

MAY 22, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, MAY 22, 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  
Mark Rushing, Finance Director  
Jaime Garza, Task Force Commander  
Frank Garcia, Interim Wastewater Supervisor  
Dianne Leubert, Solid Waste Superintendent  
Jennifer Cantu, Director of Development Services  
Bill Donnell, Interim Street Superintendent/Engineering Technician  
Yolanda Cadena, Health Director  
Diana Gonzales, Human Resource Director  
John Garcia, Garage Superintendent  
Ricardo Torres, Police Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

The meeting was called to order by Mayor Fugate in the 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 May 10, 2006. **Commissioner Laskowski made a motion to approve 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>**

1. Public hearing to rezone Block 6, Lots 11 & 12, K.T.& I Subdivision from R-1 Single Family to R-3 Multi-family, applicant Mr. Filiberto Garcia. (Director of Development Services).

The public hearing was opened at 6:04 P.M.

Ms Jennifer Cantu went over the property location and surrounding areas and stated that this was for multi use, for a proposed two phase project, each phase is 120 apartments. She stated that the area was close to the accident potential zone. Staff worked with the Kleberg County Appraisal District to determine the exact location of the AICUZ in regard to this property. Based on the information provided by the Kleberg County Appraisal District none of this property is in the AICUZ. She said that the Military had no problem with the rezone.

Upon a question from Commissioner Wilson, Ms Cantu provided the Commission with a copy of the letter from the Navy which addressed two potential rezoning.

Mayor Fugate asked about the type of housing project. Ms Cantu replied this is for ordinary apartments.

Regarding access to the rear of the property, she stated that staff has explained to the developer that there will be no access to Brookshire Drive.

Upon a question raised by Commissioner Wilson, Ms Cantu replied the current owner is Mr. Filiberto Garcia, the potential developer is from California.

There was discussion regarding the maps that were provided in the agenda packets.

The public hearing was closed at 6:13 P.M.

2. Public hearing to request a Special Use Permit for the placement of a temporary sales trailer for Casa Linda Homes on 1 acre at the intersection of Paulson Falls Blvd. and General Cavazos Blvd, applicant Mr. Raymond Martinez, Jr. on behalf of Casa Linda Homes. (Director of Development Services).

The public hearing was opened at 6:13 P.M.

Ms Cantu stated that a residential home builder from McAllen, Texas is requesting to have a manufactured home placed on the site for a period not to exceed eighteen months. The applicant will comply with all Kingsville/Kleberg County Health Department requirements. The official request submitted is to place a 60' manufactured home on a one acre lot at the intersection of General Cavazos and Paulson Falls to be used for an office. The applicant has stated that no one will be allowed to live in it. The applicant was informed that if the special use permit is granted, the manufactured home must be compliant with all wind load and Texas Coastal County Insurance requirements.

There was discussion in regards to other developers coming and asking to put mobile homes on said property.

Ms Cantu stated that the Planning and Zoning Commissions' vote was unanimous with two abstentions.

The public hearing was closed at 6:21 P.M.

3. Public hearing to rezone 10.02 acres out of K.T.& I Subdivision, Block 9, Lot 11 from AG Agriculture to R-1 Single Family Residential, applicant WDD Properties (Sunset Estates). (Director of Development Services).

The public hearing was opened at 6:21 P.M.

Ms Cantu stated this property is located at the end of West Kenedy. The property is currently bounded by agriculture to the south and west, agriculture and R-4 (mobile home park) to the east and agriculture and commercial to the north. The applicant, WDD Properties, plans to develop the 10.02 acre property into a 44 lot single family subdivision. Water and sewer are available in the area and would be run to the property by the developer, and also the extension of West Kenedy would be at the developer's cost, per City of Kingsville ordinances. Planning and Zoning approved this unanimously.

The public hearing was closed at 6:23 P.M.

4. Public hearing to rezone 1 acre out of Hinojosa Estates, Block 22, Lot 8 known as 3421 Golf Course Road from AG Agriculture to R-1 Single Family Residential, applicant Mr. Rene Hinojosa. (Director of Development Services).

The public hearing was opened at 6:23 P.M.

Ms Cantu stated this item was presented at the April Planning and Zoning Commission meeting and approved. However, after the meeting, it was determined that the wrong address had been advertised, and the item was pulled from the City Commission agenda. This house was built in 2001. At that time, the property was zoned agriculture, and it ought to have been rezoned to R-1. It was brought to staff's attention that several houses were being built in this area under the original agriculture zoning. She added that in the last couple of months the others have been taken care of, and this is the last one in that area that had an incorrect zoning. Planning and Zoning Commission recommended approval.

The public hearing was closed at 6:25 P.M.

### **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 the closing of City Hall on Monday, May 29, in observance of Memorial Day; congratulated the Commission on their re-election; and announced that the swearing-in ceremony and reception will be on Thursday, May 25<sup>th</sup>.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez thanked the Charter Review Committee on their hard work, and announced that all eight charter amendment proposal were approved. She announced that the next Commission meeting was on June 12<sup>th</sup> for any actions items; and reported that she will be attending the Texas City Attorney Annual Conference in South Padre on June 14<sup>th</sup>.

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

Mayor Fugate called for the City Commission's reports. Commissioner Wilson thanked the Citizens for taking the opportunity to participate in the elective process; and thanked all the election judges and the City Secretary. Commissioner Garcia echoed Commissioner Wilson's comments. Commissioner Pecos announced Memorial Day ceremonies to be held at the Chamberlain Cemetery, 10:00 A.M.

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

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

NONE

### **V. Consent Agenda**

NONE

### **REGULAR AGENDA**

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

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

**1. Consider resolution approving an application for funding through the Texas Department of Agriculture, Texas Capital Fund Infrastructure Grant Program. (City Manager).**

City Manager Yerena stated this resolution would allow staff to submit a proposed Texas Capital Fund Grant Application to provide infrastructure improvements for a Holiday Inn Express and an International House of Pancakes (IHOP). He stated that the required information has not been received from one of the business. The requested funds will depend on whether we are able to obtain the required documentation from both of the businesses.

**Commissioner Laskowski made a motion to approve the resolution for an application for funding through the Texas Department of Agriculture, Texas Capital Fund Infrastructure Grant Program, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**2. Consider approving the final plat for Sunset Estates. (Director of Development Services).**

Ms Cantu stated this is the proposed subdivision to be located at West Kenedy Ave. This was brought before them under the rezoning of the WDD Properties. She noted that the final plat will not be registered if rezoning is not approved. The 10.02 acre property is subdivided into 44 single-family lots. The property is in the process of rezoning. Staff has reviewed the final plat.

Upon a question from Commissioner Laskowski, Ms Cantu replied that requirements for sidewalks are included. She stated that this is the first subdivision since the ordinance was passed regarding not allowing alleys. She added that the water and sewer will both be in the middle of the road.

Upon a question from Commissioner Garcia, Ms Cantu provided further information on the location.

Commissioner Laskowski questioned the utilities being in the middle of the road as stated by Ms Cantu. City Manager Yerena stated the utilities will be in the right-of-way and not the middle of the road.

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

**3. Consider resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on May 13, 2006. (City Secretary).**

Ms Edna S Lopez provided information regarding the results of the City's General Election of May 13, 2006. The results are as follows:

**May 13, 2006 City General Election  
(OFFICIAL RESULTS)**

	TOTAL		GRAND
	Early	General	TOTAL
<b>Mayor Candidates</b>			
<b>Sam R Fugate</b>	<b>466</b>	<b>701</b>	<b>1,167</b>
<b>Tomas R Sanchez, Jr.</b>	<b>191</b>	<b>213</b>	<b>404</b>
<b>City Commission</b>			
<b>Charlie Wilson</b>	<b>358</b>	<b>524</b>	<b>882</b>
<b>Arturo Pecos</b>	<b>298</b>	<b>377</b>	<b>675</b>
<b>Oscar R Reyes</b>	<b>112</b>	<b>116</b>	<b>228</b>

<b>Marty A Ontiveros</b>	<b>70</b>	<b>74</b>	<b>144</b>
<b>Al Garcia</b>	<b>372</b>	<b>469</b>	<b>841</b>
<b>Jesse Rios</b>	<b>243</b>	<b>327</b>	<b>570</b>
<b>Stanley Laskowski</b>	<b>340</b>	<b>472</b>	<b>812</b>
<b>Joseph Ruiz</b>	<b>238</b>	<b>341</b>	<b>579</b>

Propositions	TOTAL		TOTAL		GRAND	
	Early		General		TOTAL	
	For	Against	For	Against	For	Against
<b>PROPOSITIONS 1</b>	<b>488</b>	<b>88</b>	<b>640</b>	<b>151</b>	<b>1128</b>	<b>239</b>
<b>PROPOSITIONS 2</b>	<b>480</b>	<b>92</b>	<b>658</b>	<b>127</b>	<b>1138</b>	<b>219</b>
<b>PROPOSITIONS 3</b>	<b>488</b>	<b>89</b>	<b>678</b>	<b>121</b>	<b>1166</b>	<b>210</b>
<b>PROPOSITIONS 4</b>	<b>490</b>	<b>92</b>	<b>661</b>	<b>149</b>	<b>1151</b>	<b>241</b>
<b>PROPOSITIONS 5</b>	<b>519</b>	<b>65</b>	<b>714</b>	<b>91</b>	<b>1233</b>	<b>156</b>
<b>PROPOSITIONS 6</b>	<b>557</b>	<b>34</b>	<b>770</b>	<b>48</b>	<b>1327</b>	<b>82</b>
<b>PROPOSITIONS 7</b>	<b>503</b>	<b>81</b>	<b>673</b>	<b>143</b>	<b>1176</b>	<b>224</b>
<b>PROPOSITIONS 8</b>	<b>475</b>	<b>98</b>	<b>616</b>	<b>163</b>	<b>1091</b>	<b>261</b>

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

**4. Discuss and consider authorizing the Mayor to enter into a Water Pass Through Contract with South Texas Water Authority. (City Attorney).**

Ms Alvarez stated that the City has had a pass through contract for a number of years. This allows water received on the North end of the City's line to pass through the City's lines so that the Water Authority can more efficiently service the clients to the south of the City limits. This contract would allow the practice to continue. She explained the attached exhibits.

Commissioner Laskowski asked if the requirements for the City to do an audit and a refund were discussed with the Finance Director. Ms Alvarez replied it was probably not, and the language was out of the prior contract. He then recommended that the Finance Director review what his requirements would be as Finance Director to keep track of the cost associated with providing this service to Ricardo.

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

**5. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to K.T. & I Subdivision, Block 6, Lots 11 & 12, from R-1 Single Family to R-3 Multi-family. (Director of Development Services).**

Ms Cantu stated that earlier tonight this item was brought in the form of a public hearing, at that time no one spoke, for or against. This area is currently changing to R-3. She stated that Planning and Zoning has recommended unanimous approval.

Commissioner Laskowski stated that they were told during the public hearing that the Navy had no objections, but the letter provided to them during the public hearing stated that they would like to have the City Commission honor their request with regard to the JLUS.

There was discussion regarding ingress and egress from the property.

#### INTRODUCTION ONLY

**6. Consider introduction of an ordinance to amend the zoning ordinance by granting a Special Use Permit for the placement of a temporary sales trailer for Casa Linda Homes on 1 acre at the intersection of Paulson Falls Blvd. and General Cavazos Blvd. (Director of Development Services).**

Ms Cantu stated that earlier tonight this item was brought in the form of a public hearing. This is a request to place a 60' manufactured home at the corner of General Cavazos and Paulson Falls Blvd. She stated that Mr. Martinez from Casa Linda Homes had answered some questions from the Commission during the public hearing. The applicant has agreed to the requirements put forth to them. At the Planning & Zoning and at the public hearing tonight no comments were heard.

Commissioner Wilson stated he would like some clarification as to what is actually in play, in reference to the amount of lots purchased by Casa Linda. Ms Cantu stated she would provide information before the final reading.

#### INTRODUCTION ONLY

**7. Consider introduction of an ordinance to amend the zoning map in reference to 10.02 acres out of K.T. & I Subdivision, Block 9, Lot 11 from AG Agriculture to R-1 Single Family Residential. (Director of Development Services).**

Ms Cantu stated that earlier tonight this item was brought in the form of a public hearing. This property is located at the end of West Kenedy. There was no opposition at the Planning and Zoning Commission meeting or during the public hearing. The Planning and Zoning Commission recommended unanimous approval.

#### INTRODUCTION ONLY

**8. Consider introduction of an ordinance by changing the zoning map in reference to 1 acre out of Hinojosa Estates, Block 22, Lot 8 known as 3421 Golf Course Road from AG Agriculture to R-1 Single Family Residential. (Director of Development Services).**

Ms Cantu stated that earlier tonight this item was brought in the form of a public hearing. She stated this house was built in 2001. At that time, the property was zoned agriculture, and it ought to have been rezoned to R-1. She stated this is the last house in this area that is inappropriately rezoned. There were no comments at Planning & Zoning or at the public hearing.

Mayor Fugate commented that this is a lesson learned.

#### INTRODUCTION ONLY

**9. Consider out-of-state travel for Mayor Fugate to Washington, D.C. on May 24<sup>th</sup> - 25<sup>th</sup>, 2006 for Base Realignment issues. (Mayor Fugate).**

Mayor Fugate stated this would be an interesting meeting with the people from Oceana. The itinerary and conversations are unknown. Oceana is passed their time line to comply with BRAC. The City of Kingsville has done its due diligence.

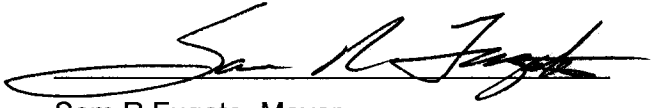
**Commissioner Wilson made a motion to approve the out-of-state travel for the Mayor for BRAC related issues, seconded by Commissioner Pecos. Commissioner Laskowski offered an amendment to the motion in order to facilitate the expenditure. He provided information on the line item transfers: \$800.00 from Account #118; \$1,000.00 from Account #211; \$300.00 from Account #217; \$100.00 from Account #226; \$800.00 from Account #311; and \$1,000.00 from Account #314. The amendment was seconded by Commissioner Wilson.**

At the Mayor's request Commissioner Laskowski explained that the City Commission travel budget was exceeded by \$3,157.00. He continued to say that in order to allow the Mayor to go to Washington, D.C. money must be taken from other accounts. Mayor Fugate clarified that the monies were from the City Commissions' budget.

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

#### VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:03 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary