

JANUARY 12, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 12, 2009 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
Al Garcia, Mayor Pro-tem
Charles E Wilson, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Mark Rushing, Finance Director
Bill Donnell, Public Works Director
Ricardo Torres, Police Chief

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 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 December 22nd, 2008. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting “FOR”. Pecos “ABSENT”.**

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

1. Public Hearing for an alcohol variance application for Taiwan Restaurant located at 2215 S Brahma Blvd. (City Secretary).

Mayor Fugate opened the public hearing at 6:05 P.M.

City Manager Yerena stated this public hearing is to consider a request for a variance for the business establishment known as the Taiwan Restaurant. He stated that the Engineering department performed the research and physical inspection and concluded that the property in question falls within the 300 ft boundary of a school which requires a variance. Letters were mailed to residents within the boundary and no opposition was received.

Mayor Fugate called for questions or comments. Mayor Fugate closed the public hearing at 6:07 P.M.

III. Reports from Commission & Staff.²

"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, Entrust Health Insurance Fund Presentation, Texas A&M University-Kingsville on improvement project. No formal action can be taken on these items at this time."

City Manager Yerena announced City Secretary Edna was absent from the meeting because she was attending her graduation in Dallas, Texas; there are two vacancies in the Civil Service Commission; he congratulated Mayor Fugate for being named Top Newsmaker in 2008; the next Trash-Off Day is Saturday, January 17th; City Hall will be closed on Monday, January 19th in observance of Martin Luther King Day; Communities in Schools will Roast and Toast Mayor Fugate on Saturday, January 24th; and that the next regularly scheduled City Commission will be on Monday, January 26th. City Manager Yerena stated that a map was provided indicating the renaming of 2nd Street to MLK Street and that this item will be placed on the next agenda. Mayor Fugate stated that in order to eliminate confusion the street will not be named Martin Luther King, but MLK Street. Ms Alvarez stated that the existing ordinance was reviewed and it requires a confirmative vote of 4 out of 5 Commissioners for the change to pass, but there are not particularities with regard to public hearings or personal notifications though it might be a safe practice to do prior to such an undertaking. She provided the Commission with the number of addresses that will be affected if this is approved. Mayor Fugate suggested everyone affected be notified. Ms Alvarez explained that the former City Engineer had started working on this project, but no information could be found. Ms Alvarez read a copy of the proposed ordinance.

Mayor Fugate called for questions or comments. Commissioner Laskowski asked for an update regarding the status of some pre-approved street lights and asked for an update on a request from a citizen regarding a street light at Loop 428 and Las Palmas Drive. Mr. Donnell provided information regarding the street lights.

Ms Alvarez reported that she has been working on several ordinances; working with Finance on the CO 2009 and on working on a resolution regarding arbitration. Mayor Fugate stated that the County Commission has passed the amendment to the Jail Contract.

Mayor Fugate called for reports from the Commission. Commissioner Laskowski announced that volunteers will be welcomed at the Trash-Off. Mayor Fugate congratulated all the volunteers that worked on the Cactus Bowl.

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.

Ms Madeline Caraway, 726 W Doddridge spoke on events commemorating Dr. Martin Luther King.

V. Consent Agenda

Notice to the Public

1. **Motion to approve authorizing the Kingsville Police Department to purchase two motorcycles and related equipment with Chapter 59 funds in an amount not to exceed \$10,000. (Police Chief).**

Chief Torres stated that information has been provided and should have been forwarded to the Commission. Commissioner Wilson stated he is trying to get the rational of the

Police Department being in the motorcycle business. Chief Torres stated that the rationale behind this is that the Police Department is getting affected by vehicle burglaries. He stated that just last week there were 43 burglaries so he is trying to utilize other tools to operate. He added that these are not traffic motorcycles and that the department will be working in conjunction with the City of Corpus Christi for the certification. He added that officers with a Class M license will be utilized.

Commissioner Wilson made a motion to approve authorizing the Kingsville Police Department use Chapter 59 monies not to exceed \$10,000 for the purchase of motorcycles and related equipment, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR". Pecos "ABSENT".

2. Motion to approve accepting a donation of \$100 from Ms Pam Wilson for the Kingsville Fire Department EMS. (Fire Chief).

3. Motion to authorize a change order for RAMBRO Contracting, Inc. for equipment for Water Well #24 in an amount not to exceed \$26,005.65. (Public Works Director).

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider approval of alcohol variance for Taiwan Restaurant located at 2215 S Brahma Blvd. (City Secretary).

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

5. ORDINANCE ORD 2009-01 Consider 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 garbage charges. (City Manager).

City Manager Yerena stated the final ordinance is for the increase in rates. He stated that additional handouts were presented and Mr. Jim McNaughton who worked on the City's rate study and Mr. Rushing, Finance Director were available to answer questions.

Mayor Fugate called for questions or comments. Commissioner Laskowski voiced his concern regarding the refuse rate increase for residents inside the city limits and residents living outside the city limits. He further voiced his concern about there being no proposal to increase refuse charge outside city limits. Mr. Rushing explained the reasoning behind the increases. Mayor Fugate stated that the residents inside the city limits are paying \$21.00 under the proposed rate and the residents outside the city limits will be paying \$40.15, almost double. Mr. McNaughton addressed the Commission and explained that the total amount is within the limit of the recommendation. He stated there are only eleven (11) residents outside the city limits that will be paying \$40.15.

Mayor Fugate called for further questions or comments. Commissioner Laskowski stated that he had previously asked about raising landfill fees to help fund the debt

service for equipment that will be purchased for the landfill, but did not receive any feedback. He stated that the recommendation is to lower the rate, but \$2,000,000 will be for improvement at the landfill. City Manager Yerena explained that part of the recommendation of the study is to decrease those fees and what is presented does not include a decrease in tipping fees, rather it maintains the tipping fees. Mr. McNaughton stated that the recommendation did not call for an increase in garbage fees. He stated the recommendation was to evaluate the market place and try to target volume customers that have enough volume and to give a lower rate to try to entice them to come into the landfill. He stated the current rate is competitive within the area and is also the highest of the area. He stated this is a viable option for the city to look at. Mr. McNaughton stated he is not here to recommend changing landfill rates because this needs more study. Commissioner Laskowski stated this is the final passage of this ordinance and he was looking for was another source of revenue to lessen the blow to the citizens and to generate additional revenue to service the debt. Mayor Fugate explained that by lowering the rates the city make more monies. City Manager Yerena stated that the proposed rates do not include a decrease in the tipping fees.

Mayor Fugate called for the City Manager's recommendation. City Manager Yerena stated his recommendation is to implement the recommendations of the study except for the decrease in the tipping fees.

Commissioner Wilson made a motion to approve the final passage of the ordinance amending City Code ordinances amending Section 5-1-55, as proposed, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson voting "FOR". Laskowski "AGAINST". Pecos "ABSENT".

6. RESOLUTION R2009-01 Consider approval of a resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to Communities in Schools for a drug and alcohol prevention program. (Task Force Commander).

Task Force Commander Gonzalez stated that Communities in Schools qualify for funds from Chapter 59 and it would be an honor to support this program.

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

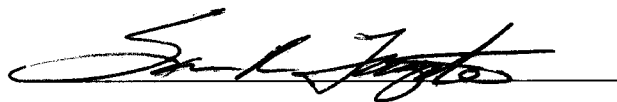
7. Consider approval of a resolution authorizing the City Manager to sign a Right of Access Agreement with VRG Properties Company for Right of Way property located in the southbound shoulder of 10th Street, adjacent to 606 East King Street, Kingsville, Texas. (City Attorney).

Ms Alvarez stated this is a right of access agreement and it does not allow any easements or does not give up any of the City's rights at that location. The agreement term would stay open as long as TCEQ necessitates that it be kept opened and once TCEQ is satisfied it will be closed and everything will be restored back to as close as possible the original condition. Upon a question from Commissioner Laskowski, Mr. Donnell replied the monitor well will be located within 10 feet of the curbside. Commissioner Laskowski stated it appears it will be located in the street. Mayor Fugate stated that putting the test well in the middle of the street will not work. Mr. Donnell stated he can request it be put in a location where it is not disturb. Commissioner Wilson stated the map clearly shows it in the street.

City Manager Yerena stated this item will be studied and brought back at a later date. Mayor Fugate called for a motion to table this item. Commissioner Wilson stated the City Secretary's preference is to take no action on this item and that at the appropriate time staff will bring it back in another form.

No Action Taken**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:18 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary