

FEBRUARY 13, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 13, 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
Jaime Garza, Task Force Commander
Stanley Fees, City Engineer
Art Alvarez, Risk Manager
Dora Byington, Purchasing Director
Dianne Leubert, Solid Waste Superintendent
Yolanda Cadena, Health Director
Frank Garcia, Interim Wastewater Supervisor
J R Ibarra, Asst Task Force Commander
Jennifer Cantu, Director of Development Services
Diana Gonzales, Human Resource Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
John Garcia, Garage Superintendent
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms Dora Byington, 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 Special Meetings held on January 30th, 2006 at 1:56 P.M. and 3:30 P.M.
Commissioner Laskowski made a motion to approve the minutes as presented, seconded by Commissioners Wilson and Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".

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

1. Public Hearing to rezone 21.96 acres out of part of K.T & I Subdivision, Section 23, Lots 4 and 5 of property fronting FM 3320 (Golf Course Road) from AG Agriculture to R-1 Single Family Residential. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:05 P.M.

Ms Jennifer Cantu explained the property in question was located on Golf Course Road, also known as FM 3320, immediately north of the L E Ramey Golf Course. The property to the north is Di-Trol, a commercial business, and to the west is residential (Paulson Falls) and agriculture. The property to the east is outside of the city limits and is agriculture,

extending east approximately 1000' to the NAS Kingsville property line. Water and sewer currently exist along Golf Course Road. This property is not in the AICUZ (Air Installation Compatible Use Zone).

Staff received on letter in opposition to this rezoning request from Di-Trol. This item was heard by the Planning and Zoning Commission. Commander Crabbe spoke at the P&Z meeting stating that the Base did not have any opposition to the proposed rezoning if the three requests outlined in the letter dated February 8, 2006 would be followed by the developer. Mr. Wylie McIlwain, developer stated he was aware of the requests and would comply. The applicant, Dr. Ramey spoke at the P & Z meeting regarding the history of the AICUZ ordinance in Kingsville. He also stated he thought this was the best use for this property.

Ms Cantu stated that Mr. Dick Messberger stated that while he was aware of the great need for new residential units in Kingsville, he was very concerned about any future conflicts with possible changes at the base. City Manager Yerena also addressed the P&Z Commission, stating that NAS Kingsville, the developer, and the City of Kingsville had worked very hard to reach a compromise that was acceptable to all parties.

The Planning and Zoning Commission members voted unanimously (7-0) to recommend approval of the request.

Mayor Fugate asked for any questions or comments.

Ms Carolyn Fees, 1506 Santa Cecilia, spoke on putting the Base needs first.

Ms Peggy Hilburn , 344 Brenda Lane, spoke on protecting our Base and to vote against the zoning change.

Captain James Crabb, NAS, stated that he wanted to set the record straight on his comments during the P&Z meeting. He stated that he does not oppose it nor does he endorse it.

Mayor Fugate stated it was his understanding from discussion with Department of Defense that this study will only study T45 and how it impacts our community.

The public hearing was closed at 6:19 P.M.

2. Public Hearing to rezone 26.50 acres out of part of K.T. & I Subdivision, Section 22, parts of Lots 12 and 13, of property fronting FM 1717, Trant Road, and US 77, from AG Agriculture to C-2 Commercial. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:19 P.M.

Ms Jennifer Cantu explained that the property in question is a large tract of wooded property located between FM 1717 and US 77 south of Trant Road. The property has access to water and sewer, and all curb cuts to the property via US 77 and FM 1717 (South Brahma) are controlled by TxDOT. TxDOT was informed of the rezoning requests and had not comments. Staff distributed 18 letters, and only one comment was received, expressing a desire for no bars (or places selling alcohol) to be located there. She stated the exact dimensions to the property are shown on the attached map. The Planning and Zoning Commission passed this rezoning request unanimously.

Mayor Fugate asked for any questions or comments.

After a question from Commissioner Garcia, Ms Cantu provided a map for Commission review.

Mayor Fugate closed the public hearing at 6:23 P.M.

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 on the date for the PDAP luncheon and stated he had two presentations to make, one from the Street Department and one from the Planning Department.

Mr. Fees provided information on a schedule outline for street projects. Commissioner Laskowski suggested putting information on the City's website.

Ms Cantu provided information on the first Master Plan committee meeting, there are currently 13 members excluding 2 city staff members appointed by the local taxing entities. Discussion at meeting, was the purpose of their committee, which is to ensure the interest of the public are heard and addressed. The two functions of a Master Plan are to determine what the people of Kingsville want and how to achieve that. The elements of a plan were also discussed. She stated that the JLUS will be incorporated into the Master Plan.

Mayor Fugate called for questions or comments.

Commissioner Laskowski asked if an RFP would be put together for someone to assist with the Master Plan. City Manager Yerena replied yes and this would be tied in with the JLUS Study.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported a good deal having been negotiated for the insurance premium for the "Ride on the Wild Side" bike tour. With regard to the Joint Land Use Study, she stated a copy of resolution that is in the packet was sent to the County to be placed on their agenda; and RFP language received will be provided to Ms Byington.

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

Mayor Fugate called for the City Commission's reports. Commissioner Garcia reported on inquiries about brush. City Manager Yerena stated steps are being taken to make it more efficient and to abide by the ordinance. Ms Dianne Leubert, Solid Waste Superintendent provided information on how the department is working with the residents to solve the brush problem.

Commissioner Pecos stated the alleys are a problem, suggested the City Manager looks for cuts in the budget in order to hire personnel to help clean up the alleys. City Manager provided information on different avenues being looked at. Commissioner Pecos requested information on the cost for new crew, including equipment.

IV. Public Comment on Agenda Items³

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

Mr. Bill Ewert, 328 E Hoffman, spoke in opposition of issuing a Special Use Permit for a day care at 327 E Hoffman.

Ms Marla Salinas, Dallas, Texas, applicant for the Special Use Permit for the day care at 327 E Hoffman provided information on her findings during her visit to several day cares in the city.

Ms Charlotte Price, 1229 S 8th, spoke in opposition of issuing a Special Use Permit for a day care at 327 E Hoffman.

Ms Carolyn Fees, 1506 Santa Cecilia, spoke in opposition of issuing a Special Use Permit for a day care at 327 E Hoffman.

Mr. Juan Cantu, 725 W Henrietta, spoke on behalf of the Special Use Permit for a day care at 327 E Hoffman.

Mr. William Grocart, 1600 W Johnston, spoke on an area around a drainage ditch that needed to be cleaned.

Mr. Eloy Salinas, Dallas, Texas, co-applicant for the Special Use Permit for the day care at 327 E Hoffman, spoke on behalf of the Special Use Permit for a day care.

Mr. Anse Windham, 628 E Escondido, spoke on how to educate people on trash pick up and on assessing fines for illegal dumping.

V. Consent Agenda

1. Motion to approve resolution authorizing the submission of an application to the Justice Assistance Grant Program for the purpose of requesting funding for a broad range of activities to prevent and control crime and to improve the Criminal Justice System. (Police Chief).
2. Motion to approve final passage of an ordinance amending the zoning map in reference to 7.14 Acres of property out of K.T. & I. Subdivision, Section 22, Part of Lot 12 from the current AG Agriculture to R-3 Multi Family. (Director of Development Services).
3. Motion to approve final passage of an ordinance amending the zoning map in reference to 0.714 Acres out of Part of K.T.& I. Subdivision, Section 22, Lot 3 of property fronting General Cavazos Blvd. from AG Agriculture to C-2 Commercial. (Director of Development Services).

Mayor Fugate called for consideration of Consent Agenda Items 1-3. Commissioner Laskowski made a motion to accept the Consent Agenda Items 1-3 as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider resolution of the City of Kingsville and Kleberg County

supporting the development of a Joint Land Use Study for Naval Air Station-Kingsville. (City Manager).

City Manager Yerena stated this resolution basically initiates the City's request for technical and financial assistance from the Office of Economic Adjustment for the preparation of the Joint Land Use Study, in conjunction with Kleberg County. He added this is a four part approach. Once the City Commission approves the resolution, the federal grant application will be initiated, the budget justification, the narrative, and the scope of work. The City will be working parallel in drafting the request for proposal for the hiring of a consultant to come in to prepare the JLUS study.

Commissioner Pecos asked how much money this would take. City Manager Yerena replied until the RFP is done, it is unknown. The match will be 25%, of in-kind or cash.

Mayor Fugate stated it was his understanding that the County is generously going to contribute.

City Manager Yerena stated that the County, the Industrial Foundation, and the EDC have shown an interest.

Mayor Fugate called for any other questions or comments.

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

5. Consider election services contract between the City of Kingsville and the Kleberg County Clerk. (City Secretary).

Ms Edna S Lopez, City Secretary stated that through the efforts of Commissioner Laskowski and cooperation from the Kleberg County Clerk, enclosed is the Election Service Contract between the City of Kingsville and the Kleberg County Clerk for the leasing of the Direct Recording Electronic (DRE) voting machines. These machines will be used for the City's General Election on May 13, 2006. She stated the City would be using (7) AutoMarks and (7) M100 Scanners at a cost of \$100.00 per machine.

Mayor Fugate called for questions or comments. **Commissioner Wilson made a motion to accept the contract for election services, seconded by Commissioners Laskowski and Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".**

6. Consider resolution ordering the City of Kingsville General Election and City Charter Amendment Election, designating voting precincts, polling places, establishing election procedures and appointing Early Voting Clerk. (City Secretary).

Ms Lopez stated that in order to comply with the State of Texas Election Laws, this resolution gives notice of election for the City's General Election on May 13, 2006. Upon approval, the resolution will be attached to the letter requesting clearance from the Department of Justice for the use of the new voting machines. The resolution appoints Ms Lopez as the Clerk for Early Voting, designates Polling Places, and provides information for the purpose of the election.

Commissioner Garcia asked about consolidating polling places. Ms Lopez replied there wasn't enough time before this election to have made the changes.

Finally, Ms Lopez informed the public that two twelve hour days of early voting will be held.

Mayor Fugate called for questions or comments. **Commissioner Laskowski made a motion to approve the resolution ordering the City of Kingsville General Election and City Charter amendment election, seconded by Commissioner Wilson. The motion was**

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

7. Consider authorizing City participation in sponsorship of Ride on the Wild Side – Bike Tour on the King Ranch on April 22, 2006 in conjunction with the Kingsville Convention and Visitor's Bureau and the Kingsville Noon Lions Club; and other matters related thereto. (City Manager).

Mr. Anse Windham passed out a bike ride informational brochure to the Commission. He stated that funds will help (4) Kingsville handicap children attend a summer camp.

Ms Alvarez stated that the KCVB pays for the insurance, the City only provides the carrier.

Mayor Fugate called for questions or comments.

Commissioner Garcia made a motion to authorize City participation in sponsorship of Ride on the Wild Side, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia voting "FOR". Wilson "ABSTAINED".

8. Consider awarding bid for drainage improvements at the Gillett Intermediate School and the west side of the Fairview neighborhood. (City Engineer).

Mr. Stanley Fees, City Engineer stated that bids were advertised on January 15th and 22nd. Bids were opened on January 31st, and three bids were received. The lowest bid includes the replacement of the base, asphalt, curb and gutter. The local bidder's bid will charge an additional \$30,690.00 for this work. This action will expend \$217,262.50 for the entire project. Funds for this project will come out from the 2002 Series Bond Capital Projects fund. (039-5-305.1-531.00). Recommendation is to award the bid to the lowest bidder, Troy Construction, L.L.P. from Houston, Texas.

Commissioner Wilson asked what state law allows. Ms Byington replied it allows 5%.

Commissioner Laskowski made a motion to award the bid to Troy Construction for the drainage improvements at Gillett Middle School, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

9. Consider introduction of an ordinance to amend the zoning map in reference to 21.96 acres out of part of K.T.& I Subdivision, Section 23, Lots 4 and 5, of property fronting FM 3320 (Golf Course Road) from AG Agriculture to R-1 Single Family Residential. (Director of Development Services).

Ms Cantu stated this item was brought before them in the form of a public hearing. At that time, two people spoke in opposition. She stated that Commander Crabbe provided a point of clarification to what she had said regarding the Navy's position on the subject. This property is in the city limits but is not in the AICUZ. The Planning & Zoning has recommended approval.

Mayor Fugate asked if P&Z received the same information that the Commission had received. Ms Cantu replied they received the letter and the letter was read into the record.

INTRODUCTION ONLY

10. Consider introduction of an ordinance to amend the zoning map in reference to 26.50 acres out of part of K.T. & I Subdivision, Section

22, Parts of Lots 12 and 13 of property fronting FM 1717, Trant Road, and US 77, from AG Agriculture to C-2 Commercial. (Director of Development Services).

Ms Cantu stated this item was brought before them in the form of a public hearing. At that time, no one spoke in favor or opposition. The Planning & Zoning recommended unanimous approval.

INTRODUCTION ONLY

- 11. Consider removing from the table an ordinance to amend the zoning ordinance by granting a Special Use Permit for Lots 13-16, Block 11, Hoffman Addition for a Daycare Facility. (Director of Development Services).**

Mayor Fugate called for motion to remove this item from the table. 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 final passage of an ordinance to amend the zoning ordinance by granting a Special Use Permit for Lots 13-16, Block 11, Hoffman Addition for a Daycare Facility. (Director of Development Services).**

Ms Cantu stated that this item has received a lot of consideration and discussion. She provided information on how this came about. She stated that the applicant has agreed to maintain the alley next to her property line.

Ms Cantu stated a second letter was sent outside the 200 feet, to 500 feet because this was a special request by the City Commission.

Ms Cantu provided pictures of other day care facilities and information regarding access to each facility.

Mayor Fugate called for questions or comments. Commissioner Garcia stated that as a Commission, to allow a second mail-out was to over step our bounds. He stated this permit was singled-out.

Commissioner Garcia made a motion to approve this particular permit as was approved by P & Z, seconded by Commissioner Pecos.

Mayor Fugate asked for comments. Commissioner Wilson asked if another location was denied a permit. Ms Cantu replied that was correct, and that permit was denied because of egress and ingress was deemed unsafe.

Commissioner Laskowski stated that spot zoning is tough, and there comes a time to decide what you want your community to look like.

Mayor Fugate stated the reason for him requesting a second notice be mailed out was because day cares are unique. He stated that he was not trying to single anybody out.

Commissioner Garcia stated that he wanted to make it clear that the Special Use Permit is for that particular business to operate as a day care center. Once the business is closed the permit is no longer valid. He added that the zoning in this neighborhood does not change.

Mayor Fugate asked for other questions or comments from the Commission. He then called for a roll-call vote. **The motion failed by the following vote: Garcia, Pecos voting "FOR". Fugate, Laskowski, Wilson voting "AGAINST".**

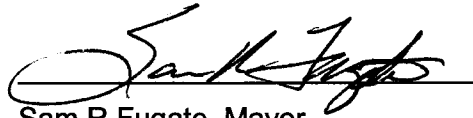
13. Consider authorizing First Southwest Company to pursue a refinancing opportunity and to comeback to the City Commission at whatever time a transaction will benefit the City. (City Manager).

City Manager Yerena stated this is an opportunity for the City to explore a refinancing opportunity that would allow the City to save in interest funding based on the rates that are now in place. Basically, this would allow the City's financial consultant to go out in the market to see if it would be beneficial to refinance some of the outstanding debts that are in place. At the point that it is beneficial this item would come back to the Commission for approval.

Commissioner Wilson made a motion to authorize First Southwest Company to pursue refinancing opportunities and to comeback, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

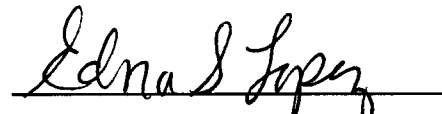
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:50 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary