

NOVEMBER 27, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 27, 2006 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, Mayor Pro-tem
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
John Garcia, Garage Superintendent
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
Diana Gonzales, Human Resource Director
Dianne Leubert, Solid Waste Superintendent
Bill Donnell, Public Works Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers 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 consideration of the minutes of the regular meeting of November 13, 2006. **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).¹

NONE

III. Petitions, Grievances, and Presentations.²

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported that the City Christmas Party will be held on December 15th; and introduced Ms Clarissa Torres, ORCA Regional Coordinator. Ms Torres presented a sample check for \$300,000 for water improvements throughout the City.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the next KICC meeting which will be held tomorrow, reported that the City Secretary and the Legal Secretary will be attending the Election Law Seminar in Austin, and on attending the Attorney General's Open Government Seminar. Finally, she congratulated Ms Diana Gonzalez on completing the 2006 Leadership Kingsville class.

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

Mayor Fugate called for the City Commissioner's reports. None

IV. Public Comment on Agenda Items ³

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

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

Mr. Isaac Torres spoke on a previous agenda item regarding the abandonment of an easement.

Mayor Fugate called for consideration of the Consent Agenda items #1 & 2.

V. Consent Agenda

1. Motion to approve final passage of an ordinance amending Chapter XIII, Article 2, Offenses against public peace and safety, Section 13-2-20, providing for a change to the education code cite in the curfew definition for daytime curfew regulations for minors. (City Attorney).

Mayor Fugate requested that Consent Agenda Item #2 be removed from the Consent Agenda for discussion, seconded by Commissioner Pecos. Mayor Fugate stated that was a motion he was making subject to that amendment. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

2. Motion to approve a Resolution of the City of Kingsville suspending the effective date of AEP Texas Central Company's requested rate changes to permit the City time to study the request and to establish reasonable rates; approving cooperation with other cities within AEP Texas Central Company's service territory; authorizing intervention in the proceeding at the Public Utility Commission; retaining counsel to represent the City; requiring reimbursement of cities' rate case expenses; requiring notice of this Resolution to the company. (City Manager).

Mayor Fugate asked the City Manager if more time was needed to study this or if this rate increase could be denied. City Manager Yerena stated that the City is a member of the Board of Directors of STAP which is a corporative of cities. He stated that based on their recommendation they are asking each member to pass this resolution to give the Cities more time to review the rate hike. Ms Alvarez stated it is in the City of Kingsville and the citizens of the City of Kingsville's best interest to go ahead and study the proposed rate increase a little more thoroughly. She stated a rate hike that has been proposed, appears that it can add up to a fairly sizeable increase. She explained the resolution. She stated that unless the City objects the rates will go up automatically. She stated that by approving the resolution the Commission would be objecting the rate hike.

Commissioner Wilson stated that the City does not need ninety days. Mayor Fugate suggested tabling this item. Ms Alvarez stated there is a timetable and the next meeting will not occur before that time. Mayor Fugate stated that if action is not taken the City loses the right to object.

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider removing from the table the final passage of an ordinance amending the zoning ordinance by changing the zoning map for Vista Alegre Addition, Block 1, Lots 18 & 19, from "R-1" Single Family Residential to "R-2" Multi-Family Residential, applicant Manuel Esquivel, Jr. (Director of Development Services).

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

4. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map for Vista Alegre Addition, Block 1, Lots 18 & 19, from "R-1" Single Family Residential to "R-2" Multi-Family Residential, applicant Manuel Esquivel, Jr. (Director of Development Services).

Mr. Bill Donnell, Public Works Director stated this was a duplex structure in a predominantly R-1 zoning. Before the last meeting staff received four phone calls against the rezoning request. He stated that since that meeting, staff has not received any calls. Mayor Fugate asked if any of the people on the petition had objected before. Mr. Donnell replied there was no information on the calls.

Mayor Fugate called for further questions or comments. Commissioner Garcia asked who had received the calls. City Manager Yerena replied that the previous Director of Development Services, but he did not have any information as to the names of the people that had called.


Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to deny the rezoning of this property, seconded by Commissioner Wilson.**

Mayor Fugate commented on being consistent with regard to anyone objecting to this type of variances in their neighborhood. He stated that people should have a big say as to what comes into their neighborhood. He stated that if one person objects he has voted against these projects. He added that people have a right as to how their neighborhood looks or develops. He stated that he felt badly for Mr. Esquivel because he did everything that he could or thought that he could do within the law. Finally, he stated that the City Manager has taken steps to alleviate the problem in the future.

The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski voting "FOR". Garcia, Pecos voting "AGAINST".

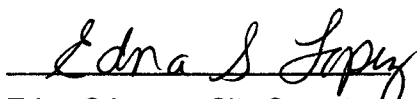
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:20 P.M.



 Sam R Fugate, Mayor

ATTEST:



 Edna S Lopez, City Secretary