

MAY 13, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 13, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J. Capell, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Willie Vera, Task Force Commander
James Bryson, Accounting Manager
Mark Rushing, Finance Director
Mike Kellam, Director of Planning & Development Services
Bill Donnell, Assistant Public Works Director
Emilio Garcia, Health Director
Ruthie Valdez, Interim Library Director
Melissa Perez, Risk Manager
Joey Reed, Fire Chief
Ricardo Torres, Chief of Police
Bob Trescott, Tourism Director
Diana Gonzales, Human Resources Director
Charlie Cardenas, Public Works Director/City Engineer
Rose Morrow, Municipal Court Manager
Jennifer Bernal, Community Appearance Supervisor
Diana Medina, Collection 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 Mark Rushing, Finance Director followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Regular Meeting – April 22, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Leubert made a motion to approved the minutes as presented, second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: “FOR”.**

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

1. Public Hearing for an alcohol variance application for Charlie's located at 1206 N. 6th Street. (Director of Planning & Development Services).

Mayor Fugate opened the public hearing at 6:01 p.m.

Mr. Mike Kellam, Director of Planning & Development Services reported to Commission that Mr. Jose Suarez, operator of Charlie's is requesting an alcohol variance for a Wine and Beer Retailer's Permit and a Retail Dealer's On-Premise Late Hours License. This address is within 1000ft boundary of a school and two registered daycare facilities. The historical use of this property is that of a bar or lounge which has been closed for an unknown length of time, but has since been

under application to be utilized as such. All required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on April 24, 2013. Staff has received feedback in opposition to the request which came from a neighboring property owner. The property owner stated their concerns regarding intoxicated people in the area after the bar closes. This has been the only comment/concern received.

Mayor Fugate stated that this location has a historical use of a bar.

Mayor Fugate closed the public hearing at 6:04 p.m.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Tourism, 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, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

Mr. Vince Capell, City Manager reported that staff will be attending the 2013 Hurricane Conference in Robstown, TX May 14-16, 2013. He further reported to Commission that there is one opening on the Health Board. This position is appointed by the City of Kingsville and Kleberg County. This position was once held by Ms. Amy Hubert who does not wish to sit on the board any longer. Mr. Capell further reported to Commission that the 2nd Goal Setting Workshop is scheduled for Friday, May 17, 2013 at the Frank H. Dotterweich College of Engineering building. The meeting will begin at 8:00 a.m. He further stated that he will be out for a few days of vacation from May 23rd – 28th, 2013. Mr. Capell took the time to wish the very best to Mr. Mike Kellam who will be leaving his position with the City of Kingsville at the end of May, 2013.

Mrs. Courtney Alvarez, City Attorney reported that the next regular schedule meeting will be Tuesday, May 28, 2013 due to Monday being a holiday, Memorial Day. She further reminded staff that agenda items for the May 28th Commission meeting are due Friday, May 17, 2013.

Mayor Fugate, Jennifer Bernal Community Appearance Supervisor and Susan Ivy Parks Director, representatives for Keep Kingsville Beautiful presented awards to the following businesses for "Because you Care Award". The following businesses received an award, Petsense for their monument, Border Tire for enclosure, Wilcox for landscaping and assisting with the Bigger Event, and Taco Bell for remodeling, landscaping and lighting.

IV. Public Comment on Agenda Items³

1. Comments on all agenda and non-agenda items.

Rami Garza 2801 S. Brahma Blvd., reported that this meeting will not be aired live due to some technical difficulties on CMA Cablevision side. The meeting will air beginning on Tuesday, May 14, 2013.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

Mayor Fugate asked for a motion to approve the consent agenda items as presented. Commissioner Pecos made a motion to approve the consent agenda as presented, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

1. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Budget in Fund 065 CO 2011- General Fund for the Fire Department improvements to Fire Station #2. (Finance Director).
2. Consider final passage of an ordinance amending the Fiscal Year 2012-2013 Budget for the Building Security Fund and Municipal Court Technology Fund to purchase security cameras for Municipal Court and Collections Departments, to update network load balancing, and to purchase a receipting machine and laptop computer for Municipal Court. (Finance Director).
3. Consider final passage of an ordinance abandoning an alley and retaining an easement for utility purposes in Block 34 of the Original Townsite of the City of Kingsville (alley is between Henrietta Ave & Yoakum Ave by the Epiphany School). (City Engineer/Public Works Director).
4. Motion to approve the reappointments of Joni B. Harrel and Otis Myers to the Health Board for another three (3) year term each. (Health Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider approval of an alcohol variance for Charlie's located at 1206 N. 6th Street. (Director of Planning & Development Services).

Commissioner Garcia asked what the hours of operation will be for this establishment.

Mr. Suarez, operator of Charlie's stated that hours of operation will be from 12:00 p.m. to 2:00 a.m.

Motion made by Commissioner Pecos to approve the alcohol variance, second by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

6. Consider approval of a resolution authorizing the Mayor to enter into a Mutual Use and Benefit Agreement between the City of Kingsville and Hidalgo County. (City Attorney).

Ms. Alvarez stated that the last time the City approved this item was in July 2008. It is similar to then with no fiscal impact to the City.

Motion made by Commissioner Garcia to approve this resolution, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the installation of a stop sign on Huisache Ave. at 8th Street for east and west bound traffic. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, Public Works Director/Engineer, reported that this item is for replacing a yield sign on Huisache Ave. at 8th Street with a stop sign for East and West bound traffic. The Engineering Department has received a request on April 15, 2013 from a citizen to evaluate the safety of the intersection on Huisache and 8th Street. It was observed that vehicles travel through 8th street to get to the H.E.B Grocery store on King street. Since the signal is at the intersection of 8th street and King street, it is the safest and more efficient intersection to get to H.E.B from the area. Staff recommendation is to change from a Yield to a Stop sign at this location.

Introduction item only.

8. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by amending Article 6 entitled "Stormwater Utility Styem", as amended, to establish procedure for delinquent stormwater utility fee payments. (Finance Director).

Mr. Mark Rushing, Finance Director reported that this ordinance is for delinquent strom water utility fees. Storm Water Ordinance No. 2012-51 is silent as to the treatment of delinquent storm water utility fee payments. Results based on a survey done by the City of Kingsville Legal Department, staff is recommending the revised ordinance be adopted.

Introduction item only.

9. Consider request from Park's Director to provide funding for up to half of an estimated \$8,964 to assist with renovation of the T45 Jet in Dick Kleberg Park, with the County paying the other half. (Finance Director).

Mayor Fugated stated that the T45 Jet located at Dick Kleberg Park is property of the City of Kingsville. If Kleberg County wishes to pay for half of the cost for the rennovations of the jet, he is in favor of this item.

Susan Ivy, Parks Director stated that she has been working closely with Glenn Jones and Jon Gagne who are both representatives for NAS Kingsville on this project. She further stated that Mr. Carlos Garza will be the contractor leading this project who has experience in this kind of work.

Motion made by Commissioner Garcia to approve the funding for up to half of an estimated \$8,964 to assist with renovation of the T45 Jet in Dick Kleberg Park, second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

10. Consider introduction of an ordinance amending the fiscal year 2012-2013 budget for the General Fund to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with Kleberg County. (Finance Director).

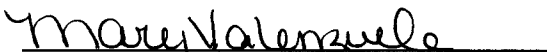
Introduction item only.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:30 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary