

JULY 27, 2009

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 27, 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  
Mark Rushing, Finance Director  
Bill Donnell, Public Works Director  
Dora Byington, Purchasing Director  
Yolanda Cadena, Health Director  
John Garcia, Risk Manager  
Diana Gonzales, Human Resource Director  
Susan Ivy, Park Director  
Al Lopez, Fire Chief  
Dianne Leubert, Solid Waste Superintendent  
Ricardo Torres, Police Chief  
Joe Casillas, Water Production Supervisor  
Ken Clark, Director of Development Services  
Naim Khan, City Engineer

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:04 P.M. and announce 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 July 13<sup>th</sup>, 2009 and the City/County Special Joint meeting of July 21<sup>st</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, Pecos, Garcia, Wilson, Laskowski voting "FOR".**

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

Mayor Fugate announced there were no public hearings to be heard.

**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, 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 thanked the employees that participated in the 5<sup>th</sup> Annual City Family picnic and briefed the Commission on a meeting with Mr. Noel Pena from the Probation Department and stated that the City may be receiving assistance from the inmates in cleaning up the right-of-ways in the community. He announced that a ceremony to dedicate 2<sup>nd</sup> Street to MLK Street will be held tomorrow. City Manager Yerena announced there would be two presentations. Mr. Hal Ham, Director of the John E. Conner Museum addressed the Commission stating that there has been a lot of building demolition, and a new steel warehouse was built with a portion being used by the museum. He stated that with the ready access to the collections now afforded by the new facility they hope to provide student support in various areas of research utilizing the Museum collections. The University expended over \$200,000 for construction and renovation to provide space for the Museum to move into. As part of the move the Hall of Horns has been relocated into the Museum's east gallery, completion of that exhibit is now near. He added that despite the disruption to normal activities the museum still had the summer camp and several other events. Mr. Ham stated that the Texas A&M Foundation did not provide the \$50,000 and his budget was cut \$35,000. He added he is very happy that the City supports the Museum with the Hotel/Motel Tax.

Mr. Rick Medrano, Entrust representative addressed the Commission and explained the Aggregate Report, Paid Claims by Type, PPO Savings by Claim Type, PPO Utilization, Paid Claims by member type, Top 10 Providers, Aggregate Claim Loss Ratio, and PPO Savings Trends. He stated that the City is doing very well.

Ms Alvarez reported on the City's special joint meeting with the County that was held on July 21<sup>st</sup>, and stated that there were items purely for discussion and no action items. She reported on an Audit Committee meeting where the 2007-2008 Audit was reviewed and will be presented to the Commission shortly. Ms Alvarez reported that a JLUS Implementation Committee meeting will be held on August 26<sup>th</sup>, from 2:30 P.M. to 4:30 P.M. and she thanked the Park Director and Museum Director for the summer programs.

#### **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. There were no comments.

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

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

##### **Notice to the Public**

1. **Motion to approve preliminary plat for Lots B & C Ryan Carpenter Subdivision for First Community Bank. (Director of Development Services).**
2. **Motion to approve final plat for Lots B & C Ryan Carpenter Subdivision for First Community Bank. (Director of Development Services).**

##### **REGULAR AGENDA**

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

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

3. **Consider certification of 2008 excess debt collections and the certification of 2009 anticipated collection rate, pursuant to Section 26.04(b) of the Texas Property Tax Code. (City Manager).**

City Manager Yerena explained this is a yearly procedural matter and that the Tax Assessor Collector recommends the certification.

**Commissioner Garcia made a motion to certify the debt collection rates and anticipated rates, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Laskowski, Garcia voting "FOR".**

**4. RESOLUTION NO. R2009-40 Consider resolution authorizing the City Manager to enter into an amendment to Article VII of the Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County relating to Parks and Recreations Department. (City Attorney).**

Ms Alvarez stated one of the items discussed at the joint meeting with the County was the water trade. The original amount of the water trade from the 1998 agreement is \$30,000. The water trade is currently at \$46,000 due to an amendment done in 2007. This amendment will supersede the 2007 amendment if approved. She added that the credit is currently depleted due to the drought. At the meeting it was proposed to increase by \$20,000 for this fiscal year. She explained that the amendment currently reads \$66,000 in credit but does not currently limit it to this fiscal year. Ms Alvarez stated that one of the Commission members wanted to do that and then re-evaluate next year. She added that she wasn't clear as to what the majority was interested in and wrote it this way for discussion and it could be corrected at this meeting. Commissioner Wilson stated that he would like the citizens to know that whenever the City is approached to help with the Park, very rarely does the Parks system get resistance from the City and that most of the time the City is leading the charge for a better park system and the City is willing to engage and support a bond issue for a new park system. He added that he doesn't get the same love and attention from the other elected body. Commissioner Wilson stated that the quality of life of our citizens is at our fore front. He stated that he does not agree with the amount being considered because it does not leave any place for the County to partner up with the City which is very disturbing.

Upon a question from Commissioner Pecos, Commissioner Laskowski replied that the County would not be giving the City \$66,000 for capital improvements. Commissioner Wilson stated this is a gift; the City will be giving them more water to green up a brown green space. Mayor Fugate stated it was his understanding that this would be a one time gift and that would be considered only if the County would not cut the Parks budget by 10% in any form or fashion. Commissioner Wilson stated that language should be made a part of this agreement. Ms Alvarez stated that language could be added and asked for clarification. The amount would be \$66,000 for the fiscal year 2009-2010 and \$46,000 for the remaining years. Commissioner Garcia voiced his concern about the County's decision to drill water well. Ms Alvarez advised this process takes over a year. Upon a question from Mayor Fugate, she replied she wanted time to look at all the legal issues of them drilling a well at the park and did not want to speak prematurely. Commissioner Laskowski stated he would feel more comfortable that this offer be considered only for the fiscal year 2009-2010.

Mayor Fugate stated that the resolution states that the City will give the County \$66,000 in water trade through September 30<sup>th</sup>, 2009, on the condition that the County does not cut Parks Department budget in any form or fashion for the 2009-2010 fiscal year.

Ms Ivy addressed the Commission and stated that the meeting held last week was a very good start and she is not sure the direction of the bond being considered by the County. She added that she will be meeting with the County Judge to discuss her budget in the near future.

Commissioner Laskowski suggested including language that in the event that they cut the Parks 2009-2010 budget that the City will bill the County for the amount in excess of \$46,000. Ms Alvarez asked for clarification.

**Commissioner Laskowski made a motion to extend the water contract to \$66,000 under the condition to include language that in the event that the County cuts the**

Parks budget for the 2009-2010 fiscal year the City reserves the right to send the County a bill for all water and services in excess of \$46,000, seconded by Commissioner Wilson. Commissioner Laskowski asked that a memo be provided outlining this information. Mayor Fugate suggested all County Commissioners be provided a copy. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**5. RESOLUTION NO. R2009- 41 Consider resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for the salary of a Litter Abatement Officer. (City Manager).**

City Manager Yerena stated the first year of funding was received which included 75% of the Litter Abatement's salary, this would allow for 50% of the funding for the upcoming year.

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

**6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, adopting the definition of cargo containers and providing for regulations. (Director of Development Services).**

Mr. Clark stated this is a concern brought up by several Commissioners and his personnel. There has never been a definition or regulation controlling cargo containers and these containers are being used more frequently. He stated the Planning and Zoning Commission has reviewed this ordinance and all concur that is a good idea to get something on the books. The proposed ordinance will prohibit cargo containers in all residential areas. It will require all cargo containers to be screened so that they are not visible from a public right of way or surrounding properties. Other regulations are included in the ordinance to make sure setback requirements are met and that cargo containers do not occupy any required off-street parking places. There is a provision to allow a permit for temporary use of cargo containers by licensed contractors during construction. He added that the height was tied in with an ordinance already on the books about screening junk yards and at eight feet; the P&Z Commission was concerned at having this at eight feet because it may be excursive. He added there are existing cargo containers throughout the City and whenever the ordinance goes into affect would require existing cargo container to comply with the screening portion of this ordinance. Once adopted the compliance would be within three months. This ordinance defines them and puts controls in place. Commissioner Laskowski stated the proposed ordinance states seven feet and this will not be tall enough for a steel container. Mayor Fugate suggested not putting footage in the ordinance but to say that a fence is needed that will cover it up.

**INTRODUCTION ONLY**

**7. Consider appointment to the Joint Land Use Study (JLUS) Implementation Committee. (Director of Development Services).**

City Manager Yerena stated the King Ranch made a request that they be included in this committee because they are a major stake holder and they own property adjacent to the Navy Base. Mayor Fugate stated that Mr. Bob Kinnan and Mr. Dave Delany are very interested and would like to be a part of this.

Commissioner Garcia made a motion to appoint Mr. Dave Delaney to the Joint Land Use Study Committee, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

**8. Consider introduction of an ordinance amending the Fiscal Year 2008-2009 Budget for the City of Kingsville to allocate an increase in revenues from various sources for expenditures in the Sanitation Collection Department in the General fund. (Finance Director).**

Mr. Rushing stated this budget amendment increases the landfill fees by \$52,138, garbage fees by \$60,532 and decreases the Recycling Revenue by \$11,421. He stated the sum total of the net affect of the estimated revenues is \$102,399; the increase in appropriations is \$102,399.

**INTRODUCTION ONLY**

**9. Consider pledge of money to the Kingsville Area Industrial Foundation for retention of a consultant to promote economic interests of the City at the State Legislative level. (Mayor Fugate).**

Mayor Fugate stated this is something that needs to be done and to continue the services of Ms Patricia Shipton, who worked with the City on the last legislature. The City must have someone working for them in Austin, Texas. There are several projects at the University and NAS-Kingsville that will affect the growth of Kingsville and the quality of life. He stated that Ms Shipton is requesting \$5,000 per month, but he suggested \$3,000 per month, making the City's portion of \$1,500 per month to start on October 1<sup>st</sup>. Mayor Fugate called for questions or comments. Commissioner Laskowski asked who would set the agenda for the legislative issues. Mayor Fugate replied Ms Shipton could hold a workshop with the County and City. Commissioner Laskowski suggested that Ms Shipton communicate with the Commission through emails. Mayor Fugate stated it is important that she meet with the Commission sometime this Fall; and that she should also be able to communicate via email. Commissioner Wilson suggested this topic be continued at budget time and to build it into the budget. This would be a more prudent way of handling a future money issue. City Manager Yerena stated that would be an appropriate time to consider this topic. Mayor Fugate stated that in his opinion something needed to be done so that the County can participate.

**Commissioner Pecos made a motion to approve \$1,500 per month beginning October 1<sup>st</sup>, 2009 for the 2009-2010 Budget on the condition that the County matches the City's payment, seconded by Mayor Fugate.** Mayor Fugate called for questions. Upon a question from Commissioner Laskowski, Mayor Fugate replied the agreement was for one year. Upon a question from Commissioner Laskowski, Mayor Fugate replied that the City could do it as a joint effort with the Industrial Foundation, but that the City could do it as a City/County project and would contribute to the Economic Development Council. He stated he had no objections of doing this just through the City and County. Commissioner Laskowski stated that the agreement should be only between the City, the County and Ms Shipton, so that she knows who her masters are. Mayor Fugate called for Commissioner Pecos permission to add this to the motion. Both Commissioner Pecos and Mayor Fugate agreed. **The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos voting "FOR". Wilson, Garcia voting "AGAINST".**

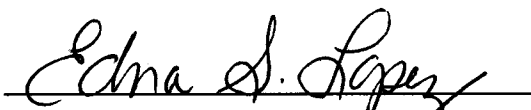
**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:25 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary