

**JULY 12, 2004**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 12, 2004 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 PM.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Charles E. Wilson, Commissioner  
Al Garcia, Commissioner  
Stanley Laskowski, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Carlos Yerena, City Manager  
Courtney Alvarez, City Attorney  
Edna S. Lopez, City Secretary  
Rick Torres, Chief of Police  
Stanley Fees, City Engineer  
Rene Quintanilla, Fire Lieutenant  
Dianne Leubert, Solid Waste Superintendent  
John Garcia, Garage Superintendent  
Tina Galvan, Field Supervisor  
George Bejarano, Asst. City Manager/Fire Chief  
Dora Byington, Purchasing Director

**I. Preliminary Proceedings.**

The meeting was opened at 6:21 P.M.

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

Ms Dora Byington led everyone in prayer, followed by the Pledge of Allegiance and the Texas Pledge.

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

Commissioner Laskowski made a motion to accept the minutes of June 28, 2004 as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following votes: Fugate, Garcia, Pecos, Laskowski and Wilson, voting "FOR".

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

None

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

1. Presentation to current and former City employees for service to the City. (City Manager).

None

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

City Manager Yerena reported he had no activities to report, but added he would answer questions.

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

Ms Courtney Alvarez reported she attended a very informative half-day seminar with regard to environmental enforcement and dealing with the TCEQ to have a better understanding for the investigation process. She added that another item coming up is Collective Bargaining with the Fire and Police Departments.

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

Commissioner Pecos congratulated the City staff for the 4<sup>th</sup> of July clean up.

Mayor Fugate also commented on a job well done by City employees.

Commissioner Wilson stated that on behalf of the Kleberg County Heritage Foundation he would like thank the previous and the present City Commission for their help and cooperation on the depot dedication. He also thanked everyone for the success of the dedication and commended City Staff for all their efforts. Commissioner Wilson announced that the Governor of Texas offered a resolution, which was read the day the depot was dedicated.

Mayor Fugate read the resolution from the Governor of Texas.

Commissioner Garcia thanked all the individuals involved in the celebration. He also reported a complaint regarding a lot of potholes on Young Street.

**IV. Public Comment on Agenda Items<sup>3</sup>**

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

Ms Carolyn Fees, 1506 Santa Cecilia commented in reference to a welcome wagon which could involve the Chamber of Commerce and the City and presented information on how this was done.

Mr. Gary Herrera, 1080 Brownvilla commented on National Night Out and asked for sponsorship for a skating contest to be held on that day.

Mr. Michael Morales, 700 E Yoakum commented that he was in favor of a skate park and skating contest.

Victor Albertz, 1111 E Kleberg commented that he was in favor of skate park and skating contest.

**V. Items for consideration by Commissioners.<sup>4</sup>**

**1. Consider resolution approving the 2003 II State Homeland Security Grant Program by and between the City of Kingsville and the Texas Engineering Extension Service; authorizing the Mayor to execute such agreement. (Mayor Fugate).**

City Manager Yerena stated that basically this resolution authorizes the City to obtain funding from the State Homeland Security Grant Program to the Coastal Bend Council of Government and the Texas Engineering Extension Service, adding that the previous amount awarded was \$219,848.00, and that the requested amount is \$209,569.00. He advised that this amount has already been allocated for different departments, but mainly it is for equipment.

Mayor Fugate asked what the \$10,279.00 represents, Mr. Yerena answered that the communities returned monies back to the COG and monies were allocated to a certain specific activity.

Commissioner Wilson said that was the City's participation level in which the City was granted \$219,000.00 and had to give back \$10,000.00.

**Commissioner Wilson made a motion to adopt the resolution as presented, seconded by Commissioners Pecos and Garcia. The motion was passed and approved with the following votes: Fugate, Laskowski, Wilson, Pecos and Garcia, voting "FOR".**

**2. Consider out-of-state travel for City Commission and Staff to attend the 81st National League of Cities Conference in Indianapolis, Indiana, DC on November 30 – December 4, 2004. (Commissioner Garcia).**

Commissioner Garcia stated that he asked for this item to be on the agenda because he strongly believes it is important. He added that sources of information are very good and the City would receive cheaper rates if done early.

City Manager Yerena added that the sources at this convention help communities to become more efficient, adding that traditionally the City has attended and is a member of the National League of Cities.

Commissioner Pecos added that this would improve leadership, networking, and problem solving. He mentioned that the Commission has attended this for a long time, He also mentioned that the conference in Washington will also be very important because of BRAC discussion.

Mayor Fugate asked who would be attending. City Manager Yerena answered that on the staff side, the City Attorney, Assistant City Manager and himself.

Mayor Fugate asked for the total cost of trip. Commissioner Pecos replied approximately \$8,000.00. Mayor Fugate commented that he thought it was money well spent.

**Commissioner Pecos made a motion to approve that the entire Commission and staff members mentioned attend this conference,**

seconded by Commissioner Garcia. The motion was passed and approved with the following votes: Fugate, Laskowski, Wilson, Pecos, and Garcia, voting "FOR".

**3. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances abandoning a 60 foot wide street right of way on West Richard Avenue between 6<sup>th</sup> Street and 5<sup>th</sup> Street in the Original Townsite Addition and the Third Addition. (City Engineer).**

Mr. Stanley Fees reported that the reason for the proposed street closure was based on meeting with TXDOT representatives. He added that Mr. Bill Randall and Christine Johnson, from TXDOT were present to answer questions. Mr. Fees added that the City received a directive that the Railroad and the Highway Commission are trying to close railroad crossings to decrease the amount of traffic fatalities. He added that if railroad crossing is closed on part of their funding cycle then the City is eligible for a certain amount of money to be spent for infrastructure improvements in the area.

Mr. Fees gave information on the amounts to be received if street is closed. Richard and Kleberg Streets if closed are eligible for up to \$150,000.00. He added that the City would be responsible for closing the crossing and TXDOT would reimburse for money spent up to \$150,000.00 per crossing. He added it is a similar type deal to the depot. He also said that Santa Gertrudis, King, Yoakum, Lee and Alice Streets are eligible for \$100,000.00. Mr. Fees also said that any other would be eligible for \$75,000.00.

Mr. Fees stated that based on the funding availability and condition of the crossing, he would recommend closing Richard Street.

City Manager Yerena stated that community feedback and participation was needed.

Commissioner Wilson asked about availability for funding if in the specific funding cycle. Mr. Fees answered that crossings listed have already been identified as being in their closure system.

Ms Christy Johnson, Austin, Texas TXDOT representative addressed the Commission, stating that two of these crossing were programmed on their federal signal program and had competed statewide. She added that upgrade circuitry would be needed at all crossings except Richard Street. She also mentioned that the intent of the closures is to send the money back to the cities, back to the taxpayers, instead of the railroad to install gates.

Mayor Fugate stated the City was not really making any money, only being reimbursed for whatever is spent for closing.

City Manager Yerena asked if money would be given or reimbursed. Ms Johnson answered it is money reimbursed.

Commissioner Wilson asked if reimbursement is only for cost of closing location and if the crossing were closed, if reimbursement would be made

if curbs and gutters are put in another street, and if the state would reimburse up to \$150,000.00 if it fits in that location/cycle. Ms Johnson answered that usually the \$75,000.00 is for anything that is not programmed. She added that since the state is going to be spending that money, they are offering \$150,000.00. Commissioner Wilson asked if any street in the City could be fixed. Ms. Johnson answered any transportation related things could be fixed.

Commissioner Wilson asked if the State would reimburse if it cost \$10,000.00 to close crossing and wanted to spend \$90,000.00 on upgrading another street. Ms Johnson answered, "Yes".

Commissioner Wilson asked if TXDOT had identified their priorities as to which programmed streets they would prefer to close. Ms Johnson answered it was up to the City.

Commissioner Garcia asked who would take possession of the street. Mr. Fees answered that there is a certain section of Richard Street between the railroad tracks and 5<sup>th</sup> Street that basically has no access to the adjacent property. He added that it would be his recommendation to consider abandoning right-of-way completely so Richard Street would be closed off 5<sup>th</sup> Street, and a partial abandonment of Richard Street between the railroad tracks and 6<sup>th</sup> Street.

Mayor Fugate asked the cost for closing. Mr. Fees answered a plan would be developed and submitted to TXDOT for their approval.

Commissioner Laskowski asked if the entire street between 5<sup>th</sup> and 6<sup>th</sup> were abandoned, would property owners receive half of abandoned street. Mr. Fees answered "Yes", and this would be additional property on the tax roll.

Commissioner Garcia asked if the City was gifting the particular partial land. Ms Alvarez responded this was done in the past.

Mayor Fugate commented that this issue really needs community input particularly people living in these areas.

Mayor Fugate asked if there were any notification requirements. Mr. Yerena answered there wasn't, but direction was needed. He added that there would be a potential public hearing in the upcoming weeks.

Commissioner Laskowski suggested a flier be distributed within the three blocks of the railroad tracks notifying the citizens about the public hearing.

**No action was taken introduction only.**

**4. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by adopting Section 13-2-2 to Chapter XIII, Article 2, Offenses Against Public Peace and Safety, providing for obedience to barricades and penalties for violations. (City Engineer).**

Mr. Fees stated this was a continuation from the last meeting. He added that the purpose of this ordinance is actually giving the City some enforceability for lower water crossings. He added that barricades and signs are ignored. He also added this would actually give them a fine and would make them responsible for their actions.

Commissioner Laskowski asked about the fine maximum. Ms Alvarez said the Commission could decide on the fine amount.

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

The Commission convened into Executive Session at 7:15 P.M.

5. Executive Session: Under Section 551.074, Texas Government Code, Personnel Matters. The City Commission shall convene in executive session to deliberate the employment salary and benefits of the position of Municipal Court Judge. (Commissioner Garcia).

The Commission reconvened into Regular Session at 7:21 P.M.

6. Consider salary and benefits of the Municipal Court Judge. (Commissioner Garcia).

Commissioner Pecos made a motion to set Municipal Court Judge's annual salary at \$25,000.00 with all fringe benefits but no sick or vacation days, seconded by Commissioner Garcia. The motion was passed and approved by the following votes: Fugate, Wilson, Laskowski, Garcia, and Pecos voting "FOR".

VI. Adjournment.

The meeting was adjourned at 7:23 P.M.

  
Sam R. Fugate, Mayor

ATTEST:

  
Edna S. Lopez, City Secretary