

DECEMBER 08, 2003

A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS WAS HELD ON MONDAY, DECEMBER 8, 2003 AT 6:00 P.M. IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS AT CITY HALL, 200 EAST KLEBERG AVENUE.

**CITY COMMISSION MEMBERS PRESENT:**

Filemon "Phil" Esquivel, Jr., Mayor  
 Horacio "Hoss" Castillo, City Commissioner  
 Arturo Pecos, City Commissioner  
 Charles E. Wilson, City Commissioner  
 Al Garcia, City Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
 Courtney Alvarez, City Attorney  
 John A. Garcia, Garage Superintendent  
 Jennifer Detloff, Dir. Of Development Services  
 Stanley Fees, City Engineer  
 Ricardo Torres, Chief of Police  
 Sammy Maldonado, Water Superintendent  
 Dora Byington, Purchasing Director

**I. PRELIMINARY PROCEEDINGS.**

**OPEN MEETING**

The meeting was opened at 6:00 p.m. by Mayor Esquivel.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Esquivel)**

Mayor Esquivel lead everyone in prayer, followed by the pledge of allegiance lead by Courtney Alvarez, City Attorney and the pledge to the Texas flag was lead by Commissioner Pecos.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Commissioner Pecos made a motion to approve the minutes of November 17, 2003 as printed Commissioner Castillo seconded the motion and it carried, 5/0.

**II. PUBLIC HEARING - (REQUIRED BY LAW).<sup>1</sup>**

**1. Public Hearing for an alcohol variance application for Club Escalade located at 508 West Huisache. (City Manager)**

Ms Jennifer Detloff addressed the Commission, and stated that the location in question is 1000 ft of the Kingsville Independent School District bus barn, the Trinity Lutheran and King Star Baptist Church. She further stated that staff had sent out 500 letters to the people within 1000 ft and that 2 letters were received. Also, a phone call was received that 2 families were strongly opposed.

Mayor Esquivel invited comments from anyone in the audience.

Numerous residents addressed the commission and asked that consideration be given to this request, due to the fact that Ike Jackson, the new owner, has made an effort to upgrade the facility, property and has the community support for this project.

**2. Public Hearing to rezone 14.60 acres of land from "AG" Agricultural District to "R-1" Single-Family District on Lot 2, Section 22, K.T.& I. Subdivision by applicant, Integrity Development Group, Inc. (Director of Development Services)**

Ms Detloff, Director of Development Services addressed the commission, and stated that this land is on the eastern side of US 77 along General Cavazos and Golf Course Road and is Phase 1 of Paulson Falls Subdivision. She also stated that Phase 1 will house 66 units.

The audience had no comments.

**3. Public Hearing to rezone 0.254 acres of land from "R-2" Two-Family District to "R-3" Multi-Family, Lot 1, Block 27, Retama Park Subdivision (also known as, 506 South 12<sup>th</sup> Street) by applicant, Mary Mora. (Director of Development Services).**

Ms Detloff, Director of Development Services informed the commission that the applicant wants to place a small apartment on a large lot which currently has a duplex that will stay on the property. She added that the property in question is an R-2, and has to be an R-3. She stated that thirteen letters were sent, and no responses were received. She informed that commission that this has been approved by Planning and Zoning Commission.

**III. PUBLIC COMMENT ON AGENDA ITEMS.<sup>3</sup>**

None.

**IV. Petitions, Grievances, and Presentations.<sup>2</sup>**

**1. Presentation on request for bandstands for the centennial celebration by the Woman's Club ( City Manager).**

Ms Teresa Crocker made a presentation on behalf of the Woman's Club. She stated that the Woman's Club was trying to rebuild a destroyed bandstand to recreate the one from 1914. She stated that the entire construction project and landscaping would be funded by the Woman's Club. She requested that the City accept the bandstand as a gift. She added that the City could help them by using City equipment

to remove asphalt around the bandstand in order to do landscaping, and to bring water line in to irrigate. She also requested that electricity be brought in and that the City pay the monthly electric bill.

Ms Fugate addressed the Commission, stating that things that happened in the past have to be regenerated in order to give us hope for the future.

**2. Presentation on request for banners for the centennial celebration by the Chamber of Commerce. (City Manager).**

Ms Peggy Hayes, Executive Director for the Chamber of Commerce addressed the commission. She stated that 88 banners have been ordered for businesses. She stated that they are asking for \$1,300.00 from the City for the design fee. She added that banners will be put up throughout the City. Mrs. Hayes also gave a brief presentation on the Centennial schedule.

**3. City Manager's Report. (City Manager).**

City Manager Carlos Yerena stated that the County Judge had requested for him and the Mayor to be at the County Commissioner's court meeting to make presentation on Master Plan proceedings.

City Manager Yerena stated the second item that he would like to report was that EDC Director, Mr. Dick Messbarger was going to brief the commission on an industrial prospect (Weatherford Oil Field Company).

Mr. Messbarger stated that this company has identified a site in Kingsville, but that the City of Kingsville is in competition with the City of Alice.

**4. City Attorney's Report. (City Attorney).**

Ms Courtney Alvarez, City Attorney addressed the commission, reminding them of the next commission meeting on the 17<sup>th</sup>. She informed them that since several commission members were leaving to attend the National League Conference, the City Secretary had requested that any agenda items for the meeting should be received on Wednesday, by 10:00 A.M.

Upon a question from Mayor Esquivel concerning commission action for the public hearing items previously discussed, Ms Alvarez stated that these were variance requests and only requires one reading.

**5. Mayor and City Commissioner's Reports. (City Commission).**

Mayor Esquivel congratulated the Javelina football team. He also commended everyone involved in La Posada Parade, and the Water and Sewer department employees for their work on Ailsie Street.

**V. ITEMS FOR CONSIDERATION BY COMMISSIONERS.<sup>4</sup>**

**1. Consider renewal of Financial Advisory Agreement with First Southwest Company for financial advisory services for the City of Kingsville. (Interim Finance Director).**

Ms Caron Vela, Interim Finance Director stated that two years ago on December 4, 2001, the City entered into a contract with an option of renewing for (three) one year renewals. She stated staff is asking to renew for the first year.

A motion was made by Commissioner Castillo and seconded by Commissioner Garcia to approve for another year. Motion carried, 5/0.

**2. Consider approval of Incode Municipal Court Software Contract. (Interim Finance Director).**

Mayor Esquivel stated that there was a request to table this item.

Ms Alvarez stated staff is waiting for more information.

Mayor Esquivel asked the Commission members if they had problem to pass this item.

**3. Consider resolution authorizing the submission of an application to the Coastal Bend Council of Governments (CBCOB) for the purpose of requesting funding for the grant period of fiscal year 2004 for a brush grinder and a cardboard storage container. (Solid Waste Superintendent).**

Ms Dianne Leubert, Solid Waste Superintendent addressed the Commission with regard to this item. She stated a resolution is being sought in order to submit the grant. She stated that the brush grinder currently being used is always in need of repairs.

Mayor Esquivel reminded the audience about recycling.

**A motion was made by Commissioner Wilson, and seconded by Commissioner Pecos to adopt resolution as presented by staff. The motion carried 5/0.**

Upon a question by Commissioner Castillo, Ms Leubert stated that there was no cash match proposed, but would be using budget monies from her minor equipment account as a match.

**4. Consider resolution providing for the amendment of Human Resource Initiatives for the City of Kingsville regarding holidays, leaves & absences: Policy No. 720 Designation of Holidays. (Human Resources Director).**

Ms Diana Gonzalez, Human Resource Director addressed the commission regarding a survey taken by City employees to change the holiday schedule to allow employees a four day holiday weekend. She stated that 95% of the employees voted in favor.

**A motion was made by Commissioner Garcia, and seconded by Commissioner Pecos.**

Commissioner Castillo recommended that a change be made to the holiday schedule, to be more general to say "day before or after Christmas" that way there is an option, at the discretion of the City Manager.

**Commissioner Garcia amended his motion to include the words "before or after" at the option of the City Manager.**

Ms Alvarez stated to amend the prior motion to include a City holiday for the day before or after Christmas, at the option of the City Manager. Commissioner Pecos seconded the motion.

Mayor Esquivel called for a roll call vote for the motion to the amendment. The motion was approved 5/0.

Mayor Esquivel mentioned arrangements needed to be made for garbage pick up during the holidays. City Manager Yerena advised he had already spoken to Mr. Corando Garza, Asst. City Manager in reference to garbage pick up.

**Mayor Esquivel called for a roll call for the motion made prior to the amendment. The motion was approved 5/0.**

**5. Consider approval of the final plat of Paulson Falls Subdivision described as 14.60 acres of land out of Farm Lot 2, Section 22, K.T.& I. Subdivision. (Director of Development Services).**

Ms Detloff, Director of Development Services, addressed the commission and stated that this plat is known as Phase I of Paulson Falls Subdivision, and is a 166 (total) single family residential community. She stated that Phase I will encompass 66 single family units and that Integrity Development Group is the applicant. She also stated that the plat meets all requirements and was approved by the Planning & Zoning Commission.

Mayor Esquivel reminded the audience about the ground breaking ceremony on Wednesday.

**A motion was made by Commissioner Pecos, and seconded by Commissioner Garcia. The motion was approved 5/0.**

**6. Consider approval of the final plat of Collegiate Station Development described as 17 acres of land out of Farm Lot 7, Section 8, K.T.& I. Subdivision. (Director of Development Services).**

Ms Detloff, Director of Development Services addressed the Commission and gave them a copy of the preliminary plat.

Mayor Esquivel stated that the project is a three phase dorm-type multi family residential development for college student housing.

Mr. Homer Castillo, Engineer addressed the commission and informed them that the project is a joint agreement between the University and the Developer from Dallas.

Upon a request from Mayor Esquivel concerning utility services, Mr. Castillo gave an explanation. Discussion followed on traffic congestion in that area, security jurisdiction, water, and wastewater capacities. Mr. Castillo stated that he would get answers in writing to all their questions.

**A motion was made by Commissioner Castillo, and seconded by Commissioner Garcia. Motion was approved 5/0.**

**7. Consider amending Guidelines and Criteria for Stimulating Residential Development within the City of Kingsville. (Director of Development Services).**

Ms Detloff, Director of Development Services, addressed the Commission and stated that previously the City had adopted the Residential Development Agreement to provide an incentive for single family residential development. She stated that the agreement has been used by one developer to build 24 units at Las Palmas del Rey. She stated that the existing agreement was to last for two years or for a total of 75 lots. She also stated that currently 24 lots had been committed, leaving 51 lots. She added that Paulson Falls Subdivision, Phase I, will be requesting the City's assistance for all 66 lots, leaving the City with a negative balance of 15 lots. She also added that staff is recommending that the commission revise the minimum lots within a residential development community to a minimum of 90 in order to at least cover the 24 and the 66 that will be requested by Paulson Falls, Phase 1.

Commissioner Castillo stated that he would like to see Mr. Raymond Perez's request included.

Ms Detloff stated that his number was not added to this minimum but recommends this go a little higher.

**Commissioner Castillo made a motion to approve 115. Commissioner Pecos seconded the motion, which was approved 5/0.**

**The sequence of the agenda item was changed. Commissioner Wilson made a motion to take up Agenda Item #13 next. Commissioner Pecos seconded the motion. The motion was approved 5/0.**

**13. Discuss and consider approval of an application for residential development infrastructure assistance in the City of Kingsville, Texas by Integrity Developers Group, Inc. (Director of Development Services).**

Ms Detloff, Director of Development Services, distributed information to the Commission.

City Manager Yerena introduced Mr. Roland Ramirez from Integrity Developers Group.

Mr. Ramirez addressed the Commission and stated that no significant subdivision has been built in the City of Kingsville within the last 30 years. He added that there is a need for single-family housing and that his company is prepared to protect investment of those people investing by way of a restricted community with home owners association. He also stated that they would like to put money back into community. He also invited the commission to the groundbreaking ceremony.

Upon a question from Mayor Esquivel, Mr. Ramirez responded that 66 homes will be built and will be sold by December 2004.

**Commissioner Pecos made a motion to approve. Commissioner Garcia seconded the motion, which was approved 5/0.**

**The sequence of the agenda item was changed. Mayor Esquivel asked for a motion to take Agenda Item #14. A motion was made by Commissioner Pecos, and seconded by Commissioner Garcia. The motion was approved.**

**14. Discuss and consider sewer improvements to the east side of US 77 for future growth and development of the area. (City Manager).**

City Manager Yerena explained an item being looked at by his office when the new subdivision came in was to place a lift station, but after talking to staff it was decided that a gravity flow system would be more appropriate for future development.

Mr. Stanley Fees, City Engineer addressed the Commission and stated that by installing a gravity line it would open all the property up for development. He added that according to the developer's engineer the improvements required just in their subdivision would cost \$95,000, the cost of the gravity line from southeast corner of Paulson Falls subdivision to our current lift station is estimated at \$368,000. Cost difference between Paulson Falls subdivision and force main is \$150,000. Cost difference for gravity line infrastructure is \$274,000. He also added that the cost of operation and maintenance of a lift station each year is estimated at \$8,800 Mr. Fees stated operational cost of the gravity line for 50 years is \$440,000 for a savings of maintenance over installation of the force main line of \$290,000. He also stated that the recommendation is to go with the gravity line.

City Manager Yerena stated that during the workshops several options were discussed for funding this through the Certificates of Obligations currently in place and suggested funding be included in cost in next issue of Certificates of Obligations.

Ms Caron Vela, Interim Finance Director addressed the commission and stated that \$1 million is set aside for drainage equipment and would use those funds until new Certificates of Obligation are issued.

Ms Alvarez stated that she requested a faxed copy of the County Commissioners Court minutes from the County Clerk's office which stated that they had authorized participation of the roughly one-third of



the \$280,000, looking at \$72,000 cash or incline, or mixture of both for project for Paulson Falls, she added that in reviewing the minutes, it didn't specify in regard to gravity line or lift station but stated that she could verify this by going back to their minutes. She added that she suggested that the City enter into an interlocal agreement with STWA and County so that all taxing entities are in alignment with regards to project and obligations clearly set out to feasibly to do for the benefit of community and taxing entities.

Ms Carola Serrato, STWA Director stated that her board meeting will be held on Thursday, and that she has recommended to her board to consider an interlocal agreement.

**Commissioner Castillo made a motion to adopt staff recommendation for gravity flow line for this development. Commissioner Garcia seconded the motion, which was approved 5/0.**

**8. Consider out-of-state travel for Mayor Esquivel to attend the 72<sup>nd</sup> Winter Meeting of the United States Conference of Mayors in Washington, DC on January 21-23, 2004. (Mayor Esquivel).**

A motion was made by Commissioner Castillo, and seconded by Commissioner Pecos to approve travel for Mayor Esquivel. Motion carried 5/0.

**9. Consider introduction of an ordinance rezoning 0.254 acres of land from "R-2" Two-Family District to "R-3" Multi-Family, Lot 1, Block 27, Retama Park Subdivision. (Director of Development Services).**

Ms Detloff, Director of Development Services, addressed the Commission and stated that the request is to place a small apartment approximately 600 square ft. on large lot that currently has a duplex which will stay on the property. She added that thirteen letters were sent out to surrounding properties, no responses were received, and that the property is currently residential in nature and has access to water and sewer. She also informed the commission that Mrs. Mora, property owner was present.

**10. Consider introduction of an ordinance rezoning 14.60 acres of land from "AG" Agricultural District to "R-1" Single-Family District on Lot 2, Section 22, K.T.& I. Subdivision. (Director of Development Services).**

Ms Detloff, Director of Development Services, stated that this was Phase I of the Paulson Falls Subdivision that will have 66 units. She stated to the commission that water is there and sewer will be there.

She also stated that the applicant, Integrity Developer Group or staff could answer questions.

City Manager Yerena stated that basically rezoning is needed so that company can get started.

**11. Consider introduction of an ordinance amending Chapter XV, Land Usage, Article 1, Building Regulations, providing for permit fees for telecommunication towers and antennas. (Mayor Esquivel).**

Mayor Esquivel advised that he wanted to pass this item because staff was doing more research.

**12. Consider introduction of an ordinance amending Chapter XV, Article 1, Building Regulations, providing for penalties for electrical work without a permit or by an unlicensed electrician. (Director of Development Services).**

Ms Detloff, Director of Development of Service, stated that this ordinance change was requested by the Kingsville Electrical Board due to perceive latitude in the existing penalty. She advised that if someone is caught doing work without a permit the City's current fine was to double the permit cost, which did not seem to be deterrence. She explained that because of this an entire section was added in "SECTION D – PENALTIES" which states that if electrical work is started without a permit, penalty shall be \$150.00 for the first offense, compounded by \$150.00 for each additional offense. She stated that there is no cap on the maximum number of offenses.

Upon a question from Mayor Esquivel, Jennifer stated that the entire electrical section of the ordinance is being reviewed. She added that everything that needs to be deleted, and in January the additions will be put in and brought to the commission.

**VI. ADJOURNMENT.**

**A motion was made by Commissioner Pecos and seconded by Commissioner Garcia to adjourn the meeting.**

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Filemon "Phil" Esquivel, Jr., Mayor

PRESENTED and ADOPTED by the Kingsville City Commission on this 12<sup>th</sup> day of April, 2004.

ATTEST:

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Charles E Wilson, Presiding Officer

ATTEST:

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Irene Ramirez, City Secretary

  
Edna S Lopez, Interim City Secretary