

SEPTEMBER 21, 2009

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 21, 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  
Fidel Gonzalez, Task Force Commander  
Mark Rushing, Finance Director  
Bill Donnell, Public Works Director  
Dora Byington, Purchasing Director  
Joe Casillas, Water Production Supervisor  
Frank Garcia, Wastewater Supervisor  
Roel Carrion, Fire Captain  
Dianne Leubert, Solid Waste Superintendent  
Macario Mayorga, Water Supervisor  
Yolanda Cadena, Health Supervisor  
Diana Gonzalez, Human Resource Director  
John Garcia, Risk Manager  
Caron Vela, Accounting Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chamber 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 Monday, September 14<sup>th</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>**

1. A Public Hearing on the proposed Fiscal Year 2009-2010 budget. (Finance Director).

Mayor Fugate opened the public hearing at 6:03 P.M., and called for comments on the proposed Fiscal Year 2009-2010 budget. Mayor Fugate closed the public hearing at 6:04 P.M.

2. A Public Hearing to rezone Lots 4 & 5, Section 17, of K.T.&I. Subdivision from AG Agriculture to C-4 Commercial, applicant Steve Grinnell. (Director of Development Services).

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

Mr. Ken Clark, Director of Development Services provided a brief explanation of the request and stated this property is behind the IHOP Restaurant. Applicant is requesting

to rezone this location with the intentions to develop one of the parcels with hotel facility and the other parcel with a sit down dining facility. The properties are located outside the AICUZ, but on the border of Military Influence Area Zone II.

Mayor Fugate closed the public hearing at 6:09 P.M.

### 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, Tax Increment Zone Presentation, Budget Workshop. No formal action can be taken on these items at this time."*

City Manager Yerena provided information on several City projects: Carriage Park, painting of City Hall offices, and Santa Rosa drainage ditch project. He announced the City had received notice of the upcoming election for board members for the Appraisal District. He reminded the Commission about the next TML Region meeting in Aransas Pass, Texas. He reported on the upcoming remodeling of the storage room and that documents will be shredded by a company from San Antonio, Texas, Shred It. He reported on the Health Department spraying for mosquitoes and on sending notices being sent out regarding high grass. Finally, he updated the Commission on the letters that were sent out for unsafe structures by the Planning Department.

Ms Alvarez reported that the next Commission is on Monday, September 28<sup>th</sup>, and that she has been working on ordinances and resolutions, and added that the introduction of the animal control ordinance will be on the next meeting.

There was discussion on the Health Board approving the animal control ordinance.

Commissioner Pecos voiced a concern about high grass at several residences.

### 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.

Ms Sandy Maltby, 3747 Andron Lane, requested speed bumps on Trant Rd.

Ms Mary Spring, 714 E Trant Rd, spoke in favor of speed bumps on Trant Rd.

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

### V. Consent Agenda

1. Motion to approve awarding annual contract, Bid No. 10-14 for limestone to Martin Marietta Materials from Portland, Texas. (Purchasing Director).
2. Motion to approve awarding annual contract, Bid No. 10-17 for tire & services for the Police & Task Force Departments to Kingsville C & A Company from Kingsville, Texas. (Purchasing Director).

3. Motion to approve awarding annual contract, Bid No. 10-18 for lubricants & oils to two companies, Arnold Oil Company and Oil Patch Company from Corpus Christi, Texas. (Purchasing Director).

### REGULAR AGENDA

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

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

4. Consider sponsoring Downtown Art Walk with KCVB for October 3, 2009. (City Attorney).

Ms Alvarez stated this is a new event hosted in downtown Kingsville. This will help promote the downtown area of Kingsville and local artisans and performers. The KCVB requests the City participate in the following manner: 1) allowing the use of City streets through the closure of 2-3 blocks of Kleberg Avenue starting in the 200 block of East Kleberg going east; 2) providing clean up services before and after the event; 3) providing liability insurance for the event (about \$300 through TML); and 4) supplying additional trash receptacles. The KCVB is expecting about 35 artists, 25-30 performers, about 10 vendors, and the local quilting club to participate in the event and between 1,500-2,000 people to attend the event. She stated that Risk Manager Garcia can get the writer within a short period of time after the Commission approves the item. She stated that the Finance Director stated there are monies in this year's budget (City Special) to cover the insurance for the event.

Mayor Fugate called for comment or questions. Commissioner Pecos made a motion to help sponsor this event, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

5. Consider authorizing car rental agreement for Kingsville Specialized Crimes & Narcotics Task Force with Enterprise Rent-A-Car. (Task Force Commander).

Task Force Commander Gonzalez stated that CAPPs their current provider is increasing the fee for the lease from \$557 on the trucks to \$800 per month. He stated that Enterprise has given them the best deal at \$750 for trucks and \$625 per sedan, for a total of \$48,000 per year. He stated that oil changes for vehicles will be taken care of by Enterprise. If Enterprise is approved there would be an overall saving of \$12,120 per year. Also, since Enterprise is local the vehicles can be switched out every three months. Upon a question from Commissioner Laskowski, Commander Gonzalez replied that CAPPs had unlimited mileage and Enterprise is \$.20 per mile over 3000 miles.

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

6. Consider introduction of an ordinance to rezone Lots 4 & 5, Section 17, of K.T.&I. Subdivision from AG Agriculture to C-4 Commercial, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Development Services).

Mayor Fugate stated the background on this item has been provided. Commissioner Garcia asked about the location of the access road. Mr. Clark stated it would be located off General Cavazos. This is compatible with the AICUS and the JLUS Study and NAS-Kingsville has been consulted on this project.

#### INTRODUCTION ONLY

**7. ORDINANCE ORD2009-27 Consider final passage of an ordinance adopting the annual budget of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 1, 2009 and ending September 30, 2010. (City Manager).**

City Manager Yerena stated the numbers have changed that the \$75,000 that was in the added for the start up cost for emergency management. Mr. Rushing further explained deletions and additions to the final budget. He stated net receipts over disbursements are \$404,520 more expenditures than revenues. He stated the budget is being presented at a zero increase for water and wastewater; the adjusted sum total \$22,121,725. City Manager Yerena stated this is at the proposed rate at \$0.80187. Mr. Rushing stated this keeps the combined rate of the current year.

**Mayor Fugate called for questions or comments and called for a motion.**

**Commissioner Garcia made a motion to pass this ordinance, seconded by Commissioner Pecos.** Mayor Fugate called for further comments. Commissioner Laskowski expressed his concern that he would not be able to vote for this budget due to concerns with some of the numbers in this budget which he has expressed during some of the workshops. He added that he could not support this budget. Commissioner Wilson thanked Staff for all their help, input and hard work. He added it has been a long and tedious process this year. **Mayor Fugate added this year seemed a little tougher. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos voting "FOR". Wilson, Laskowski voting "AGAINST".**

**8. Discuss and consider ratifying the property tax increase reflected in the 2009-2010 Annual Budget of the City of Kingsville. (City Manager).**

**Commissioner Pecos made a motion to ratify the property tax increase reflected in the 2009-2010 Annual Budget of the City of Kingsville, seconded by Commissioner Garcia.** The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos voting "FOR". Laskowski voting "AGAINST".

**9. ORDINANCE ORD2009-28 Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 1, 2009 and ending September 30, 2010, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).**

**Commissioner Garcia made a motion that property taxes be increased by the adoption of a tax rate of \$0.80187, which is effectively a 3.4244 percent increase in the tax rate, seconded by Commissioner Pecos.** The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia voting "FOR". Laskowski voting "AGAINST".

**10. Consider introduction of an ordinance amending the Fiscal Year 2008-2009 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).**

Mr. Rushing stated the ordinance has an increase of \$50,000 miscellaneous revenues, an increase to the Risk Management supply budget, an increase to the Sanitation Collections and Landfill which can be handled through an internal transfer, an increase to Patrol overtime, an increase to Police Communications, and a reduction of \$9,388 from Fire Department wages. He added there is an increase in the Tourism budget for Hotel/Motel tax, and in the professional services for KCVB and the Museum. Mr. Rushing stated there is a proposed budget amendment in the utility fund increasing the water sales, the Water Construction overtime and utilities, and for the STWA payments.

**INTRODUCTION ONLY**

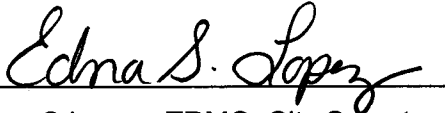
**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:51 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary