

MARCH 9, 2009

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MARCH 9, 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  
Arturo Pecos, Commissioner  
Stanley Laskowski, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Bill Donnell, Interim Planning Director/Public Works Director  
Diana Gonzalez, Human Resource Director  
Dianne Leubert, Solid Waste Superintendent  
Yolanda Cadena, Health Director  
Frank Garcia, Wastewater Supervisor  
Dora Byington, Purchasing Director  
Jennifer Vela, Code Enforcement Officer  
Mark Rushing, Finance Director  
Rick Torres, Police Chief  
Grace Garcia, Asst. Task Force Commander

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City 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 February 23<sup>rd</sup>, 2009. **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, Pecos, Wilson, Laskowski voting “FOR”.**

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

Mayor Fugate announced there were no public hearings.

**III. Reports from Commission & Staff.<sup>2</sup>**

*“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, and Entrust Health Insurance Fund Presentation. No formal action can be taken on these items at this time.”*

City Manager Yerena reported the bid for removing debris from the Old Police Station was awarded to Southern Plains Construction, at a cost of \$15,250.00 which includes the removal of the foundation.

Ms Alvarez reported on working on the JLUS implementation contract with the consultants; she reported that she will be out of the office next Wednesday for mediation and that the tax abatement guidelines are up for renewal and will be on the next agenda. She explained a revision to the ordinance on the Consent Agenda.

Commissioner Wilson congratulated the men's basketball team from Texas A&M University-Kingsville for making NCAA championships. He asked for information regarding surveyor marks and stakes on the public streets; Corral Street, Santa Rosa, right-of-ways in the intersection of Santa Rosa and Corral and between Santa Fe Street and Texas A&M University-Kingsville's property. Mr. Donnell replied that a drainage study was requested from PVK Engineering who is working on the project. Commissioner Wilson asked if a property makes a cut through the City's right-of-way into a public street do they contact the City for permission. Mr. Donnell replied a sewer line was being laid at that location. Commissioner Wilson stated that a snake pit was being relocated to Corral Street. He stated he would like to know what they did and whose authority they did that under. He further stated that there is a lot of activity going on at Corral and Santa Rosa.

Mayor Fugate announced that Wednesday is Kingsville Day at the Texas Capitol and to call the Chamber for more information.

#### **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. Rudy Galvan, 1400 Palm, spoke in reference to Agenda item #4, and asked that the Commission consider adding Board members instead of removing members from the Board.

Mayor Fugate called for consideration of the item on the Consent Agenda. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSTAINED".**

#### **V. Consent Agenda**

1. ORDINANCE NO. ORD2009-06 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance by amending Chapter VII, Article 6, Schedule II, Providing for parking on the northernmost side of Santa Gertrudis Avenue lying anywhere between its intersection with University Boulevard and its intersection with Seale Street. (City Attorney).

#### **REGULAR AGENDA**

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

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

2. ORDINANCE NO. ORD2009-07 Consider final passage of an ordinance amending the Fiscal Year 2008-2009 Budget for the City of Kingsville to allocate an increase in revenues from Sales Tax for expenditures in the Code Enforcement Department in the General Fund. (Finance Director).

Mr. Rushing stated this is the second reading on this budget amendment, the first draft was for \$13,160.00 as the amount. He stated that the addition is for the cost of removing debris at the old Police Station, for a total of \$28,160.00.

Mayor Fugate called for comments. 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".

**3. RESOLUTION NO. R2009-09 Consider resolution authorizing the City Manager to execute the loans to participants amendment to plan document for the United States Conference of Mayors Deferred Compensation Program – The Deferred Compensation Plan for Public Employees. (Human Resource Director).**

Ms Gonzalez stated that in 1995 the Commission approved a resolution, and this resolution is an amendment to the City's additional deferred compensation plan administered by Nationwide Retirement Solutions. This amendment allows employees who have contributed to the plan the opportunity to apply for a loan from their own contributed funds and repay the loan and interest back to their own account. There is no financial impact to the City. The contributions to this deferred compensation plan are 100% employee contributions. Monies received as loans belong to the employee's individual accounts with Nationwide and are not the City of Kingsville funds. She stated that Staff recommends approval. She stated that there are less than fifty (50) employees enrolled on this plan.

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

**4. Consider removing two Zoning Board of Adjustments Board members. (Interim Planning Director/Public Works Director).**

Mr. Donnell stated there was a resignation from one of the members, Ms Nina Cortez and requested the Commission take no action on this item.

**No Action Taken**

**5. Consider appointing Ms Nubia Y. Cawthard to the Zoning Board of Adjustments. (Interim Planning Director/Public Works Director).**

Commissioner Pecos made a motion to appoint Ms Nubia Cawthard to the Zoning Board of Adjustments, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

**6. Discuss and consider waiving fees for disposal of rubbish from 408 E Richard for the Missionary Daughters of the Most Pure Virgen Mary. (City Manager).**

City Manager Yerena stated a request was received from the church. He stated this was going to be part of the KWOP, but could not be done due to the building being too close to another building which caused a liability concern. He stated they are only requesting waiving the fees at the landfill in the amount estimated at \$750.00.

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

**7. Discuss and consider maintenance of landscaping in the right-of-ways along US 77 at Corral and Santa Gertrudis. (City Manager).**

Mr. Chris Caron, TXDOT Engineer presented a brief explanation of the maintenance landscaping on Bypass 77. He stated that TXDOT has reached the point where their two year commitment has expired. He stated that the City graciously provided water and that now that the two year commitment has expired they will be bowing out. He stated that they have invested \$100,000.00 in the past two years in contracts just to maintain the landscaping. He stated that in the initial year they spent \$53,000.00 and the last year the cost was \$36,000.00. He stated estimated upkeep if they had to go contractually is \$2,000.00 per month and that the planters in the median will be removed by them. He stated that their mowing is the shredding type. Mr. Caron stated they will remain helping but the monthly commit has past the establishment period. Commissioner Laskowski stated half the trees are dead. Mr. Caron stated that was correct, that they had saved as many as could but had run into some problems. Mayor Fugate asked if this is something done with all municipalities. Mr. Caron replied the two year establishment is a normal procedure. He stated that there is an irrigation (drip) system and the City furnishes the water.

City Manager Yerena stated that Staff's recommends is that TXDOT continuing mowing the area. Mayor Fugate stated those are entry ways to the City and must be maintained. For clarification, City Manager Yerena stated that the City would maintain the landscaping and TXDOT would mow the rights-of-way. Mayor Fugate requested TXDOT's tractor driver get off tractor to pick up paper before mowing. Mr. Caron stated he would have this done. Mayor Fugate stated the direction to Staff is to develop a strategy to maintain the plants.

**8. RESOLUTION NO. R2009-10 Consider 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).**

City Manager Yerena stated this is a request from the Housing Authority. Ms Cory Hinojosa, Executive Director for the Kingsville Housing Authority addressed the Commission. She stated this is a recommitment to last year's revitalization plan. She stated they applied for tax credits to demolish Brown Villa which were awarded. She explained that due to the economy financing was difficult. She stated that they are once again applying for same tax credits. She stated that they are also applying for some home funds that will possibly award about 3,000,000 – zero interest loans that will help to obtain funding. She explained the demolition plans and the vouchers that will be given to residents.

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

**9. Consider awarding informal bid for the purchase of one enclosed cab tractor with 3 point mower for the Health Department. (Purchasing Director).**

Ms Byington stated City staff recommends rejecting all sealed formal bids and awarding the bid to the lowest, responsible bidder submitting informal bids, Robstown Hardware Company from Robstown, Texas for one enclosed cab tractor with a 3 point mower with the option to purchase the loader attachment. This item will expend \$32,262.86 for a John Deere 5065 M tractor and a 3 point mower. If the loader attachment is also purchased, it will expend an additional \$4,608.50 for a total of \$36,972.36.

**Commissioner Garcia made a motion to purchase the equipment including the bucket, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**10. Consider introduction of an ordinance establishing a temporary moratorium on the renaming of city streets in the City of Kingsville, Texas, providing for the duration of such moratorium, and providing for an effective date. (Commissioner Wilson).**

Commissioner Wilson stated that after the debacle of Second Street, he thought it appropriate to put the brakes on renaming streets in the City of Kingsville until such time that the City had an effective plan or ordinance in place. He stated he had received a lot of calls from people that were extremely disturbed at the process and he thought it appropriate that the Commission would try to fix the problem for the future, so he had met with the City Attorney and this is what was drafted.

Mayor Fugate asked why a moratorium is needed. Commissioner Laskowski stated that a moratorium is needed until another ordinance can be put in place that describes the guidelines. Mayor Fugate stated that he has been on the Commission for almost five years and only one street name has been changed. He added that he can understand looking at the ordinance and re-thinking or revising it. Ms Alvarez stated that currently there is an ordinance on the books and a temporary moratorium is needed until the revisions are put in place or the existing ordinance can be repealed. She stated that until that time as long as it is on the books then someone can come in to make a request. She explained that if it is imposed by ordinance then it can only be stopped by ordinance, if it is imposed by resolution then that would be the method of undoing. Mayor Fugate stated he did not see the need for this. Ms Alvarez explained that the moratorium would last until a revision is done to Section 3-12-2 or until August 11, 2009 which would give enough time for the revisions to be done.

#### INTRODUCTION ONLY

#### 11. Discuss COPS Hiring Recovery Program grant available under the American Recovery and Reinvestment Act of 2009. (Police Chief).

Police Chief Torres stated there is \$1,000,000,000 available to Law Enforcement entities who want to hire personnel strictly for Community Policing and Crime Prevention efforts. There is no cap on amount of people hired and it pays 100% of their salary for 36 months. He stated that the entity that takes them up on this offer does have to retain them for one entire grant cycle or one year. Mayor Fugate stated that the information received stated that once hired through this grant the City is obligated to keep them. Chief Torres replied that he received an update late this afternoon that stated that personnel would be kept for one grant cycle. He stated that the grant period starts March 16<sup>th</sup>, 2009 which is a four week time frame. Chief Torres stated he understands the problem with the economics, but has made contact with Santa Gertrudis Independent School district because currently they are hiring two off-duty officers to work at their school. He stated that he will be contacting SGISD and KISD superintendents to discuss this grant. Commissioner Laskowski stated City would have to fund overtime. Chief Torres explained entry level is after they are certified. Mayor Fugate stated this is something that the school districts should be looking at because it would provide them with security for four (4) years at a nominal rate. City Manager Yerena cautioned that there is also a grant for the Fire Department and the firefighters will be probably be addressing the Commission to do the same. Chief Torres stated this is a win-win situation.

#### VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:06 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, TRMC, City Secretary