

May 24, 2004

A REGULAR MEETING OF THE KINGSVILLE CITY COMMISSION WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON MONDAY, MAY 24, 2004 AT 6:00 P.M.

CITY COMMISSION PRESENT:

Charles E. Wilson, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S. Lopez, Interim City Secretary
Courtney Alvarez, City Attorney
Stanley Fees, City Engineer
Diana Gonzalez, Human Resource Director
Dora Byington, Purchasing Director
Jennifer Detloff, Director of Development Services
Joe Casillas, Water Production Supervisor
Joel Saenz, Code Enforcement Officer
Dianna Leubert, Solid Waste Superintendent
Oscar Montalvo, Fire Captain
Ricardo Torres, Police Chief
John Garcia, Garage Superintendent
Tina Galvan, Solid Waste Field Supervisor

I. Preliminary Proceedings.

Commissioner Wilson opened the meeting at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Presiding Officer)

Ms Dora Byington led everyone in prayer. The Pledge of Allegiance was led by Mr. Charles Wilson, Sr., and Commissioner Garcia led the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Commissioner Garcia made a motion to approve the minutes as presented, seconded by Commissioner Wilson. The motion carried, 2/0.

Note* Minutes approved October 13, 2003, February 5, 2004, February 9, 2004, February 23, 2004, March 8, 2004, and May 10, 2004.

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

1. Public Hearing to rezone 0.1607 acres of land from R-3, Multi Family District, to C-2, Commercial District on Lot 4, Block 11, College Acres also known as 600 West Corral. (Director of Development Services).

The Public Hearing was opened at 6:04 PM.

Ms Jennifer Detloff, Director of Development Services stated that Mr. Craig Morning was present and was requesting to rezone 0.1607 acres of Lot 4, Block 11, College Acres from R-3, Multi Family District, to C-2 Commercial District. She stated that Mr. Morning wanted to open a carwash at said location. She added that this property was formerly operated as a car wash but has been closed for more than six (6) months, thereby voiding the grandfather clause. She added that twelve (12) letters were mailed to surrounding property owners within the 200 feet, and that one (1) letter was

received against the rezoning. She said that the P & Z Commission recommends approval.

There were no comments from the public.

Upon a question raised by Commissioner Garcia, Mr. Morning stated he would be putting up an eight-foot picket fence.

Upon a question raised by Commissioner Garcia, Ms Detloff stated that she would inform Mr. Morning about TCEQ requirements.

The Public Hearing was closed at 6:11 PM.

2. Public Hearing to rezone 2.05 acres of land and 1.08 acres of land from R-1, Single Family District to C-4, Commercial District on Lot 1 (2.05 acres) and on Lot 2 (1.08 acres)(3.13 acres total) T.C. Moore Subdivision located at the corner of North Armstrong and West Sage Road, also known as 2000 North Armstrong. (Director of Development Services).

The Public Hearing was opened 6:12 PM

Ms Detloff stated that Mr. M A Schoech was requesting to rezone 2.05 acres of lot 1 and 1.08 acres of lot 2, T C Moore Subdivision from R-1, Single Family District to C-4 Commercial District located at the corner of North Armstrong and West Sage Road, also known as 2000 North Armstrong. She said that the applicant wishes to install mini-warehouses on the site. Ms Detloff stated five (5) letters were mailed to the surrounding property owners within the required 200 feet, and no responses were received. She said that P & Z was recommending approval.

There were no public comments received.

Upon a question raised by Commissioner Garcia, Ms Detloff stated no sewage or water is needed in the area.

The Public Hearing closed 6:15 P.M.

III. Petitions, Grievances, and Presentations.²

1. City Manager's Report. (City Manager).

Mr. Carlos Yerena invited all members of the public to the Swearing-In Ceremony on Thursday, 6:00 P.M.

2. City Attorney's Report. (City Attorney).

Ms Courtney Alvarez reported that a request was received from the TV Station that is televising the meeting and asked if agenda items 9 & 10 could be interposed, so that the executive session item could be heard last for the sake of the viewer ship. Ms Alvarez reminded the Commission that Monday is a City holiday. She also mentioned that she had read in the Caller Times

that congratulations are owed to the TAMUK Jazz Band 1 for winning the competition at the 27th Annual Music Awards.

3. City Commission's Reports. (City Commission).

Commissioner Garcia stated that the turnout of voters show an indication that the citizens are very interested in the community.

Commissioner Wilson stated he would like to echo Commissioner Garcia's comments. He added that it was a great day for Kingsville. He said he received a letter from the Texas Engineering Extension Service advising that the City of Kingsville has been nominated for a State Homeland Security Program sub grant of \$147,137.50, which is funded by the United States Department of Homeland Security; Office of the Domestic Preparedness.

IV. Public Comment on Agenda Items³

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

Ms Carolyn Fees, 1506 Santa Cecelia, thanked both commissioners for carrying on City business and for doing an excellent job.

Ms Bobbie Nix, 629 W Alice, spoke on purchasing a Christmas tree and asked for help from the City for the upkeep and requested an answer as soon as possible in order to receive a discount.

Commissioner Garcia made a motion to swap agenda items 9 & 10 in the lineup, seconded by Commissioner Wilson. The motion carried 2/0.

V. Items for consideration by Commissioners.⁴

1. Consider resolution supporting Texas Housing Finance Corporation Act. (Commissioner Garcia).

Commissioner Garcia stated that time is of the essence for this agenda item. He asked Mr. Don Gonzales, Coastal Bend Housing Finance Cooperation and Mr. Dick Messberger, Director of EDC to make a presentation.

Mr. Don Gonzales made presentation regarding a single-family housing mortgage revenue bond program issued by the Coastal Bend Housing Finance Cooperation. He added that there is approximately 20 million dollars of single-family mortgage revenue bonds, AAA rated back by Jennie Mae and Fannie Mae certificates. He stated bonds would be issued in pieces, essentially 2 million dollar pieces at a time. He said that there are limitations, purchase price limits, income limits, and that more specifics of the program would be presented after June 4th. Mr. Gonzales said that this resolution would enable citizens of Kingsville to be able to utilize those funds and added that City's with a population in excess of 20,000 as of the last census, the Commission from that community must approve the resolution in order for it to be available to its citizens.

Commissioner Garcia stated that if this resolution were not approved, then the citizens of Kingsville would not be able to participate in those funds.

Mr. Gonzales said it is on a first come first serve basis and Kleberg County has not allocated any certain amount of money.

Mr. Messberger said that the key to this program is the lender, Kleberg Bank is one of the largest and they have indicated an interest, as well as Wells Fargo. He added that it does not have to be a lender in Kleberg County.

Upon a question raised by Commissioner Wilson, Mr. Gonzales replied that if the resolution was to pass tonight, there are five or six lenders. Commissioner Wilson stated he would like for information to be put on the City's website.

Commissioner Garcia made a motion to adopt resolution as presented by staff, seconded by Commissioner Wilson.

Upon a question raised by Commission Wilson, Ms Alvarez replied everything was in order as per Chapter 394 of the Local Government Code.

The motion carried, 2/0.

2. Consider appointment of Diana Guerrero-Pena for a three-year term on the Civil Service Commission. (Human Resource Director).

Ms Diana Gonzalez, Human Resource Director stated that Ms Diana Guerrero-Pena's term has expired, and that she was contacted and is still interested.

Commissioner Garcia made a motion to approve the appointment of Diana Guerrero-Pena for a three-year term on the Civil Service Commission, seconded by Commissioner Wilson. The motion carried, 2/0.

3. Consider approval of final plat for South Loop Estates-Phase I (a 2.5 acre residential subdivision located off General Cavazos Blvd. and Franklin Adams Road). (Director of Development Services).

Ms Jennifer Detloff stated that Mr. & Mrs. Bill Tiffie had submitted the final plat of South Loop Estates- Phase I, a 2.50 acre residential located off General Cavazos Blvd. and Franklin Adams Road which consists of five (5) .5 acre lots. She said that Planning and Zoning recommends approval.

Upon a question raised by Commissioner Garcia, Ms Detloff replied that the City does not have the financial stability to provide any sewer connection.

Upon a question raised by Commissioner Wilson, Ms Detloff replied that all properties would have their entrance to Franklin Adams.

Commissioner Garcia made a motion to approve the final plat of South Loop Estates Phase I, seconded by Commissioner Wilson. The motion carried, 2/0.

4. Consider introduction of an ordinance changing the zoning map in reference to 0.1607 acres out of Lot 4, Block 11, College Acres from "R-3", Multi Family District, to "C-2", Commercial District. (Director of Development Services).

Ms Detloff stated this is a request to rezone 0.1607 acres of Lot 4, Block 11, College Acres from R-3, Multi-Family District, to C-2, Commercial District for a car wash. She stated that Mr. Morning would be informed about the TCEQ special requirements for the discharge of soap and the drainage, under the industrial permit section. Ms Detloff advised that comment were received from one resident, which was addressed to the best of P & Z's abilities. The recommendation from P & Z is for approval.

No action taken, introduction only.

5. Consider introduction of an ordinance changing the zoning map in reference to 2.05 acres of Lot 1 and 1.08 acres of Lot 2 (3.13 acres total), T.C. Moore Subdivision from "R-1", Single Family District, to "C-4", Commercial District. (Director of Development Services).

Ms Detloff stated that Mr. M. A. Schoech was requesting to rezone 2.05 acres of lot 1 and 1.08 acres of lot 2, T C Moore Subdivision from R-1, Single Family District to C-4 Commercial District and added that contingent upon the Commission approving this, he will be back for a special use permit to place mini warehouses on this property. She advised that this property is located at the corner of North Armstrong and West Sage Road, also known as 2000 North Armstrong. Ms Detloff stated five (5) letters were mailed to the surrounding property owners within the required 200 feet, no responses were received and that P & Z recommends approval.

No action was taken, introduction only.

6. Consider resolution setting pre-qualification requirements and procedures for third party plan review companies. (City Manager).

Mr. Yerena stated that staff has been looking at this resolution and that basically this is a process utilized by other communities. He added that it provides another avenue for companies coming to the city that are obtaining a building permit for both residential and commercial permits. He stated this provides a procedure where the City would utilize a third party company to review and certify building plans. He added that the resolution sets the prequalification requirements of what the City will be looking for in the third party companies. Mr. Yerena added that citizens do not have to utilize this, and that the City would not loose any revenue because the process calls for the particular party to pay the building fee to the City whether they choose to use this process.

Upon a question raised by Commissioner Wilson, Mr. Yerena responded that locally there is no one using this process, only the City of El Paso and the City of Fort Worth.

Mr. Yerena stated that the City Engineer would still have the enforcement powers and final say so. He added that some companies have advised that if this process were in place they would have utilized it.

Upon a question raised by Commissioner Wilson, Mr. Yerena replied that companies have to be pre-qualified.

Mr. Yerena then explained the process to the Commission.

Upon a question raised by Commissioner Garcia, Mr. Yerena replied it would be the applicant's responsibility to pay for third party services.

Commissioner Wilson commented that it might be better to table this resolution, and to take it up at the final reading of the ordinance sometime in June, since both go together.

Commissioner Wilson requested Commissioner Garcia make a motion or take no action at this time. Commissioner Garcia stated that by mutual consent they should remember to bring this item back to the table. No action was taken.

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by adopting Sections 15-1-13 through 15-1-16, providing for the review of plans and permit documents by approved third party companies and procedures for said companies. (City Manager).

Mr. Yerena stated that in an effort to streamline the process and taking into account the feedback received in prior companies, staff felt that this is a good opportunity to expedite the process without compromising the integrity of the process.

Commissioner Wilson stated this is an introduction to the ordinance.

Upon a question raised by Commissioner Wilson, Ms Alvarez replied everything was clear enough, and only time will tell.

Commissioner Wilson stated it would be a good idea to incorporate the user-friendly contractor guide that Ms Detloff and Mr. Fees are working on.

No action taken, introduction only.

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 5-1-55, providing for amendment of commercial monthly garbage collection charges. (Director of Finance).

Mr. George Bejarano, Director of Finance stated that this ordinance already exists and that all that is being done is the increasing of the size of the containers. He stated that the reason for this is due to the growth of the City, the request for bigger containers, and to be more cost effective. He added that the first increment increase would be \$28.00, the second \$

50.00, and the third \$70.00 and that currently the chart is set up to a size 4 yd container, and the new increase would be for a 5,6,7, & 8 yd container.

Upon a question raised by Commissioner Garcia, Mr. Bejarano replied that the type of businesses using these size containers would be the Whataburger, Lowes, and Chili's.

Mr. Yerena stated that this provides the City the opportunity not to service the containers as often and would be a choice that the businesses would have.

No action was taken, introduction only.

Item # 10 was heard after Item #8, as per Commission approval.

10. Consider resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on May 15, 2004. (Interim City Secretary).

Ms Edna Lopez, Interim Secretary presented the Commission with Envelope #1, Election Results for Early Voting and Election Day Polling Places and Certificate of Election for each elected candidate. Ms Lopez read all election results, by Polling Places – Early Voting and General.

Commissioner Wilson read the resolution and signed the Certificates of Election for each elected candidate.

Commissioner Garcia made motion to adopt the resolution as read, seconded by Commissioner Wilson. The motion carried, 2/0.

Commissioner Wilson announced Item #9. The Commission convened into Executive Session at 7:13 P.M.

9. Executive Session: Under Section 551.074 of the Texas Open Meetings Act, the City Commission shall convene in Executive Session to deliberate the appointment and duties of the Municipal Court Judge. (Judge Dyson).

The Commission reconvened into open session at 7:48 P.M.

VI. Adjournment.

The meeting was adjourned at 7:49 P.M.


Charles E. Wilson, Presiding Officer

ATTEST:


Edna S. Lopez, Interim City Secretary