

JANUARY 14, 2008

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 14, 2008 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 – arrived at 6:10 P.M.  
Stanley Laskowski, Commissioner

**CITY COMMISSION ABSENT:**

Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Ray Marcotte, Computer Technician  
Mark Rushing, Finance Director  
Fidel Gonzalez, Interim Task Force Commander  
Al Lopez, Fire Chief  
Ricardo Torres, Police Chief  
Jennifer Vela, Code Enforcement Officer  
Dora Byington, Purchasing Director  
Abel Carrillo, Building Official  
Roel Cavazos, Fire Marshal  
Yolanda Cadena, Health Director  
Diana Gonzales, Human Resource Director  
Augustine Ruiz, Task Force Agent  
Robert Rodriguez, Library Director  
Macario Mayorga, Water Supervisor  
Frank Garcia, Wastewater Supervisor  
Grace Gonzales, Task Force Agent  
Joe Casillas, Water Production Supervisor  
Armando Gutierrez, City Engineer  
Dianne Leubert, Solid Waste Superintendent  
Richard Kirkpatrick, Task Force Agent  
Jason McGee, Task Force Agent

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M., and announce quorum as present.

**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 December 10<sup>th</sup>, 2007. Commissioner Laskowski made a motion to accept the minutes, as corrected, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski voting "FOR". Garcia, Pecos "ABSENT".

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing regarding condemnation proceedings for structures located at 1211 E Yoakum, 331 S Lantana, 1128 E Kenedy, 1118 E Ave A, 711 W Ave B, 603 ½ W Ave B, and 1221 E Ella. (Building Official).

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

Mayor Fugate announced anyone wishing to speak on this subject could approach the podium at this time.

Ms Alvarez, City Attorney announced that the property at 1211 E Yoakum will not be heard at tonight's public hearing.

Ms San Juanita Jones, daughter of Ms Quintanilla, 1118 E Ave A, requested a six month extension and that the property be allowed on the KWOP program.

Manuelita Burton, 920 N Lantana, stated she had received a letter from the City with regard to this condemnation hearing.

Melva Gutierrez, 408 S Lantana, spoke in favor of having of condemning the property at 331 S Lantana.

At Commissions' request Building Official Abel Carrillo provided information on each structure. He stated that the property at 331 S Lantana is abandoned, with opened windows, the structure is in good order, but is not a safe structure. He stated he recommends this property be condemned. He stated that the property at 1128 E Kenedy has overgrown trees and grass, and that the house is locked. He stated this house was repaired and would like to pull it from the agenda. He reported that 1118 E Ave A, is abandoned, and that it is 50% beyond appraised valuation to repair. He recommended this property be condemned. As for 711 W Ave B, he stated this property is wide opened, the floors are caving in, and this property would cost more to repair than it is worth. He reported that the property at 603 ½ W Ave B, is abandoned and wide opened, and it would cost more to repair than what it is worth. He reported that the property at 1221 E Ella is in disrepair. He recommended this property be condemned.

Mayor Fugate called for further questions or comments.

The public hearing was closed at 6:20 P.M.

### **III. Petitions, Grievances, and Presentations.<sup>2</sup>**

1. Presentation by Mr. Marc Cisneros on Wind Farms by the Kenedy Foundation. (Mayor Fugate).

General Marc Cisneros, Chief Executive Officer of Kenedy Foundation. He stated that the purpose is to present their view, and it is important to this area. He stated this wind farm will be largest, and the project will cost over \$2,000,000,000. He requested that the City pass a resolution, either for or against the wind farms.

There was a presentation by Mr. John Calloway, Vice President of Babcock & Brown. He provided information on why they chose the Kenedy Ranch location, information on environmental benefits, economic benefits to Kingsville and South Texas. Finally, he provided an overview of project work-to-date.

Mayor Fugate announced that the King Ranch will also be given the opportunity to share their thoughts on this subject.

2. Presentation by Ms Anne Entrekin from First Southwest Financial Company regarding financing plan and instruments for City equipment. (City Manager)

Ms Entrekin provided a brief overview on Market Update and PFFCO. She provided information on "Bond Buyer's" Index of 20 Municipal Bonds for different year intervals, BBI, Fed Funds, and SIFMA. Finally, she provided information on a timetable of events for a PFFCO.

### 3. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported that information would be provided on status reports. He reported on the street capital timelines and asked City Engineer Gutierrez to provide further update. Mr. Gutierrez, City Engineer provided information on streets seal coating timelines. City Manager Yerena called for Code Enforcement Officer Jennifer Vela to report on the Neighborhood Initiative Program. Ms Vela stated the group is walking in Zone 11, she provided information on amount of violations found, and violations corrected. City Manager Yerena stated that a new pilot program has been initiated, "Code Rangers" which will help with finding violators. Ms Alvarez stated that the Code Rangers are only an information gathering group. City Manager Yerena stated these people will be the eyes and ears for the City. City Manager Yerena stated Ms Leubert, Solid Waste Superintendent would provide information on timelines for the Solid Waste Request for Competitive Sealed proposals. Ms Leubert provided information on the landfill request for competitive sealed proposals, City Clean Sweep RFP, and Ordinances.

Mayor Fugate called for a recess at 7:47 P.M. At this time Mayor Pro-tem Wilson left the meeting.

Mayor Fugate called the meeting back to session at 7:55 P.M.

City Manager Yerena called for Mr. Joe Casillas, Water Production Supervisor to explain timelines on the project for Water Wells 23 & 24. Mr. Casillas stated TCEQ has not provided approval for the specifications but they have been submitted. He stated that LNV Representatives are confident specs will be approved. City Manager Yerena called for Mr. Frank Garcia, Wastewater Supervisor to provide information on his department's projects. Mr. Garcia stated the Scada project will be finished in May, and the I & I Study has located certain areas in town that have problems. He stated all projects are on time and will be completed by May. City Manager Yerena provided information on the mobile home parks inspection report. He reported 12 parks were identified, 10 of the 12 parks have made improvement in their parks and the four of the six parks that received formal inspection reports which have made great improvements in their operations. He stated that the other two parks remain in violation of many of the required improvements and we are exploring avenues to shut them down. City Manager Yerena stated Staff is working on updating all monthly department reports. He stated that Health Food Service information is being worked on, but inspections do continue. He provided information on previous condemned structures. City Manager Yerena stated that URI has withdrawn its first application, and has resubmitted a revised application. He stated the boundaries will impact the City in a negative matter. He reported there has been a request to sell the Kenedy Park property.

City Manager Yerena reported on the rescheduling of Trash-Off Day; a City holiday on Monday; and a parade honoring Dr. Martin Luther King, Jr. He report the next TML Region 11 meeting will be on February 7<sup>th</sup> in Aransas Pass, Texas and he congratulated Commissioner Garcia for his election to the Tax Appraisal District Board of Directors.

Finally, City Manager Yerena reported that Task Force Agents Richard Kirkpatrick, Jason McGee, and Augustine Ruiz were instrumental in a large money seizure. Mayor Fugate congratulated and presented each Agent and Walmart with certificate of appreciation.

### 4. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on working on revising different ordinances. She reported on the due date for the next agenda items.

- 5. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's reports. There were no reports.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items. There were no comments.

Mayor Fugate called for consideration of the Consent Agenda, Items 1-5.

Commissioner Laskowski made a motion to remove Consent Agenda item #4 and approved Consent Agenda items #1, 2, 3 & 5, seconded by Mayor Fugate. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".

**V. Consent Agenda**

- 1. ORDINANCE ORD2008-01 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending §15-4-2 through §15-4-5 of Chapter XV, Article 4, Flood Damage Prevention, making numerous changes throughout to conform with the most recent flood damage prevention ordinance from the Texas Water Development Board. (City Engineer).
- 2. ORDINANCE ORD2008-02 Motion to approve final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 6 acres out of K.T.& I, Farm Lot 10, Section 3, from AG Agricultural to R-1 Single Family, also known as 2306 Young Drive. (City Engineer).
- 3. ORDINANCE ORD2008-03 Motion to approve final passage of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville for an ambulance for the Fire Department to come from the Insurance Recovery Funds and a Lease Purchase Agreement for the balance. (Finance Director).
- 4. ORDINANCE ORD2008-04 Motion to approve final passage of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville to repair the Recycling Center roof to come from General Fund and Insurance Proceeds. (Finance Director).

Commissioner Laskowski stated that he removed item #4 so that he could get information on the status of the insurance claim. City Manager Yerena stated monies were reallocated internally. He stated the City is waiting for final results from the insurance company.

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

- 5. RESOLUTION R2008-01 Motion to approve a resolution authorizing the submission of an application to the U.S. Smokeless Tobacco Co. for the purpose of requesting a Polaris Ranger 6x6 Utility vehicle for the Fire Department through the USSTC Operation Ranger-Polaris Ranger Donation Program. (Fire Chief).

**REGULAR AGENDA**

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

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

**6. Discuss and consider the adjustment of the additional permit fees for La Blanca Estates and for the final plan approval. (City Engineer).**

Mr. Gutierrez provided a brief overview of the project. He stated the size of the subdivision was changed from previously approved. He stated there are no records on payments made by this company and that the only record found is a rezoning fee received by the former Director of Development Services.

Mr. Daniel Almeida, representing Mr. Cantu stated the only the dimension of the lots have changed.

Upon a question from Mayor Fugate, Mr. Gutierrez stated the amount being requested waived is \$2,100.

Mayor Fugate called for other questions or comments. Mayor Fugate called for Staff's recommendation. City Manager Yerena stated revenue is not coming in and this would set precedence.

**Mayor Fugate made a motion to waive the fees, he called for a second. There was no second to the motion. The motion dies for lack of a second.**

**7. Consider authorizing the City Manager to enter into a contract with Garner Environmental Services from Deer Park, Texas for emergency response stand-by products and services in case of a major disaster such as a hurricane. There will be no financial impact to the City at this time, until services are requested. (Purchasing Director).**

Ms Byington stated this item was brought to the Commission at the last meeting, and is now being brought with the contract.

Mayor Fugate called for questions. Commissioner Laskowski voiced his concern that the contract does not specify that the fees will be equal to the FEMA acceptable fees. Ms Alvarez explained that the RFP stated that and the RFP is part of the contract.

**Commissioner Laskowski made a motion to authorize the City Manager to enter into a contract with Garner Environmental Service from Deer Park Texas for emergency response stand-by products, seconded by Commissioner Garcia for discussion. Commissioner Garcia asked for clarification of the difference between Agenda item #7 and #8. Ms Byington responded that #7 calls for the actual products. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".**

**8. Consider authorizing the City Manager to enter into a contingency contract that will be activated only in the face of an emergency. (Purchasing Director).**

Ms Byington stated this item authorizes the City Manager to enter into a contingency contract that will be activated only in the face of an emergency. She stated twelve proposals were received and evaluated. The Finance Director has reviewed the company's financial statements and the City Attorney has reviewed the attached contract. She stated Staff is recommending the contract be awarded to Ashbrite, Inc. from Pompano Beach, Florida.

Mayor Fugate called for questions or comments. Commissioner Laskowski voiced his concern regarding bid information.

Commissioner Garcia made a motion to award the bid to Ashbritt, Inc., seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia voting "FOR". Wilson, Pecos "ABSENT".

**9. Consider condemnation of structure located at 1211 E Yoakum. (Building Official).**

NO ACTION TAKEN.

**10. Consider condemnation of structure located at 331 S Lantana. (Building Official).**

Mayor Fugate called for consolidating Items 10, 12, 13, 14 & 15.

Commissioner Laskowski made a motion to find the following properties located at 331 S Lantana, 1118 E Ave A, 711 W Ave B, 603 ½ W Ave B and 1221 E Ella to be unrepairable, declare structure unsafe; and the present condition is a violation of ordinances and cannot be corrected without substantial reconstruction; and declare that the building or structure to be a public nuisance and order its demolition by the owner/agent/person in charge within 45 days and if not taken care by the property owner/agent within specified time the City shall abate in any manner it deems necessary and proper, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski voting "FOR". Wilson, Pecos "ABSENT".

**11. Consider condemnation of structure located at 1128 E Kenedy. (Building Official).**

This item was removed due to the structure being repaired.

**12. Consider condemnation of structure located at 1118 E Ave A. (Building Official).**

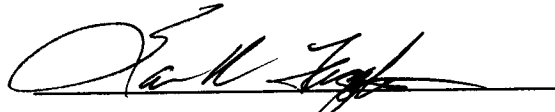
**13. Consider condemnation of structure located at 711 W Ave B. (Building Official).**

**14. Consider condemnation of structure located at 603 ½ W Ave B. (Building Official).**

**15. Consider condemnation of structure located at 1221 E Ella. (Building Official).**

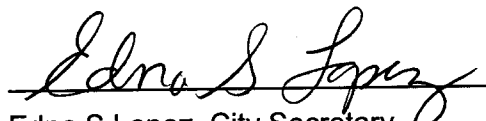
**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 8:52 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary