIFUL PROJECTS.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2011-2012 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001	General Fund				
<u>Assets</u>				<u>Debit</u>	<u>Credit</u>
0-		Claim on Pooled Cash	010.00	1,000	
<u>Liabilities</u>				<u>Credit</u>	<u>Debit</u>
1-		Due to KKB	478.00	1,000	

[To accept donations of \$1,000 for the Keep Kingsville Beautiful projects.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

INTRODUCED on this the 9th day of January, 2012.

PASSED AND APPROVED on this the 23rd day of January, 2012.

EFFECTIVE DATE: February 8th, 2012

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2

RESOLUTION NO. 2012-_____

A RESOLUTION OF THE CITY OF KINGSVILLE SUPPORTING BULLYING AWARENESS.

WHEREAS, bullying is defined as “aggressive behavior that is intentional and that involves an imbalance of power or strength” and bullying has many forms: (1) physical- such as hitting, punching, tripping, etc.; (2) verbal- such as teasing or name calling; (3) non-verbal/emotional- such as intimidation using gestures or social exclusion; (3) cyber- such as sending insulting messages via email; and

WHEREAS, the stress from being bullied can interfere with student’s engagement and learning in school. Victims (children) are more likely than others to be depressed, lonely, and anxious, have low self-esteem, feel unwell and contemplate suicide. Victims may fear going to school, using the bathroom (while at school), and/or riding the school bus; and

WHEREAS, characteristics of a bully include: tendency to be impulsive, hot headed and dominant; easily frustrated; lack of empathy; have difficulty following rules; and view violence in a positive way; and

WHEREAS, warning signs of victims include: comes home with torn, damaged or missing pieces of clothing or other belongings; has unexplained cuts, bruises and scratches; has few, if any friends with whom they spend time; seems afraid of going to school, walking to and from school, riding the bus, or taking part in organized activities with peers (school clubs, dances, etc.); appears sad, moody, teary or depressed when they come home from school; complains frequently about headaches, stomachaches, or other physical ailments; has trouble sleeping; appears anxious or suffers from low self-esteem. Children with disabilities may have a higher risk of being bullied than other children; and

WHEREAS, the 2010 statistics state that bullying is one of the strongest motivations for school shootings. More than 160,000 children miss school out of fear of being bullied and one out of ten students drops out of school or changes schools because of bullying. One out of twenty students has seen students with guns at school; and

WHEREAS, the remedies for bullying include: (1) schools with more security (indoors and outdoors) such as City Police or other security, (2) surveillance cameras mounted outside of school restrooms and blind spots, (3) making people aware and enforcing consequences of their actions (formal charges), (4) dedicating one week as a stand against bullying (Bully Awareness Week) to raise community awareness, (5) Anti-Bully Billboards in our community, (6) encouraging local radio stations, television stations and newspapers to release public service announcements, and (7) training school staff on bullying prevention.

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

I.

THAT the City Commission asks the citizens of Kingsville to be aware of the characteristics, consequences, warning signs, and remedies of bullying in an effort to end this social problem.

II.

PASSED AND APPROVED by a majority vote of the City Commission on the _____
day of _____ January _____, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #3



**CITY OF KINGSVILLE
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

Date: January 17, 2012

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: KCVB Charity Bike Ride 2012 *CA*

The Kingsville Convention and Visitors Bureau is seeking the City's sponsorship in the Annual Ride on the Wild Ride charity bike tour through the King Ranch on April 21, 2012. Last year's ride was successful and this year is expected to be even better.

The KCVB requests the City participate by allowing the use of city streets for the tour, providing cones and one police officer to escort the riders as they go through town (if needed), and having an ambulance on stand-by for the event. The City's participation will allow the KCVB to obtain an insurance rider, which is required by the Ranch. The bike route will be well staffed with Noon Lion's Club volunteers and other volunteers as well. Proceeds from this charity bike ride benefit the Lion's Disabled Children's Camp in Kerrville, of which Kingsville children directly benefit.

Also, as was done previously, the King Ranch is requesting the City execute the attached Permission and Indemnity Agreement for this year's bike ride as well.

PERMISSION AND INDEMNITY AGREEMENT

In consideration for King Ranch, Inc.'s permission (evidenced by its execution below) for a portion of the Ride On The Wild Side Charity Bike Ride (or similarly named event) ["Bike Ride"] (with participation/sponsorship by the Kingsville Convention and Visitors Bureau) to be held on the premises of King Ranch, Inc. in or about April of 2012, the sufficiency and adequacy of which consideration is hereby acknowledged, the City of Kingsville, Texas, hereby unconditionally and irrevocably agrees to defend, indemnify and hold harmless King Ranch, Inc., its directors, employees, shareholders and agents from and against any and all claims based on, or arising out of, personal injury (including death) to, and/or property damage of, any of the participants, support personnel or other individuals participating in, observing as by-stander of, or providing organizational or other support or safety services for, the above Bike Ride, including the arrival to or departure from the above Bike Ride and all other ancillary and related activities related to the Bike Ride. **The foregoing defense, indemnity and holding harmless shall apply in full force and effect despite any sole, joint or concurrent negligence, strict liability or other fault of any of the above indemnified persons.**

At least 30 days prior to the Bike Ride, the City of Kingsville shall provide a certificate of insurance to King Ranch, Inc. in a form and from an insurer acceptable to King Ranch, Inc. showing contractual indemnity insurance coverage in the amount of at least \$5,000,000 per claim or occurrence for general liability, automobile liability and law enforcement liability, to cover this contractual indemnity agreement. Such certificate shall require the insurer to provide King Ranch, Inc. at least 30 days prior written notice of any change, deletion or expiration to such coverage and terms and such insurance and certificate shall indicate that such coverage for the contractual indemnitees is primary and shall respond without contribution from any other insurance of such indemnitees.

The Bike Ride's sponsors shall obtain and provide King Ranch, Inc. waivers of liability, on forms approved by King Ranch, Inc., executed by all Bike Ride participants in the Bike Ride.

Executed this ___ day of _____, 201__.

City of Kingsville, Texas, by:

King Ranch, Inc.

Name

Name

Title

Title

WAIVER & RELEASE

In consideration for my participation in the bicycle tour event known as "A Ride on the Wild Side" which will be held Saturday, April 21, 2012, on King Ranch and areas in and around Kingsville, Texas, I hereby agree to this Waiver and Release. I fully realize the dangers of participating in a bicycle ride and fully assume the risk associated with such participation, including by way of example and not limitation, the following: the danger of collision with pedestrians, vehicles, other riders and fixed and moving objects; the danger rising from surface hazards, equipment failure, inadequate safety equipment, and weather conditions; and the possibility of serious physical and/or mental trauma or injury associated athletic cycling participation. I hereby waive, release and discharge for myself, my heirs, executors, administrators, legal representatives, signers, successors in interest any rights and claims which I have or which may hereafter accrue to me against the sponsors of this event, the organizers, and any promoting organizations, property owners (including King Ranch Inc. and its directors, employees, shareholders, and agents), law enforcement agencies, all public entities, and special districts, through or by which the event will be held for any and all claims (**including those caused by the Negligence and Gross Negligence of such released persons**) for all damages arising out of personal injury (including death) or property damage which may be sustained by me directly or indirectly in connection with the event, or travel to or return from the event. I agree it is my sole responsibility to be familiar with the ride and operation of my bicycle so as to neither endanger others or myself. I accept responsibility for the condition and adequacy of the equipment I use to participate in the charity bicycle ride and I will wear an ANSI approved helmet at all times while riding my bicycle during such ride. I have no physical or mental condition which, to my knowledge, would endanger others or myself if I participate in this event. I understand and agree that I will be financially responsible for any loss or damage caused by my actions during the event. I further understand and agree with all the terms and conditions of this Waiver and Release.

I have read and I agree to the stated terms and conditions above.

Signature: _____

Date: _____

Parent or Guardian if under 18:

I have read and agree to the stated terms and conditions above and hereby acknowledge the authorization for my: _____,

Relationship

Name: _____ to participate in this event. I also authorize the medical treatment for any injuries sustained during this bicycle tour on King Ranch and areas in and around Kingsville, Texas.

Signature: _____

Date: _____ Phone: _____

Make check payable and mail with completed form to:

Kingsville CVB
1501 N US 77
Kingsville, TX 78363

AGENDA ITEM #4



January 13, 2012

To: City Commission via City Manager

From: Robert R Trescott, Downtown & Special Projects Manager

**Re: The Annual Kleberg Kenedy Junior Livestock Show parade
scheduled for Friday, January 27 in the downtown.**

The Kleberg-Kenedy County Junior Livestock Show Association is hosting the Annual Livestock Show Parade on Friday, January 27, 2012 at 5:00 p.m. The parade will line up at the Old King High School (at 3rd and Kleberg) and travel down Kleberg Avenue to the Kleberg County Courthouse where the parade will disband. They are once again asking for City assistance through:

- Waiver of fees and reimbursements of labor costs
- Street closure and barricades for Kleberg Avenue from Old HM King School to the Courthouse.

Police Costs	\$350
Fire Department Costs	\$0
Public Works Costs	\$450
Waiver of Parade/Street Closure Fees	\$150
Waiver of Vendor & Food Permit Fees	\$0
Total	\$950

(REGULAR AGENDA)