

**MAY 24, 2010**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 24, 2010 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 6:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Naim Khan, City Engineer  
Mark Rushing, Finance Director  
Al Lopez, Fire Chief  
Ken Clark, Director of Development Services  
Yolanda Cadena, Health Director  
Robert Trescott, Downtown Manager  
Diana Gonzales, Human Resource Director  
Ricardo Torres, Police Chief  
John Garcia, Risk Manager

**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 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 special meeting of Monday, May 17<sup>th</sup>, 2010. **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: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSTAINED".**

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

1. Public Hearing regarding preliminary and final plats for Lot 4, Sabala Estates, located at Lot 10, Section 3, Kleberg Town & Improvement Company Subdivision, applicant Brian Sabala. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:02 P.M. and announced anyone wanting to speak on this subject could do so at this time.

Mr. Clark stated the Planning & Zoning Commission recommended approval which is only one piece of land for a residential property.

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

2. Public Hearing regarding preliminary and final plats for LDS Subdivision, located at Lot 4, Section 23, Kleberg Town & Improvement Company Subdivision, applicant Leo Rodriguez. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:04 P.M. and announced anyone wanting to speak on this subject could do so at this time.

Mr. Clark stated this is for the Latter Day Saints Church. He stated some land was sold which needs to go through this process; everything is in order and has been reviewed by Staff.

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

3. Public Hearing to rezone 4.0753 acres out of Ronning Addition No. 2, Block 1, Lots 7-12; Lund Addition, Block 5, Lots 10-18; Lund Addition, Block 6, Lots 15-28; Penny Addition, Block 2, Lots 22-42, from "R-1", Single Family District to "C-2", Retail Commercial District.

Mayor Fugate opened the public hearing at 6:06 P.M. and announced anyone wanting to speak on this subject could do so at this time.

Mr. Clark stated this is the north side on East King. He reminded the Commission that the south side was recently rezoned. He added that this has been reviewed and all citizens have been notified about this process. He stated that his department only received clarification questions from property owners.

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, Keep Kingsville Beautiful, 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, Chapter 59 project. No formal action can be taken on these items at this time."*

City Manager Yerena updated the Commission on the Street department paving, cleaning, mowing, and sweeping projects. He further updated the Commission on projects in the Water Production division, Water department, Landfill, Solid Waste Collection and Recycling activities. He announced City Hall will be closed on Monday in observance of Memorial Day, the date of the next City Family Picnic, June 11<sup>th</sup>, 2010; and the date of a blood drive to be held at Public Works.

Ms Alvarez reported on the date of the next JLUS Implementation Committee meeting, June 2<sup>nd</sup>, and the JAZB meeting on the same day. She stated she will be attending a City Attorney conference on June 9<sup>th</sup> – 11<sup>th</sup> 2010.

Mr. Rick Medrano, Entrust Representative presented information on the City's insurance plan review on the 2<sup>nd</sup> Quarter, October 2009 through March 2010. He reminded the Commission this is an accumulative report. He provided information on the Aggregate Report; Paid Claims by Type; PPO Saving by Claim Type; PPO Utilization; Paid Claims by member Type; and the Top 10 Providers. He stated the City is running 75% of what is expected. The claim utilization trend has dropped significantly; and the overall in PPO Savings Trend, this is the best year.

### 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 item on the Consent Agenda. Commissioner Wilson made a motion to accept the Consent Agenda, Item #1, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

V. Consent Agenda

1. RESOLUTION NO. R2010-29 Motion to approve resolution authorizing the submission of an application to the U.S. Department of Homeland Security for the Assistance to Firefighters Grant Program for self-contained breathing units. (Fire Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

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

2. RESOLUTION NO. R2010-30 Consider resolution appointing Al Garcia as Mayor Pro Tempore. (City Commission).

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

3. Consider approval of preliminary plat for Lot 4, Sabala Estates, located at Lot 10, Section 3, Kleberg Town & Improvement Company Subdivision, applicant Brian Sabala. (Director of Development Services).

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

4. Consider approval of final plat for Lot 4, Sabala Estates, located at Lot 10, Section 3, Kleberg Town & Improvement Company Subdivision, applicant Brian Sabala. (Director of Development Services).

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

5. Consider approval of preliminary plat for LDS Subdivision, located at Lot 4, Section 23, Kleberg Town & Improvement Company Subdivision, applicant Leo Rodriguez. (Director of Development Services).

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

6. Consider approval of final plat for LDS Subdivision, located at Lot 4, Section 23, Kleberg Town & Improvement Company Subdivision, applicant Leo Rodriguez. (Director of Development Services).

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

**7. Consider introduction of an ordinance amending the zoning ordinance by changing the Zoning Map in reference to 4.0753 acres out of Ronning Addition No. 2, Block 1, Lots 7-12; Lund Addition, Block 5, Lots 10-18; Lund Addition, Block 6, Lots 15-28; Penny Addition, Block 2, Lots 22-42, from "R-1", Single Family District to "C-2" Retail Commercial District. (Director of Development Services).**

**INTRODUCTION ONLY**

**8. Discuss and consider approval of issuing a Certificate of Public Convenience and Necessity and a license for the operation of a taxicab service (upon payment and compliance with all ordinances) for Jose R. Ramos to operate a taxicab service within the City. (City Secretary).**


Applicant, Mr. Ramos stated his service will be like a car service in which he will come out when someone calls. He stated he has a quote for the insurance.

Upon a question from Mayor Fugate, Ms Alvarez stated this has to come before the Commission before the Police Chief issues a license. She stated the Commission has to approve a Certificate of Public Convenience and Necessity before the Police Chief can approve a license.

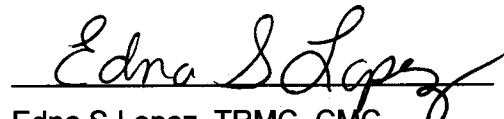
**Commissioner Garcia made a motion to approve a Certificate of Public Convenience and Necessity and a license for the operation of a taxicab service, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:33 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, TRMC, CMC  
City Secretary