

JANUARY 28, 2008

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 28, 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  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Mark Rushing, Finance Director  
Armando Gutierrez, City Engineer  
Al Lopez, Fire Chief  
Bill Donnell, Public Works Director  
Yolanda Cadena, Health Director  
Joe Casillas, Water Production Supervisor  
Michael Tamez, Police Officer  
Mark Frost, Police Officer  
Genaro Gonzales, Police Officer  
Frank Garcia, Wastewater Supervisor  
Ricardo Torres, Police Chief  
Susan Ivy, Parks Director  
Dianne Leubert, Solid Waste Superintendent  
Fidel Gonzalez, Interim Task Force Commander

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

**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 January 11<sup>th</sup>, 2008. Commissioner Pecos made a motion to approve the minutes, seconded by

PAGE 1 of 8 – January 28, 2008

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

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

Mayor Fugate announced there were no public hearings.

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

1. Proclamation designating the week of January 27<sup>th</sup> – February 4<sup>th</sup>, 2008 as "Catholic School Week".

Mayor Fugate presented a proclamation to Principal, Ms Lanmon and several students.

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

Mayor Fugate called for the City Manager's report. Mayor Fugate presented "Certificates of Recognition" to Police Officers Michael Tamez, Mark Frost, Genaro Gonzales for their participation in a large money seizure. City Manager Yerena commented that he has seen first hand what these officers do. He reported on a town hall meeting for I-69 to be held in Robstown, Texas and public hearing to be held in Kingsville, Texas; that Municipal Code will provide the service for codification; reminded the Commission that Staff is working on the "Code Rangers" project; and that Trash-Off Day was rescheduled for February 9<sup>th</sup> from 8:00 AM to 12:00 noon. He reported on a course being provided by the Texas Engineering Extension Service to educate our Street Crews.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that a signed copy for Ride on the Wild Side was received today. She reported she had a revised copy on agenda item #10 and on working on revising other ordinances.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski asked when La Posada banners would be taken down. City Manager Yerena responded that this will be done this week.

**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.

Mr. Darrin Dunway, 4128 Jamlie, spoke about traffic on Escondido during Live Stock Show.

Mayor Fugate called for consideration of the items on the Consent Agenda.

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

**V. Consent Agenda**

1. Motion to approve a Resolution authorizing the submission of an application to the End Violence Against Women International Non-Profit Corporation for the purpose of requesting funding for one officer to attend the "International Conference on Sexual Assault, Domestic Violence and Stalking." (Police Chief).

2. Motion to approve out of state travel for Detective Sandra Ochoa to attend the "International Conference on Sexual Assault, Domestic Violence and Stalking" to be held in New Orleans, LA during the week of March 21<sup>st</sup> – April 2<sup>nd</sup>, 2008. (Police Chief).

3. Motion to approve the City's participation in sponsorship of the 5<sup>th</sup> Annual Ride on the Wild Side charity bike tour on the King Ranch on April 12, 2008 in conjunction with the Kingsville Convention and Visitors Bureau and the Kingsville Noon Lions Club; and other matters related thereto. (City Attorney).

**REGULAR AGENDA**

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

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

**4. Discuss and consider waiving permit, inspection, plan review, and any other related fees/costs, and the city engineer's consulting service fees as an in-kind match for a Parks Grant already approved by the state in the amount of \$60,000 for restrooms at the soccer fields at Dick Kleberg Park. (City Manager).**

Ms Susan Ivy, Parks Director provided information on the proposed renovations at the park and information on the grant. She stated she is asking the City to provide engineering services and permits to commit as a matching fund for the grant. City Manager Yerena stated the City's portion is approximately \$4,000. Commissioner Wilson asked how she would figure a dollar amount for in-kind services when the work is provided by a different people. Ms Ivy replied there is a set schedule for the different trade persons. Commissioner Laskowski asked if she would be asking for any more additional monies. Ms Ivy replied she would not.

Mayor Fugate called for a motion. **Commissioner Laskowski made a motion to waive the permit, inspection, plan review, and any other related fees/costs, and the city engineer's consulting service fees as an in-kind match for the Parks Grant already approved by the State in the amount of \$60,000, seconded by Commissioner Wilson and Commissioner Garcia. The motion as passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".**

**5. Discuss and consider waiver of fire inspection fees at the J K Northway Coliseum for Livestock Show and Rodeo. (City Engineer).**

Ms Ivy stated request is to waive this fee. City Manager Yerena stated that the fee is for \$147.00. He stated that the 2007 inspection fee has not been paid.

Ms Ivy stated she will pay if a bill is sent. Commissioner Wilson stated the agenda is written in a way that the fee is for the Stock Show, but in reality it is an annual inspection.

City Engineer Gutierrez stated this bill is for the Stock Show, the Fire Marshal checks everything in reference to the vendors.

Fire Chief Lopez stated the annual inspection is done for the building. Upon a question from Commissioner Wilson, Chief Lopez stated this request was for the annual inspection.

Mayor Fugate called for a motion. **Commissioner Pecos made a motion to waive the fire inspection fee, seconded by Commissioner Garcia. The motion as passed and approved by the following vote: Fugate, Garcia, Pecos voting "FOR". Laskowski, Wilson voting "AGAINST".**

**6. Consider introduction of an ordinance renaming Fisher Drive to Samuel's Place. (City Attorney).**

Mayor Fugate provided some background and information as to the location of the street. He stated there is only one lot on that street. He stated the Castillo's are planning on building a house and they would like to have the street named after their son who died in an automobile accident.

**INTRODUCTION ONLY**

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinance by amending Sections 15-4-4 through 15-4-5 of Chapter XV, Article 4, Flood Damage Prevention, providing for elevations above the base elevation. (City Engineer).**

Mr. Gutierrez stated that FEMA prepared a model ordinance and when adopted last month these corrections were overlooked, which have to do with the base elevation.

**INTRODUCTION ONLY****8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 9-1-10 through 9-1-18, providing for definitions and ensuring compliance with State Laws with the Regulations of Junked Motor Vehicles. (City Attorney).**

Ms Alvarez stated that the current ordinance does not address certain issues, and this would be more user-friendly. This would set out the notification process and vehicles covered with a tarp are addressed. This ordinance defines antique vehicles and collectors vehicles.

**INTRODUCTION ONLY****9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 5-1-17 & 5-1-18, providing for items not to go in containers. (City Attorney).**

Ms Alvarez stated that basically this addresses a few additional items that can go in the trash cans. Upon a question from Commissioner Laskowski, Ms Alvarez explained the difference between dead animals and animal carcasses definitions.

**INTRODUCTION ONLY****10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 5-1-1 through 5-1-50, providing for additional definitions, for the placement and pick-up of various items, and for fees for non-compliance. (City Attorney).**

Ms Alvarez stated that in following many recommendations from the Solid Waste Assessment and Master Planners this ordinance was amended. She stated collection will be in the front of properties. Ms Alvarez referred to and explained several sections and stated that the ordinance is rather detailed.

Upon a question from Commissioner Wilson, Ms Dianne Leubert, Solid Waste Superintendent stated the section in question would be clarified by adding residential refuse receptacles.

Commissioner Laskowski stated he wants to make sure that the citizens understand the ordinance. Commissioner Garcia asked how the public would be educated. City Manager Yerena replied Staff will be making presentations, there will be advertising in the newspaper, and notices will be in water bills.

**INTRODUCTION ONLY****11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 5-1-55, providing for amendment of residential and commercial monthly charges. (City Manager).**

City Manager Yerena stated this basically follows the recommendation from the Solid Waste Consultants and provides for half of the revenue being recommended to pay for equipment needed to provide better service to the residences. The rate would be half of the increase, for now, and the City would look at privatizing for landfill services and brush collection.

## INTRODUCTION ONLY

**12. Consider introduction of an ordinance amending the Fiscal Year 2007-2008 Budget for the City of Kingsville to allocate increase in revenues from Solid Waste fees to Capital Outlay and/or Debt Service for the Solid Waste Department. (Finance Director).**

City Manager Yerena stated this identifies and recognizes the revenue that the City would receive for the increase in rates. Upon a question from Commissioner Laskowski, Mr. Rushing explained how he derived the numbers and how a model was used. He stated that he provided two scenarios which are projected out into the year 2015. Upon a question from Commissioner Laskowski, Mr. Rushing provided information on the debt service.

## INTRODUCTION ONLY

**13. Discuss and consider amendment to the Interlocal Agreement between the City of Kingsville and Kleberg County relating to Health Department. (City Manager).**

Ms Alvarez stated this item and item #14, addresses matters discussed with the County at a joint meeting on December 6<sup>th</sup>, 2007. At that time, the County Judge asked that she get together with the County Attorney to work on language to amend the interlocals so that the City would give information to the County. She stated that before tonight's meeting, Commissioner Laskowski pointed out to her that there should be reciprocal language exchange reflected in the agreement. She stated she would add under item #4, Budgeting, a sentence saying that the County Judge would provide a copy of the proposed budget of the Health Department to the City Manager, as soon as possible, but no later than the 15<sup>th</sup> day of August each year. She suggested incorporating the recommended reciprocity language in both the Health department amendment and in item #14 she stated she would be making the same recommendation for the Library department.

**Commissioner Wilson made a motion to approve the amendment, as presented with the changes, seconded by Commissioner Garcia. The motion as passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".**

**14. Discuss and consider amendment to the Interlocal Agreement between the City of Kingsville and Kleberg County relating to Library Department. (City Manager).**


Ms Alvarez stated as mentioned in the prior item, she stated the document, #4 Budgeting the reciprocal incentives would be added which is based on the December meeting with the County. Mayor Fugate stated this is the same amendment as the last one. Mayor Fugate called for a motion.

**Commissioner Pecos made a motion to approve the amendment, as presented with the changes previously discussed, seconded by Commissioner Garcia. Mayor Fugate called for further discussion.** Commissioner Laskowski suggested instructing the City Attorney to meet with the County Attorney to come up with a similar agreement on the Emergency Management Coordinator. Mayor Fugate agreed with Commissioner Laskowski.

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


**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:35 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary