

JULY 10, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS, CITY COMMISSION WAS HELD ON MONDAY, JULY 10, 2006 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Charles E Wilson, Mayor Pro-tem
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Al Garcia, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
Bob Daehn, Building Official
Frank Garcia, Wastewater Supervisor
Dora Byington, Purchasing Director
Diana Gonzales, Human Resource Director
Jennifer Cantu, Director of Development Services
Mark Rushing, Finance Director
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Bill Donnell, Interim Street 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, 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 June 26, 2006. **Commissioner Laskowski made a motion to accept the minutes as present, seconded by Commissioner Wilson. The motion was passed and approved by the following: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".**

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 on the City providing a NIMS training course for department heads and administrators on July 18th at Texas A&M-Kingsville, and reported that he will be on vacation.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on working on various contracts and proposals; and reported that she will be attending a legal seminar in San Antonio this week.

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

Mayor Fugate called for the City Commission's reports. Mayor Fugate reported that he had instructed the City Secretary to provide the Commission with evaluation forms for the City Manager, City Attorney, and Municipal Court Judge; and asked that a special meeting or workshop be set. He provided information on an illegal dumping case.

IV. Public Comment on Agenda Items³

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

Mr. Ciprian Lopez, 201 E Fairview, spoke in favor of the Consent Agenda Item #1 - zoning ordinance change for 2210 North 20th – Galma Subdivision.

Mayor Fugate called for consideration of the items on the Consent Agenda Items 1-7.

V. Consent Agenda

2. Motion to approve an ordinance amending the Zoning Ordinance by changing the zoning map in reference to Lot 12, 1.2 acres out of Serenity Estates, Phase I, from AG Agriculture to R-1 Single Family Residential located on Sage Road east of Armstrong, Larry T. Garcia applicant. (Director of Development Services).

3. Motion to approve an ordinance amending the Zoning Ordinance by changing the zoning map in reference to K.T. & I Subdivision, Block 20, Lots 1-9, 800 E Alice from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

4. Motion to approve an ordinance amending the Zoning Ordinance by changing the zoning map in reference to K.T. & I Subdivision, Block 20, Lots 24-32, 819 E Richard from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

5. Motion to approve an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 2, Mobile Home and Mobile Home Parks and providing for other changes therein. (Director of Development Services).

6. Motion to approve an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Appendix A of the Land Use Categories; Clarification of Special Use Permits for Manufactured Homes. (Director of Development Services).

7. Consider out of state travel for City Commission and Staff to attend the 83rd Annual Congress of Cities and Exposition in Reno, Nevada, December 5-9, 2006. (City Manager).

Mayor Fugate made a motion to remove Item #1 from the Consent Agenda, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos voting "FOR". Garcia "ABSENT".

Mayor Fugate called for a motion. Commissioner Wilson made a motion to approve the Consent Agenda as amended, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson voting "FOR". Garcia "ABSENT".

1. Motion to approve an ordinance amending the Zoning Ordinance by changing the zoning map in reference to 2 acres of property located at 2210 North 20th, Galma Subdivision from AG Agriculture to R-1 Single Family, Ronnie Lopez applicant. (Director of Development Services).

Ms Jennifer Cantu stated property was platted in 1996 as Galma Subdivision, but at that time it was not rezoned from agriculture to residential. Mr. Lopez, the applicant is requesting to rezone

his property to comply with the existing zoning regulations. This property is in the AICUZ, and it is in the Accident Potential Zone, APZ II. Since this property is located in the AICUZ, staff sent a letter to Captain Crabbe, NAS Kingsville. Captain Crabbe has stated his opposition to the rezoning request. The Planning and Zoning Commission expressed their concerns about the conflict between the existing AICUZ ordinance and the NAS Kingsville request. However, seven members were present, five members voted to deny the rezoning request, one member abstained, and one member voted no.

Mayor Fugate called for comments or questions. Commissioner Pecos comments reflected the letter that was sent by Captain Crabbe, NAS-Kingsville Commander. Commissioner Pecos recommended this item be tabled until the JLUS study is complete. Mayor Fugate voiced his concern regarding which direction to take since this property is in compliance with the AICUZ, however the Navy has objected to this development, and Planning and Zoning has denied this application. Commissioner Wilson commented that he was not opposed to tabling this item, but the JLUS study would not do anything but validate the Planning and Zoning Commissions' position. Ms Alvarez stated that the Roberts Rule of Order would not allow this to be tabled beyond a meeting or two. She provided information of the vote needed to approve this item since the Planning and Zoning Commission denied approval.

Mayor Fugate called for a second to Commissioner Pecos's motion. Commissioner Wilson asked Commissioner Pecos if he was going to revise his motion. Commissioner Pecos replied he was not. The motion died for a lack of a second.

Mayor Fugate called a motion to approve this ordinance. This item failed for lack of a motion.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider awarding the bid for the installation of two new blowers in the north and south Wastewater Plants and rehabilitation of one blower at the north plant. (Purchasing Director).

Ms Dora Byington stated this item authorizes the installation of two new blowers in the north and south wastewater plants and rehabilitation of one blower at the north plant. This action will expend \$1,080,400.00. The city will save \$45,150.00 by doing the preventive maintenance in-house. Funds for this project are available through the Fund 062 Series bond money. Staff's recommendation is to award the bid to R.S. Black Contractors from Corpus Christi.

Mayor Fugate called for a motion. **Commissioner Wilson made a motion to accept Staff's recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson voting "FOR". Garcia "ABSENT".**

9. Consider awarding bid for reconstruction of storm sewer on E. Lott Street between 8th and 9th Streets. (Purchasing Director).

Ms Byington stated the recommendation is to the lowest bidder Bridges Specialties from Sandia, Texas for a total of \$161,999.00. This action will expend \$161,999.00 for the entire project. Funds for this project will come from fund (039-5-305.1-531.00).

Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to award the bid to Bridges Specialties from Sandia, Texas, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR". Garcia "ABSENT".**

The City Commission convened into executive session in the Mayor's office at 6:25 P.M.

10. Executive Session: Pursuant to Section 551.087 of the Texas Open Meetings Act, the City Commission shall convene in executive session to discuss and deliberate the offer of a financial or other incentive to a business prospect that the City seeks to have located in the City and with which it is conducting economic development negotiation. (City Manager).

The City Commission reconvened into Regular Session at 7:52 P.M.

11. Consider authorizing the City Manager to enter into a Lease Agreement with Global Contact Services for a city property located at 2211 South Brahma Boulevard. (City Manager).

City Manager Yerena stated this was discussed in executive session and Staff was ready to proceed.

Mayor Fugate called for a motion. Commissioner Wilson's motion provided some adjustments: #2 – TERM – STRIKE - seven years or five years, and INSERT - five years, and go with the termination year of 2011. He added that Page 2 (top of page) – language needs to be cleaned up to reflect those same changes, one year of rental payments will be waived, and to include a five year term. Also on page 2, language at the bottom of the page is to be stricken. Page 4, REPAIRS AND MAINTENANCE AND IMPROVEMENTS – ADD – lessee shall be responsible for all repairs after 90 days; #13. PARTIAL DESTRUCTION OF PREMISES - 3rd line, change Lessor to Lessee; and #14. LESSOR'S ENTRY FOR INSPECTION AND MAINTENANCE – STRIKE – to perform required maintenance and repair. Commissioner Wilson stated that was all he had and asked the other Commissioners for any other additions to his motion. Mayor Fugate stated that the parking lot will be repaved and striped and this information will be inserted under Repairs and Maintenance. There was discussion regarding a time line for seal coating and striping the parking lot. Ms Alvarez suggested adding on page 2, top of the paragraph, information spelling out the rental payments, (for years one, two and half of year three, \$5,505 per month and will drop to \$2,958.33 per month thereafter for the remainder of the lease). Commissioner Laskowski stated that the waiver of the first year had a value of \$2,958.33 because the Industrial Foundation will defer their payments in the first year. He provided the following language: until all debt to the Industrial Foundation is paid. Commissioner Wilson suggested, "Until the note to the Industrial Foundation is retired". Commissioner Wilson stated he would like to include all points that have been discussed as part of his motion, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson voting "FOR". Garcia "ABSENT".

12. Consider authorizing the City Manager to enter into an Economic Incentive Agreement with Global Contact Services. (City Manager).

Ms Alvarez stated similar changes would be made to the Economic Incentive Agreement to reflect those things that were modified in the lease agreement by the Commission.

Mayor Fugate called for a motion. Commissioner Laskowski made a motion to tailor the Economic Incentive Agreement to match the Lease Agreement with GCS, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Laskowski voting "FOR" Garcia "AGAINST".

13. Consider a resolution authorizing the City Manager to enter into a Tax Abatement Agreement with Global Contact Services (GCS) in accordance with guidelines and criteria governing tax abatement for all taxing units located within the City of Kingsville. (City Manager).

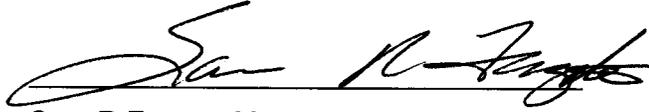
City Manager Yerena stated the City has received the application for the tax abatement which will be analyzed and Staff is prepared to move forward if the Commission desires.

Mayor Fugate called for questions or comments. Commissioner Laskowski stated that the resolution before the Commission needed some changes. Ms Alvarez stated there was a typo which was corrected and a revised copy was given to the City Secretary.

Commissioner Laskowski made a motion to authorize the City Manager to enter a tax abatement agreement, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Laskowski voting "FOR". Garcia "AGAINST".

VI. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 8:05 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary