

FEBRUARY 11, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 11, 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
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Joe Casillas, Water Production Supervisor
Robert Rodriguez, Library Director
Dora Byington, Purchasing Director
Armando Gutierrez, City Engineer
Bill Donnell, Public Works Director
Abel Carrillo, Building Official
Diana Gonzalez, Human Resource Director
Fidel Gonzalez, Task Force Commander
Dianne Leubert, Solid Waste Superintendent

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M., and announced 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 January 28th, 2008. **Commissioner Pecos made a motion to approve the minutes, as presented, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski, Pecos voting “FOR”.**

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

1. Public Hearing regarding condemnation proceedings for structures located at 508 E Ave C, 506 E Ave C, 310 W Kenedy, 934 E Ave B, 704 W Doddridge, 1211 E Yoakum, 603 ½ W Ave D, and 713 E Santa Gertrudis.

Mayor Fugate opened the public hearing at 6:04 P.M.

Mayor Fugate called for citizens comments. Mr. Abel Carrillo, Building Official stated all locations have unsafe structures that are beyond repair. He stated recommendation is for condemnation.

Mayor Fugate closed the public hearing at 6:06 P.M.

III. Petitions, Grievances, and Presentations.²

1. Proclamation honoring Mr. Antonio Villagomez on his 100th Birthday.

Mayor Fugate presented the proclamation to Mr. Villagomez who was accompanied by several family members.

2. Proclamation designating the month of February 2008 as "Black History Month".

Mayor Fugate presented the proclamation to Ms Madeline Caraway and Mr. Aaron Gant. Ms Caraway provided information on the activities that are planned throughout the month.

Mayor Fugate presented Ms Diana Gonzalez a Certificate of accomplishment for completing the course of "Human Resource Professional".

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported the Fire Department will be hosting the NIMS 300 & 400 courses; he provided information on filing for a place on the ballot for the City General Election on May 10th, 2008; on a public hearing for I-69; the next Master Plan meeting; the JLUS forum; the JLUS Technical and Policy committee meeting; a public hearing to discuss proposed improvement of highway 77; and that the Street department finished the overlay on 2nd Street. Finally, he announced the appointment of Mr. Fidel Gonzalez to the position of Commander for the Task Force.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on working on the landfill RFP; and on the railroad quiet zone.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski thanked all citizens for participating in the "Trash-Off Day". He announced the next trash-off day will be on April 16th. City Manager Yerena announced that tomorrow would be the first meeting of the "Code Rangers" here at City Hall. Mayor Fugate stated that there was a positive report on one of the television station on the Neighborhood Initiative program.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Darrin Dunaway, 4138 Jamlie, thanked the Commission and the City Manager for prompt response and decisive action to concerns from citizens. He provided information on a drug-free Little League event.

Mayor Fugate called for consideration of the Consent Agenda, Items 1-8. **Commissioner Laskowski made a motion to remove Items 5, 6, 7 & 8 from the Consent Agenda and to approve Consent Agenda Items 1, 2, 3 & 4, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

V. **Consent Agenda**

1. **ORDINANCE ORD2008-05 Motion to approve final passage of an ordinance renaming Fisher Drive to Samuel's Place. (City Attorney).**
2. **ORDINANCE ORD2008-06 Motion to approve final passage 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).**
3. **ORDINANCE ORD2008-07 Motion to approve final passage 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).**
4. **ORDINANCE ORD2008-08: Motion to approve final passage 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).**
5. **ORDINANCE ORD2008-09 Motion to approve final passage 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).**

Commissioner Laskowski asked for a definition under the Section – Generator. Ms Alvarez provided an explanation. In reference to the section being discussed, Commissioner Wilson stated it will be hard to actually differentiate to get someone to be responsible for such waste. He stated this is a burden on local businesses. Ms Alvarez suggested deleting the last sentence of the definition of Generator. In reference to the placement for collection, Commissioner Laskowski asked about putting refuse receptacles on the street pavement.

Mayor Fugate called for further questions or comments.

Commissioner Wilson made a motion to approve the ordinance with the two (2) corrections as discussed, seconded by Commissioner Pecos. Mayor Fugate stated the modifications are in the definition of Generator to delete the last sentence and in Section 5-1-36 Placement for Collection, Section (d) Commercial refuse receptacles. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

6. **ORDINANCE ORD2008-10 Motion to approve final passage 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).**

Mayor Fugate called for Commissioner Laskowski comments. Commissioner Laskowski questioned the rates for people out of the city limits. He stated the rates are being raised for the citizens inside the city limits, but not for citizens outside the city limits. Ms Alvarez stated this information is based on the Solid Waste assessment, she added there is only one or two accounts out of the City limits. Commissioner Laskowski stated the purpose for raising the rates is to pay for the new equipment needed for collection. He stated that if the citizens inside the city limits need to pay \$2.15 more why wouldn't the people living outside the city limits pay more for their part of the debt. City Manager Yerena stated it was an oversight. Ms Leubert stated there are approximately four or five residents out of the City limits. Mr. Bill Donnell, Public Works Director stated the residents are already at an elevated rate. City Manager Yerena stated these residents already pay higher rates. Commissioner Wilson stated he agrees with Commissioner Laskowski, he stated that only for a matter of consistency these residents' rates should also be raised. Commissioner Laskowski provided information on raising the rates, \$2.15. Commercial customers who are within one quarter (1/4) mile outside the city limits shall change from \$72.50 to \$74.65 per month for each roll-out container for collections. Commissioner Laskowski stated the only changes he is interested in making is raising the residential rate from \$38 to \$40.50 under Section D; and under E1 from \$72.50 to \$74.65.

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

7. ORDINANCE ORD 2008-11 Motion to approve final passage 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).

Commissioner Laskowski stated the garbage rates were raised \$2.15 to cover new debt service for proposed equipment that will be purchased at a later date. He added a lot is dependent upon the outcome of some studies. He stated that even though this item is to pull in the additional funds, \$122,668, that will be generated for the balance of this fiscal year for the \$2.15 increase, he does not want Staff to understand that the Commission is giving their blessing to this proposed equipment list until such time that it is known if the City will privatize the Landfill and the Brush collection. He stated is privatization occurs the proposed equipment will not be needed. For the record, he stated that if ordinance is approved it is only to recognize the additional revenue that will generated and not supporting Staff's numbers on the project.

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

8. RESOLUTION R2008-03 Motion to approve Resolution establishing a Community Revitalization Plan of Public Housing of the Housing Authority of the City of Kingsville including the Public Housing Developments known as Brown Villa, Casa Ricardo Villa, Connell Villa and Maple Circle. (City Manager).

Commissioner Wilson stated that he had asked Commissioner Laskowski to include in his motion for removal from the Consent Agenda. He stated this is such an important issue because this will change the landscape of this community forever. He stated that this will make a mark forever and these areas have been a fixture in the community. He stated the intent is to demolish and rebuild from the ground up.

Ms Cory Hinojosa, Executive Director of the Housing Authority and Mr. Rene Canales, Chairman provided information on the project. The complex will be torn down and new units will be built in its place. Mayor Fugate stated he does not think anyone will object. Ms Hinojosa stated the project will be done in phases. She stated this is a resolution that is needed to enhance the application with the Texas Department of Housing and Community Affairs. She stated they are not competing with anyone locally. Mr. Canales stated this resolution includes all housing which gives them more points when submitting the application. He stated this is demolition of old but enhances revitalization. Upon a question from Commissioner Pecos, Ms Hinojosa responded that the occupants will not be displaced; a voucher will be given to each family.

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. Consider condemnation of structure located at 508 E Ave C. (Building Official).

Mayor Fugate called for Regular Agenda Items 9-16, in one motion. He read each structure location that is being considered for condemnation.

Mr. Carrillo stated these structures are unsafe and beyond repair.

Mayor Fugate stated these structures are some the worst he has seen. Commissioner Pecos stated citizens are here to see that these structures are condemned. Mayor Fugate stated there is a 45 day waiting period for the owners to demolish these structures themselves. Ms Alvarez stated that items 9 & 10 are on KWOP.

Mayor Fugate called for a motion. **Commissioner Wilson made a motion that the property at 508 E Ave C, 506 E Ave C, 310 W Kenedy, 934 E Ave B, 704 W Doddridge, 1211 E Yoakum, 603 ½ W Ave D, and 713 E Santa Gertrudis, that these buildings and/or structures are deemed to be unsafe, that present a condition that is in violation of our ordinances, and cannot be corrected without substantial reconstruction, and declare the building or structures to be a public nuisance and order their demolition by their owner/agents or person in charge within 45 days, seconded by Commissioner Pecos and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".**

10. Consider condemnation of structure located at 506 E Ave C. (Building Official).

11. Consider condemnation of structure located at 310 W Kenedy. (Building Official).

12. Consider condemnation of structure located at 934 E Ave B. (Building Official).

13. Consider condemnation of structure located at 704 W Doddridge. (Building Official).

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

15. Consider condemnation of structure located at 603 ½ W Ave D. (Building Official).

16. Consider condemnation of structure located at 713 E Santa Gertrudis. (Building Official).

17. Consider application for Residential Tax Abatement for Ms Lauren Richerson. (City Engineer).

Mr. Armando Gutierrez, City Engineer stated that the applicant has submitted a Tax Abatement application; this abatement meets the criteria and is within the district for the tax abatement. He stated this abatement will be for one year at 100%.

Mayor Fugate stated this ordinance needs to be revisited so that people can take advantage of this. Commissioner Laskowski stated the County also supports this program.

Commissioner Laskowski made a motion to approve the application for the Residential Tax Abatement, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

18. Discuss and consider authorizing the City Manager to enter into an agreement for Election Service Contract between the City of Kingsville and Kleberg County Clerk for the City's General Election on May 10, 2008. (City Manager).

Ms Lopez, City Secretary stated this agreement would allow the City to use the County's voting machine for the May General Election. She referenced Attachment "A" for the cost of the machines. She further explained that the cost for the voting machines might be shared with KISD on Election Day. At the present time, KISD is requesting to have separate ballots and to be able to appoint 50% of the Judges. Commissioner Laskowski stated in order to save the tax payers monies the school would have to agree to use the same ballot and the cost for the voting machines would be half of \$13,171.73 for each entity. He stated that there would be a savings of approximately \$1,000 for the cost of the ballots if the ballot was shared.

Mr. Larry Garza, Board President of KISD stated as a new joint venture that the Legislature has imposed on the School Districts. He stated that as a new joint venture there are concerns on both side of the avenue. He stated the amount of \$13,000 can be split between both entities. Mr. Garza stated that there may be a problem in appointing the election judges. He provided information from their legal counsel regarding the appointment of election judges. Mayor Fugate stated the School could pick 100% of the Judges. Mr. Garza stated that legal advice had stated this could not be done, the decision and cost has to be equally divided. He stated that if one machine could be used on Election Day, that is negotiable, but as for the Judges, the timeline has passed and would be best to wait until the next election. Ms Lopez suggested that contract negotiation start in early December.

Upon a question from Commissioner Laskowski, Mr. Garza replied to his recollection they had appointed 50% of the Election Judges for the joint election that was held with the County.

Commissioner Laskowski made a motion to authorize the City Manager to enter into an agreement for Election Service Contract between the City of Kingsville and the Kleberg County Clerk for the City's General Election of May 10, 2008, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

19. RESOLUTION R2008-04 Consider a resolution ordering the City of Kingsville General 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 to change the last two (2) days of the seven (7) day period of early voting to have the poll opened twelve (12) hours. The resolution appoints Ms Lopez as the Clerk for Early Voting, designates Polling Places, and provides information for the purpose of the election. Finally, Ms Lopez informed the public that two twelve hour days of early voting will be held on Monday, May 5th and Tuesday, May 6th.

Commissioner Laskowski made a motion to pass the Resolution ordering the City of Kingsville General Election, designating the voting precincts, polling places, establishing election procedures and appointing Early Voting Clerk, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

20. Consider awarding Bid No. 28-22 authorizing approval of a contract to haul debris from demolished houses located throughout the city. (Purchasing Director).

Ms Byington stated this item is an annual contract for hauling debris from demolished houses located throughout the city. The cost is less than \$20,000. It is recommended the bid be award to Munoz Trucking.

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

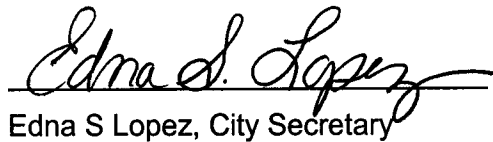
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:38 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary