

NOVEMBER 14, 2005

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 14, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R Fugate, Mayor  
 Charles E Wilson, Commissioner  
 Al Garcia, Commissioner – arrived at 6:10 P.M.  
 Stanley Laskowski, Commissioner  
 Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
 Courtney Alvarez, City Attorney  
 Edna S Lopez, City Secretary  
 Stanley Fees, City Engineer  
 Diana Gonzales, Human Resource Director  
 Jennifer Cantu, Director of Development Services  
 Dora Byington, Purchasing Director  
 Dianne Leubert, Solid Waste Superintendent  
 Grace Garcia, Executive Secretary  
 Ricardo Torres, Police Chief  
 Al Lopez, Fire Chief  
 J R Ibarra, Task Force  
 John Garcia, Garage Superintendent

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M.

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

The invocation was delivered by Ms Dora Byington, Purchasing Director, 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 from the regular meeting of October 24, 2005. 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, Pecos, Wilson, Laskowski voting "FOR", Garcia "ABSENT".

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

1. None

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

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on TXDOT closing several streets for repairs; on the Park Planning Public Hearing on Thursday at the Courthouse; and on the hosting of the delegation from Reynosa, Mexico.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the next Charter Review meeting and public forum; on the increase of FTA fines; and on the date of the City's Christmas party, December 16<sup>th</sup>. Commissioner Wilson asked that information on the next Charter Review meeting and public forum be posted on the City's homepage website.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported on the County Commissioners Court unanimously adopting the Residential and Business Tax Abatement Incentives previously adopted by the City Commissioners.

Mayor Fugate commended Mr. Stanley Fees for a job well done on the painting at City Hall, and on the Street Department doing a good job on the street repairs. He commended the Police Chief regarding a letter he received from the Navy regarding the Police Department assisting them during the recent plane crash. He also reported on his travel to Austin to visit with the Governor's Chief of Staff and Aids regarding dealings with military affairs.

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

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

NONE

V. Consent Agenda

**1. Motion to approve Memorandum of Agreement for the Police Department for membership into the Regional Organized Crime Information Center. (Police Chief).**

**2. Motion to approve STAR Program Memorandum of Understanding between Communities in Schools, Corpus Christi, Inc. and Kingsville Police Department. (Police Chief).**

Mayor Fugate called for consideration of the items on the Consent Agenda. Commissioner Laskowski made a motion to approve Items 1 & 2 on the Consent Agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".

**REGULAR AGENDA**

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

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

**3. Consider removing from the table an appointment from the City, of a non-business owner/citizen to the City of Kingsville Master Plan Committee. (Mayor Fugate).**

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

**4. Discuss and consider an appointment from the City, of a non-business owner/citizen to the City of Kingsville Master Plan Committee (Mayor Fugate).**

Commissioner Laskowski made a motion to nominate Bill Aldrich who serves on the Planning and Zoning Commission. Mr. Aldrich has agreed to serve. Commissioner Wilson seconded the motion.

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

**5. Consider authoring the Mayor to execute a Sister City Agreement between the City of Kingsville and Reynosa, Tamaulipas, Mexico. (City Manager).**

City Manager Yerena stated the agreement would basically set the frame work for cooperation between the two communities.

**Commissioner Laskowski made a motion to authorize the Mayor to sign the Sister City Agreement, seconded by Commissioner Wilson.**

Mayor Fugate asked if the Spanish version was interpreted. City Manager Yerena replied it had been, adding that the agreement would be emailed to the Mayor of Reynosa for his review. **The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**6. Discuss and consider disposition of expired fire fighting equipment proposed for donation to Mexico. (City Manager).**

Mayor Fugate stated that during Staffs' visit to Reynosa a meeting was held with the Fire Chief and Police Chief. The departments are in dire need of fire fighting and police equipment.

Fire Chief Al Lopez stated that the equipment listed is of no use to the department due to certification standards and health & safety requirements. The Reynosa Fire Chief has said that they can make use of the equipment.

Commissioner Wilson asked what the City's liability in this matter was. Ms Alvarez replied that the equipment be donated with a letter stating the defects of the items. Mayor Fugate stated some type of a release would be appropriate. Commissioner Wilson asked if there was any problem giving it away if it was free and clear. Ms Alvarez replied she saw no restrictions that would prevent that.

Mayor Fugate stated hopefully this will be an ongoing relationship. There are some benefits to the City to do some great things with the Leaders from Reynosa.

**Commissioner Wilson made a motion to approve the list, along with the 1980 Mack Pumper Unit 110, seconded by Commissioner Pecos.** Mayor Fugate asked for comments. Commissioner Garcia asked about training. Fire Chief Lopez replied training is received from the Rio Grande Valley Fire Academy.

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

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter XV, Article 6, Appendix B: Space Requirements, amending the minimum lot size for residential structures from 6,000 to 5,500 square feet. (Director of Development Services).**

Ms Jennifer Cantu, Director of Development Services stated that staff discovered a discrepancy. Chapter XV has several articles and each addresses something different. Article 3 addresses subdivisions and tells that the minimum lot width is 50 foot, and Article 6, the Zoning Chapter has the space requirements which states that the minimum lot area in square footage was 6,000. Staff brought this discrepancy to the Planning and Zoning Commission for their comments. The Planning and Zoning Commission

voted unanimously at the October 19<sup>th</sup> meeting to recommend changing the Zoning chart to 5,500 sf for R-1.

Commissioner Laskowski asked if lot sizes at Original Townsite were correct. Ms Cantu replied that she did not know because some else had done the maps. Commissioner Laskowski stated the reason for his question was that he wanted to make sure that there is enough depth onto a total of 50 foot frontage to equal the 5,500 square feet. Ms Cantu stated that even if it didn't this could be taken to the Zoning Board of Adjustments because it would be a unique case whereby the existing code would prevent a hardship to the property owner.

#### INTRODUCTION ONLY

**8. Consider introduction of an ordinance amending the fiscal year 2005-2006 Budget for the City of Kingsville for BRAC Lobbyists to expand NAS Kingsville with funding to come from General Fund Unreserved Fund Balance. (City Manager).**

City Manager Yerena stated that basically the budget amendment would allow the City to take the refund that was received from the South Texas Military Task Force in the amount of \$10,327 and the remainder from the unreserved fund account to pay for the services.

#### INTRODUCTION ONLY

**9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, revising the speed limit on certain areas of Business US Highway 77 (Loop 428); providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer).**

Mr. Stanley Fees, City Engineer explained that TXDOT is requesting to increase the speed limits in certain areas. The changes would be: increase speed limit from 14<sup>th</sup> Street to Ailsie from 35 to 45, continue 45 down to General Cavazos. Currently it is 55 miles per hour from General Cavazos to half-way down between Trant Road and Escondido this would be shorten to Escondido Creek, and from Escondido Creek to the South "Y" to 65 which is beyond the City's jurisdiction. The reason for the changes is due to the actual speed results on the survey that was done by TXDOT.

Commissioner Garcia voiced his concern about the speed limit at the intersection of Escondido and 77 Business at Kleberg Park. Mr. Fees stated he will notify TXDOT about the concerns.

#### INTRODUCTION ONLY

The City Commission convened into Executive Session at 6:28 P.M.

**10. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the contract for the City Manager. (Mayor Fugate).**

The City Commission reconvened into Regular Session at 6:52 P.M.

**11. Consider removing from the table approval of employment contract for City Manager Carlos Yerena. (Mayor Fugate).**

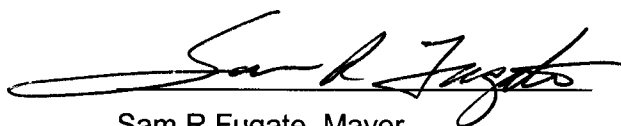
Commissioner Wilson made a motion to remove item from the table, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

**12. Consider approval of employment contract for City Manager Carlos Yerena. (Mayor Fugate).**

Mayor Fugate called for questions or comments. He then asked for a motion. **Commissioner Wilson made a motion to adopt a two year contract for the City Manager and striking clause F2 from the contract, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson voting "FOR". Laskowski voting "AGAINST".**

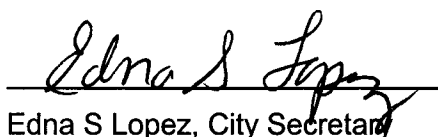
**VII. Adjournment.**

There being no further business to come before the City Commission, Mayor Fugate adjourned the meeting at 6:57 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary