

APRIL 25, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, APRIL 25, 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
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S. Lopez, City Secretary
Jaime Garza, Task Force Commander
Ricardo Torres, Police Chief
Al Lopez, Interim Fire Chief
Robert Rodriguez, Library Director
Jennifer Cantu, Director of Development Services
Diana Gonzales, Human Resource Director
Stanley Fees, City Engineer
George Bejarano, Asst. City Manager/Finance Director
Ramon Loera, Field Supervisor
Y I Hinojosa, Field Supervisor
Art Alvarez, Risk Manager
Macario Mayorga, Water Supervisor
John Garcia, Garage Superintendent
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by City Manager Yerena, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for approval of the minutes of the City Commission's regular meeting of April 11, 2005. **Commissioner Wilson made a motion to accept the minutes as corrected, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".**

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

1. Public Hearing to rezone .160 acres of Lots 22 and 23, Block 1, Penny Subdivision from "R-2" Two-Family District to "C-2" Retail Commercial. (Director of Development Services).

The Public Hearing was opened at 6:02 P.M.

Ms Cantu, Director of Development Services explained the property in question was located at 1268 East Kenedy. She said the purpose of the rezone is to put a commercial establishment in the middle of an established residential neighborhood. She stated that at the Planning and Zoning Commission meeting there were two motions made on this request. The first motion was to deny the request to rezone the property, which failed 2-5. The second motion was to approve the request to rezone the property, which passed 5-2.

Commissioner Wilson asked if ordinance is written in such fashion that it would only be good for this tenant. Ms Cantu responded that a conditional rezoning can not be done.

Mayor Fugate asked for public comments or questions.

Ms Joanna Ramirez, applicant, stated she plans to be stable, and will make repairs to the location.

The Public Hearing was closed at 6:08 P.M.

III. Petitions, Grievances, and Presentations.²

1. Presentation by Representatives from Linebarger Goggan Blair & Sampson, LLP regarding progress report on delinquent tax collections. (City Manager).

Ms Mary Vasquez Perez, Attorney for Linebarger Goggan Blair & Sampson went over the information in the Summary of Delinquent Taxes booklet. She stated that the progress report covers the time period of July 2000 to December 2004, and delinquent taxes, penalty and interest collected on City's behalf are over \$1.4 million. Ms Perez provided information for each exhibit. She mentioned that Ms Melissa DelaGarza, Tax Assessor Collector and her staff have been very instrumental in collecting taxes and turn over a very small amount for collection. She stated the delinquent balances are in very good shape.

Mayor Fugate asked for questions or comments.

Mayor Fugate asked why the resolution to impose additional penalties on delinquent taxes was needed. Ms Perez responded that the City of Corpus Christi has already implemented this and it has helped them collect taxes more efficiently.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the update of the City's Master Plan; on receiving a Resolution in support of the Irma Rangel School of Pharmacy from the City of Taft; and that on May 5th at noon, a National Day of Prayer will be held in the Commission Chambers.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on having attended a meeting at Kingsville NAS along with other City Staff members; on preparing an ordinance regarding AICUZ; and on the Noon Lions Club and KCVB event "Ride on the Wild Side".

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

Mayor Fugate called for the City Commission's report. Commissioner Wilson reported on the "Ride on the Wild Side" event and on baseball activities being held at the Dick Kleberg Park. Commissioner Garcia reported on the City cleanup. Mayor Fugate reported the stat on the cleanup: 3 hrs worked and 20,320 lbs of trash was picked up, and on the pet parade. Commissioner Laskowski thanked the University students and Ms Dianne Leubert for all their hard work at the City cleanup. Commissioner Pecos reported that he had picked up tires in his alley.

IV. Public Comment on Agenda Items³

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

Ms Carolyn Fees, 1506 Santa Cecilia, commented on the issue of the Master Plan, and stated that Ms Jennifer Cantu, when hired three years ago, was hired to work on the Master Plan.

Ms Virginia Frenzel, 1229 W Henrietta, spoke on Senate Bill 1125, and asked the Commission to call Senator Lucio at (512) 463-0127 in support of the Task Force.

Ms Darlynn Pray, 506 W Nettie, spoke against the storage water facility location and presented a petition.

Ms Norma Adrian, 511 W Nettie, spoke against the storage water facility location.

V. Consent Agenda Notice to the Public

1. Motion approving an ordinance amending the zoning ordinance by granting a Special Use Permit for the placement of the Kingsville Community Federal Credit Union. (Director of Development Services).
2. Motion approving an ordinance amending the City of Kingsville Code of Ordinances by amending Section 9-3-25 and 9-3-35; providing for revisions to the definitions of vicious animal and for authority of animal control. (City Attorney).
3. Motion authorizing the purchase of paint striping machine for the Street Department, funded by the 2002-2002A Certificates of Obligation which was in the original CO budget. (City Engineer/Street Superintendent).
4. Motion authorizing the Mayor to enter a Federal Equitable Sharing Agreement with the U S Department of the Treasury for a period of three years, effective October 1, 2005 to September 30, 2008. (Chief of Police)

Mayor Fugate called for a motion to approve the consent agenda.

Commissioner Garcia made a motion to pull from the consent agenda Item #5, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

Commissioner Laskowski made a motion to approve the consent agenda Items #1-4, 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.⁴

5. Motion approving the final plat for O'Reilly Auto Parts. (Director of Development Services).

Ms Cantu explained that O'Reilly's Auto Parts Company was planning to relocate from 1018 E Lott to the 800 block of E King. She said the final plat was presented to the Planning and Zoning Commission on Wednesday, April 20th. Staff has reviewed and approved the plat. She stated that the applicant was made aware that King Avenue is State Highway 141 and any driveway cuts must go through TXDOT for approval. The Planning and Zoning Commission voted unanimously to approve the plat.

Commissioner Garcia asked about abandoning the alley. City Engineer Fees replied that the alley was not going to be abandoned.

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

6. Consider resolution providing for the imposition of an additional penalty on delinquent taxes pursuant of the Texas Tax Code. (City Manager).

Ms Perez stated that the amendment has no financial impact on the City, the law is not retroactive, and existing taxpayers will not be penalized. She stated that this is being looked at as a 26 year cost of living increase and this amendment will help the current collections.

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

7. Consider resolution authorizing the submission of a performance statement amendment request and budget modification for the Texas Capital Fund Contract between the City of Kingsville and the Department of Agriculture, Contract Number 720192/ Lowe's Home Centers, Inc. (City Manager).

City Manager Yerena explained the modifications. He said that based on information provided during a previous meeting with Mr. Robert Wood from the Texas Capital Fund, Mr. Wood recommended revising the Budget and Performance statement to meet the actual work done.

Commissioner Laskowski made a motion to approve the resolution authorizing the submission of a performance statement amendment request and budget modification for the Texas Capital fund, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

8. Consider authorization for the reallocation of funds from the 2002-2002A Certificates of Obligation for the Street Department for replacing the engine on dump truck, Unit 515. (City Engineer/Street Superintendent).

Mr. Stanley Fees provided information regarding the need for replacing the engine on dump truck, Unit 515. The engine purchase has been discussed with Mr. John Garcia, Garage Superintendent. Funds are available from the 2002-2002a Certificate of Obligation, paint striping machine balance. Staff requests approval.

There was discussion on the condition of the dump truck's bed, cab and chassis, and on the mileage and hours of operation of the \$3,750 engine.

Mr. Fees stated that without this dump truck, the Street department will not be as efficient as they need to be.

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

9. Consider introduction of an ordinance amending the zoning Ordinance by changing the zoning map in reference to .160 acres of Lots 22 and 23, Block 1, Penny Subdivision from "R-2", Two-Family District to "C-2", Retail Commercial. (Director of Development Services).

Ms Cantu explained that a public hearing was heard earlier this evening, and there was no opposition. The Planning and Zoning Commission recommends approval.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 3-4-50 and 3-4-58, Providing for the establishment of Volunteers in Policing, control by Chief of Police, eligibility requirements and qualifications, application, oath, duties, power and authority, limitations, and status for Volunteers in Policing. (Chief of Police).

Commissioner Laskowski recused himself from this item.

Ricardo Torres, Police Chief stated he is proposing this ordinance as an extension of the Kingsville Police Academy graduates. He stated members of the Alumni Association will have to meet requirements for the Volunteers in Police policing program. This are unarmed volunteers who will be partnering with the Police Officers to do parking enforcement, abandoned and junk vehicle identification, and neighborhood and vacation house watch programs.

Chief Torres stated that liability, psychological evaluations, and any other fees will be paid for by Chapter 59.

INTRODUCTION ONLY

11. Consider introduction of an ordinance abandoning a 10 foot wide access easement between Lots 42 and 43 in Block 6 of the Lyndale Park subdivision and a 30 foot wide access easement between Lots 14 and 15 in Block 5 of the Terrace Village addition. (City Engineer/Street Superintendent).

Mr. Fees stated he had received a request to close this easement, contact has been made with the utility companies, and no one objected to the closure.

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the Fiscal Year 2004-2005 Budget for the City of Kingsville for the General Fund, Task Force Fund, Utility Fund, I&S Revenue Bond Fund, CO 2002-2002A Fund and CO 2005 Fund for revenues and expenditures. (Finance Director).

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

The City Commission took a break at 7:20 P.M., than convened into Executive Session.

13. 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 City Commission reconvened into Regular Session at 8:00 P.M.

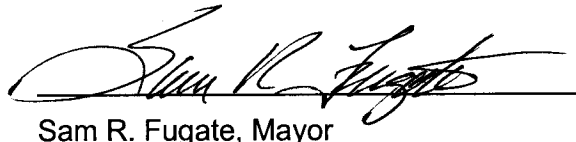
14. Discuss and consider proposed and current contracts with the South Texas Water Authority and any other action necessary regarding the current water supply contract. (City Attorney).

Ms Alvarez provided information on an email she received on Monday, April 18th from Michael Willett, STWA's Attorney. She said that Mr. Willett stated they had received the signed water supply contract from the City. They are reviewing the proposed contract and are making changes to comport with the Authority's contract with other customers. She added that Mr. Willett indicated the Authority will not be in a position to sign a contract with Kingsville until it has worked out its contract with all the other parties. Ms Alvarez added that the Authority would be interested in entering into a Memorandum of Understanding whereby the current contract is amended so that the Authority can began charging Kingsville what it would be charging under the proposed new contract. Ms Alvarez stated that if the City is interested in entering into such an MOU, than Mr. Willett would ask the Authority to authorize its preparation and execution. Ms Alvarez stated she responded to Mr. Willett that the City Commission would be meeting on Monday, April 25th and she would bring the idea of now negotiating an MOU with the Water Authority until such time an agreement is reached.

No action taken.

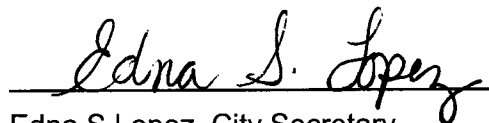
VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 8:02 P.M. on Monday, April 25, 2005.



Sam R. Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary