

OCTOBER 11, 2004

**A REGULAR MEETING OF THE CITY COMMISSION OF KINGSVILLE, TEXAS WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON MONDAY, OCTOBER 11, 2004 AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S. Lopez, City Secretary  
Stanley Fees, City Engineer  
Jennifer Cantu, Director of Development Services  
Dianne Leubert, Solid Waste Superintendent  
George Bejarano, Asst. City Manager/Finance Director  
Al Lopez, Interim Fire Chief  
Joey Mendieta, Firefighter  
Roel Carrion, Fire Captain  
James Creek, Firefighter  
Dora Byington, Purchasing Director  
Diana Gonzales, Human Resource Director  
Daniel Almedia, Wastewater Supervisor  
Frank Garcia, Wastewater  
Ricardo Torres, Chief of Police  
A L Noyola, Health Director  
Arnold Valadez, Warehouse Clerk

**I. Preliminary Proceedings.  
OPEN MEETING**

Mayor Fugate called the meeting to order in the Commission Chambers at City Hall.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

The invocation was delivered by Ms Dora Byington, Purchasing Director, followed by the Pledge of Allegiance and Texas Pledge.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Mayor Fugate called for approval of the minutes of the regular Commission meeting of September 27, 2004.

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

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

None

**III. Petitions, Grievances, and Presentations.<sup>2</sup>**

**1. Proclamation designating the month of October 2004 as "Czech Heritage Month".**

Mayor Fugate read the proclamation.

2. Proclamation designating the month of October 2004 as "Fire Prevention Month".

Interim Fire Chief Al Lopez, Fire Captain Roel Carrion, and Firefighter James Creek accepted the proclamation from Mayor Fugate.

3. Proclamation designating the month of October 2004 as "Hispanic Heritage Month".

Ms Maggie Salinas and Mr. Dan Garza accepted the proclamation from Mayor Fugate.

4. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported TXDOT will hold a public meeting on October 20<sup>th</sup>, at Texas A&M University-Kingsville, Student Union Building, Room 221 A&B, from 5:00 P.M. to 8:00 P.M. to discuss the Trans-Texas Corridor. In addition, he briefed the Commission on several grant opportunities that the City is looking at. Finally, he reported the next Commission meeting would include a Resolution for authorization to submit an application.

5. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on working on various contracts and litigation matters. She reported that Interlocal Agreements with regard to Kleberg County would be included in the next Commission meeting and a one year contract with NAS for disposal of garbage would be included in the near future. She reported she had attended a Federal Law seminar in Houston, Texas. Finally, she said the U S House of Representatives recently passed Resolution 4849 designating our local Post Office as the Irma Rangel Post Office Building.

6. City Commission's Reports. (City Commission).

Mayor Fugate called for the Commission's reports. Mayor Fugate reported on the University's Homecoming and invited everyone to the Friday night bonfire. He also reported that the Omega Delta Phi Fraternity would be working at the Douglas Center on Saturday.

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

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

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

Ms Mariam Yuraitis, 315 Alexander, commented of a policy change made in Laredo, Texas to accommodate poor residents, and asked the Commission not to allow residents and businesses in the same community.

Mr. Neil Kuyatt, 314 Elizabeth, commented about being a responsible citizen by filing complaint with the City and that the zoning change is incompatible to the location.

Mr. Robert Mendez, 292 N County Rd 1020, commented about the property being clean and used to store equipment only.

Ms Dannielle Bowden, 304 Elizabeth, commented on how close the property in question is to her property, and advised that work is being done at this location.

Mr. Howard Henderson, 303 Alexander, commented that the area has returned to a residential area since the Planning & Zoning Board meeting.

Mr. Jesse Mendez, 1701 S 7<sup>th</sup>, provided information on the type of trucks located on his property and what the trucks haul. He briefed the Commission on the history of the land purchase. He read a letter stating his position on how his case was treated by the Planning & Zoning Board. Mr. Mendez expressed concern regarding decisions made by Ms Jennifer Cantu, Director of Development Services. He asked the Commission to consider the grandfather rule when making their decision.

Ms Lucy Salinas-Contreras, 1202 East Ailsie, commented that she was in agreement with Mr. Mendez and on Ms Cantu's inability to run her department.

Ms Carolyn Fees, 1506 Santa Cecilia, commented on the person's responsibility in acquiring the proper information regarding utilities and permits when purchasing any property.

Mr. Gary Bowden, 304 Elizabeth, commented on his daughter being threatened in the back of the room, and said that information from the newspaper regarding a tax sale property, states it is the buyer's obligation to get the proper information on the property.

Ms Anna Yuraitis, 315 Alexander, commented on the area not being safe for jogging.

Mr. Tom Driver, 504 Elizabeth, commented on the zoning history of the area.

## V. Consent Agenda

Mayor Fugate called for consideration of the consent agenda (Items 1-3).

**1. Second Reading Ordinance - Amending Chapter V, Article 2, Sewers of the City of Kingsville Code of Ordinances, providing for grease trap definitions, regulations and inspections fees. (Waste Water Supervisor).**

**2. Second Reading Ordinance - Amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).**

**3. Second Reading Ordinance - Amending Chapter VII, Article 2, Stopping, Standing & Parking; Providing for Parking not to obstruct Traffic, Parking on Narrow Streets & Stopping, Standing or Parking near Hazardous or Congested Places. (City Engineer).**

A motion was made by Commissioner Wilson to approve the consent agenda, seconded by Commissioner Laskowski.

Commissioner Garcia asked for clarification of the consent agenda. Mayor Fugate replied that these are routine items that don't have a lot of comments.

Mayor Fugate called for roll call vote. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

### **REGULAR AGENDA**

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

4. **Consider appointment to the Zoning Board of Adjustment. (Director of Development Services).**

Director of Development Services Jennifer Cantu explained this item was brought to the Commission at the previous meeting and that this board meets once a month, on the second Thursday of the month.

Mayor Fugate asked for number of vacancies and recommendations for the board. Ms Cantu replied there was only one vacancy. No one had a recommendation.

Mayor Fugate requested this item be tabled until the next meeting.

A motion was made by Commissioner Laskowski to table this item, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

5. **Consider appointments to the Ethics Review Board. (Commissioner Laskowski).**

Commissioner Laskowski gave a brief explanation of the board's responsibilities and number of vacancies.

Ms Alvarez stated that board appointments should be nominated at one meeting and confirmed at another meeting.

A motion was made by Commissioner Laskowski to table this item, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

6. **Consider final passage of an ordinance changing the zoning map in reference to 2.3 acres of land out of Lot 6, Block 6, K.T&I Subdivision from "C-2", Retail Commercial, to "I-1", Light Industrial, N. 14<sup>th</sup> Street, formerly the Crimson Palace. (Director of Development Services).**

Ms Cantu advised the Commission that Mr. Salinas decided not to pursue the zoning request.

Mayor Fugate asked if any action from the Commission was needed. Ms Alvarez replied it could die for lack of action.

7. **Consider final passage of an ordinance changing the zoning map in reference to 26.46 acres of land out of Farm Lot 12&13, Section 22, K.T&I Subdivision from "AG", Agriculture, to "C-4", Commercial District, at the corner of US 77 and FM 1717. (Director of Development Services).**

Ms Cantu stated that a public hearing was held at the last Commission meeting and there were no comments or opposition. At the previous meeting, TXDOT Area Engineer mentioned the intersection is of significant importance to move ahead with the overpass. She stated staff and the Planning & Zoning Commission were recommending this property be rezoned to commercial (C-4).

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

Mayor Fugate recused himself from the next agenda item and left the Commission Chambers.

**8. Consider final passage of an ordinance changing the zoning map in reference to 1.499 acres of land out of Lots 29-31, Southmore Acres from "R-2", Two-Family District, to "C-4", Commercial District, on 1701 South 7<sup>th</sup> Street. (Director of Development Services).**

Ms Cantu explained the history of the property in question. She stated staff recommended to the Planning & Zoning Commission denial of request primarily because there is no access to 6<sup>th</sup> Street. The Planning & Zoning Commission recommended denial.

Commissioner Pecos asked Ms Alvarez about grandfathering statements. Ms Alvarez replied a lot of things were brought up which she had not heard prior to tonight's meeting, and would like time to review before rendering an opinion. Commissioner Garcia stated he agreed with Ms Alvarez, and asked that a copy of the occupancy section of the ordinance be made available to the Commission and the public.

A motion was made by Commissioner Garcia to table the issue, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Laskowski, Pecos, Garcia voting "FOR", and Fugate "ABSTAINED".

Commissioner Wilson announced the executive session, which was listed on the agenda as follows:

The Commission convened into executive session at 7:10 P.M.

**9. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding potential litigation regarding administration and enforcement of City obligations under the South Texas Water Authority Supply Contract. (Mayor Fugate).**

The Commission reconvened into regular session at 8:35 P.M.

**10. Consider recommendation to Staff regarding potential mediation with South Texas Water Authority. (City Manager).**

A motion was made by Commissioner Wilson to send Commissioners Laskowski and Pecos, City Manager Yerena, City Attorney Alvarez and any attorney hired in the future to attend the mediation with STWA, and the alternate, Mayor Fugate, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

**11. Consider hiring outside Legal Counsel in matters relating to the South Texas Water Authority. (City Manager).**

Ms Alvarez stated that due to the volume of work in her office, the detailed and complicated complex nature of current and future contracts with STWA it might be prudent to hire outside counsel to assist in all matters relating to STWA to make sure all the City's interests are best served.

**A motion was made by Commissioner Wilson to retain Mr. John Alworth in matters that pertain to the STWA issues, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

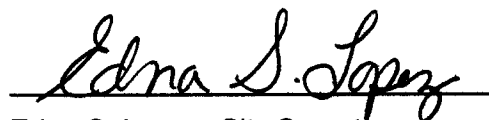
**VII. Adjournment.**

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 8:38 P.M. on October 11, 2004.



Sam R. Fugate, Mayor

ATTEST:



Edna S. Lopez, City Secretary