

DECEMBER 14, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 14, 2009 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 5:30 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Diana Gonzalez, Human Resource Director
Ken Clark, Director of Development Services
Naim Khan, City Engineer
Mark Rushing, Finance Director
Dianne Leubert, Solid Waste Superintendent
Macario Mayorga, Water Superintendent
Joe Casillas, Water Production Supervisor
Jennifer Vela, Code Enforcement Officer
Yolanda Cadena, Health Director
Dora Byington, Purchasing Director
Ricardo Torres, Police Chief
Al Lopez, Fire Chief
Yolanda Vasquez, Municipal Court Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the workshop to order at 5:30 P.M., with quorum present.

CONVENE INTO REPORTS FROM COMMISSION & STAFF- ITEM III- REGARDING ECONOMIC DEVELOPMENT & HEAR PRESENTATION FROM F4 KINGSVILLE GROUP L.P. ON PROPOSED ASSISTED LIVING FACILITY.

City Manager Yerena stated the City wanted to provide some time to the developer for a presentation. Mr. Gary Graf, from Dallas representing F4 Kingsville provided a power point presentation to the Commission. He explained this is a 100 unit facility, with 70 assisted living units and 30 memory care units. Also, there will be 30 single family homes for independent living. He further explained the categories of people that will be residing there; the amount of employees that will be employed and their hourly wage; and the amount of people that will be employed during the construction period. He provided information to questions and concerns brought up during the Planning and Zoning meeting. Mr. Homer Castillo, Project Engineer, Alpha Engineering addressed the Commission regarding the flooding plan for Carriage Park.

This project will provide 30 plus single family homes with a luxurious one story building that will occupy 100 senior citizens. As currently platted it would allow only 38 homes in that subdivision. Mr. Graf stated the proposal is to take the entire property as R-2. Annual revenue generated is \$5,600,000. The value of the property is about \$17,000,000.

Mayor Fugate opened the regular session at 6:05 P.M. and announced quorum as present.

6:00 P.M.- Regular Session of the Agenda continues.

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 Monday, November 23rd, 2009. **Commissioner Pecos made a motion to approve the minutes, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos voting "FOR". Laskowski "ABSTAINED".**

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

1. Public Hearing regarding preliminary and final replat of Brownvilla. (Director of Development Services.)

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

Mr. Ken Clark, Director of Development Services stated the housing project will be redeveloped and everything will be demolished. There will be the same amount of units as required by the government rules. He stated there were a number of old easements and new ones to be required so a new preliminary and final plat to replat to reflect the new easements was required. The Planning and Zoning Commission recommend approval of both the preliminary and final plat.

Mayor Fugate called for questions or comments on this issue. Mayor Fugate announced this is a public hearing an opportunity for any citizen to speak on this particular issue by coming to the podium, providing their name and address and they can speak for five (5) minutes on this particular subject.

Mayor Fugate closed the public hearing at 6:08 P.M.

2. Public Hearing to rezone 11.2886 Acres out of Lowes Home Center Kingsville, Part of Lot 6, from "R-1" Single Family District to "R-2" Two-Family District. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:08 P.M.

Mr. Clark stated a presentation was heard and on the agenda is the introduction of the ordinance to rezone as recommended by Planning and Zoning Commission. He explained there were concerns from the neighbors and the applicant agreed to ask for an R-2 zoning. As a good faith effort, the applicant has submitted a letter that if the property is not developed in eighteen (18) month he would apply to rezone the property back to an R-1. Mr. Clark stated that the applicant will provide specific set of plans to the Planning and Zoning Commission for approval.

Mayor Fugate announced this is a public hearing an opportunity for any citizen to speak on this particular issue by coming to the podium, providing their name and address and they can speak for five (5) minutes on this particular subject.

Mr. Rudy Galvan, 1400 Kelly, spoke in opposition of the rezoning.

Ms Alice Byers, 1308 Palm, spoke in opposition of the rezoning.

Mr. Daniel Morales, 1309 Palm, spoke in opposition of the rezoning.

Mayor Fugate closed the public hearing at 6:22 P.M.

3. Public Hearing regarding condemnation proceeding for structures located at 421 S. 17th, 323 E. Henrietta, and 508 W. Ella. (Building Official).

Mayor Fugate opened the public hearing at 6:22 P.M.

Mr. Clark stated these three properties have gone through the City code process of condemnation. All information relating to the properties was included in the packet.

Mayor Fugate announced this is a public hearing an opportunity for any citizen to speak on this particular issue by coming to the podium, providing their name and address and they can speak for five (5) minutes on this particular subject.

Mayor Fugate closed the public hearing at 6:24 P.M.

III. Reports from Commission & Staff²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor's Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration – Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Pan American School infrastructure presentation. No formal action can be taken on these items at this time."

City Manager Yerena reported on the date for the KWOP Media Day, December 16th, 2009, on the number of houses (17) that has been demolished and the structures pending demolition. He introduced Sgt. Biddle and the National Guard troops who are working on the demolition project. City Manager Yerena announced the retirement of Ms Vilma Castillo from the City. Commissioner Pecos presented Ms Castillo with a plaque and a watch. City Manager Yerena reported on the Street department cleaning curb and gutters, working in several alleys in the Otis street area, and doing patching work; he announced the Fire department holding two vaccine clinics in which about 1200 H1N1 vaccines were administered to the citizens of Kingsville; on the Health department activities, not spraying for mosquitoes in the month of November, are applying larvacide to city drainage; and on sending out weed control and environmental notices. He reported that City offices will be closed for the Christmas holiday on Thursday and Friday, December 24th and 25th. Mayor Fugate presented the award for the City's participation in the Christmas Parade and receiving, "THE BEST SOUTH TEXAS THEME AWARD". City Manager Yerena announced the Task Force received "THE BEST LAW ENFORCEMENT AWARD".

Ms Alvarez reported the City Commission's next meeting is on Monday, December 21st, the Safety Banquet will be held on Friday, and City offices will also be closed on January 1st in observance of the New Year's holiday.

Commissioner Laskowski announced the date for the Cactus Bowl to be held in Kingsville, and Keep Kingsville Beautiful will be working on a project for a City wide cleanup, on January 25th – 29th, 2010.

Commissioner Pecos asked if the City had filed for monies from the stimulus program. City Manager Yerena provided information of monies requested.

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. Rudy Galvan, 1400 Kelly, spoke about the wasted water loss at the water well located at 6th & General Cavazos.

Mayor Fugate called for consideration of the items on the Consent Agenda, Items 1-3. **Commissioner Wilson made a motion to remove Agenda Item #3 and pass the Consent Agenda, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".**

V.

Consent Agenda

1. ORDINANCE NO. ORD2009-37 Motion to approve of an ordinance amending the 2009-2010 Compensation Plan for the City of Kingsville Chapter III, Article 7, Personnel Policies to rename the Main Street Manager as the Downtown Manager. (Human Resource Director).
2. Motion to approve authorizing a contract for approximately nine and one-half (9 ½) months for janitorial maintenance services at the Law Enforcement Center. (Purchasing Director).
3. ORDINANCE NO. ORD2009-38 Motion to approve final passage of an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), providing tax incentives, designating a liaison for communication with interested parties, and nominating Celanese Corporation to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as an Enterprise Project (Project). (Director of Development Services).

Commissioner Wilson stated at the last meeting, the representative that represented Celanese stated they had discovered that they were already in an enterprise zone but did not state whose enterprise zone they were in. Mr. Dick Messberger, EDC stated some of the Celanese area is included in the City's enterprise zone. He stated that Bishop does not have an enterprise zone. Commissioner Wilson stated that Nueces County has an enterprise zone. Commissioner Wilson stated the representative clearly made it known that by doing this the City is not getting any more support of them hiring someone from the City of Kingsville. He stated they are under no obligation at all to hire anybody from Kingsville and the impression given from their presentation was that was the case. Commissioner Pecos stated he was the one that asked the question about hiring from Kingsville, and the representative stated no, but they do hire from Kingsville. Mayor Fugate stated this does not add any cost to the City of Kingsville and if this helps Celanese they need to do it.

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

REGULAR AGENDACONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:VI. Items for consideration by Commissioners.⁴

4. Consider appointment of Marilyn Fowle, Vice President of Finance at TAMUK as the Texas A&M University-Kingsville representative to the Joint Land Use Study (JLUS) Implementation Committee. (Director of Development Services).

Mr. Clark stated that a recommendation at the last meeting was made to appoint someone from the University and he has communicated with Ms Fowle and she has agreed to serve.

Commissioner Laskowski made a motion to accept the recommendation to appoint Ms Fowle, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSTAINED"

5. Consider approval of preliminary replat of Brownvilla. (Director of Development Services).

Mr. Clark stated this is the final step for the preliminary replat of Brownvilla. Mayor Fugate called for questions or comments. Commissioner Laskowski stated that flooding requirements should be looked at since the property is being completely demolished. Mr.

Clark stated this will be done once plans are submitted. Mr. Khan stated they are not increasing any flow. Commissioner Laskowski stated that since the entire area will be demolished, if there are some problems the City needs to consider making the necessary changes to the plan to address the storm water they would be creating. Again, Mr. Clark stated once plans are submitted these concerns can be addressed. Mr. Homer Castillo, Engineer for project addressed Commissioner Laskowski concerns and explained they are not increasing the run-off coefficient but are increasing the time of concentration because of drainage and routing within the site. He added if there is any change it would be a decrease. Commissioner Laskowski asked if there was any in ground storm sewer in the new project. Mr. Castillo replied there wasn't. He stated they are bounded by the curb and gutter around the site and they are not going beyond the site. Commissioner Laskowski stated this housing was built in the 60's and the requirements have changed so this should be looked at if there is a need for changes that would help address the problem, if there is a problem. Mr. Clark stated there is time to look at this since they have had some delays. Mr. Castillo stated the plans are ready to be submitted to the City for review and this would be the time to make changes and added that the project is on a tight budget. Mayor Fugate stated that he does not think there is a flood problem in that area. Mr. Khan stated there could be some retention done in the curb and gutter to reduce the flow.

Mayor Fugate recommended these items, 5 & 6 be heard at the next City Commission meeting.

6. Consider approval of final replat of Brownvilla. (Director of Development Services).

Mayor Fugate requested the next items be addressed together, the Commission agreed.

7. Consider condemnation of structure located at 421 S 17th. (Building Official).

8. Consider condemnation of structure located at 323 E Henrietta. (Building Official).

9. Consider condemnation of structure located at 508 W Ella. (Building Official).

Mr. Clark stated that these structures need to be demolished and the process followed.

Commissioner Laskowski made a motion that the City has a finding that the properties located at 508 W Ella, 421 S 17th, and 323 E Henrietta are unsafe and their present condition is a violation of an ordinance and cannot be corrected without substantial reconstruction; and then declare the building or structure to be a public nuisance and order its demolition by the owner/agent/person in charge within 90 days, and the City shall abate in any manner it deems necessary and proper, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

10. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 11.2886 acres out of Lowes Home Center Kingsville, Part of Lot 6, from "R-1", single family district to "R-2", two-family district. (Director of Development Services).

Mr. Clark stated this item was heard earlier during a public hearing and this is an introduction and will be heard again next week. Mayor Fugate called for questions or comment. Commissioner Pecos asked if there was a petition that was presented. Both, City Manager Yerena and Ms Alvarez responded they had heard of a petition being circulated but have not seen it. Mr. Clark stated the petition was presented to the Planning and Zoning Commission at the November 24th meeting and the petition had twenty (20) signatures.

INTRODUCTION ONLY

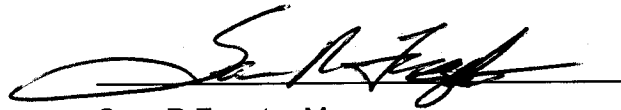
11. Discuss status and plans for old H. M. King High School Building located at Kleberg Avenue and North 3rd Street. (Mayor Fugate).

Mayor Fugate stated he asked for this to be put on the agenda because the School District has transferred the title to the old high school and its grounds to the Foundation that was set up to receive this historical building. He stated this is moving quickly and the Foundation is getting a proposal from an architect to get an overall plan. The Foundation is a privately held. He added that the building will be stabilized and there has been previous discussion of the interest to make this a new City Hall. Mayor Fugate stated that because of that our Staff and Commission should become involved early in the planning. He stated the way it will be laid out, the school district retained some of the property, the cottage and certain other acreage, but the gym is not in the plan only everything south. The gym is still owned by the school district. Mayor Fugate stated this will be a comprehensive all inclusive type of plan that will cover some of the school district's properties. He added it is important that the school district is there because in the spirit of Mrs. King's request that this property be used for educational purposes. He added that City government can be awfully educational, but it really does not meet with the spirit of Mrs. King's desires, so the school district needs to participate in this with the City, not only in providing educational programs but also financially because some of their properties will be involved in this renovation process. He stated this will be an interesting partnership, a City/school district/private partnership. Mayor Fugate called for questions or comments.

Commissioner Wilson stated the City has always talked in general terms as to whether or not the City is committed to this project but have never taken a formal vote to commit the City and the citizens of Kingsville to this project. He added that before human resources are expended to be part of the project, the City needs to find some way to formalize that the City will be taking that building and making it our City Hall and then commit the resources needed whether it is on the elected side of the house or the bureaucratic side of the house and to make sure those resources are available throughout the project. Mayor Fugate stated that was a good point and this might be done in the form of a resolution, but would leave that up to the City Attorney. He stated the City needs to be involved from now on, but there needs to be a mechanism in place to give the City a long term interest in this property. He added the City will be asked to commit resources, not only tax dollars to certain extent, but also a lot of Staff's time and energy. He stated he agrees a commitment is needed from the Commission. Commissioner Laskowski stated this is something that needs serious thought and if that is the direction the City wants to go, it being a new City Hall since this building has been outgrown, the City need to be looking for something. He stated the biggest issue will be how much for the City and what the City can afford to pay. Mayor Fugate stated he was not being evasive, but that he really did not know the amount. He stated that until the architect is in place and the commitments from the private sector and the district are known then he will have a better idea. Commissioner Pecos stated this will be an exciting time because on the east side the County will be rebuilding the courthouse and the west side would also have something going on.

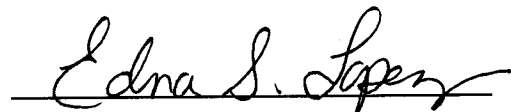
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:23 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary