

JULY 26, 2004

A REGULAR MEETING OF THE KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 26, 2004 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL, 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

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

CITY STAFF PRESENT:

George Bejarano, Asst City Manager/Finance Director
Courtney Alvarez, City Attorney
Edna S. Lopez, City Secretary
Dianne Leubert, Solid Waste Superintendent
Dora Byington, Purchasing Director
Jennifer Detloff, Director of Development Services
Daniel Almeida, Wastewater Supervisor
Stanley Fees, City Engineer
Joe Casillas, Water Production Field Supervisor
Ricardo Torres, Police Chief
Arnold Valadez, Warehouse Clerk
Macario Mayorga, Water Supervisor
Tina Galvan, Field Supervisor

I. Preliminary Proceedings.

The meeting was opened at 6:00 P.M. by Mayor Fugate.

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 corrections to the minutes from July 12, 2004, page 6, paragraph 5, spelling error – Laskowksi, correction Laskowski. He also made several corrections to the minutes from July 13, 2004, page 3, paragraph 6, should read: Commissioner Laskowski stated that problems at the north side plant needed to be addressed; page 6, paragraph 3, leaving should be living and rewarded should be awarded.

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

Note * Minutes approved July 12, 2004 (4:30 PM Workshop), July 12, 2004 (Regular Meeting) and July 13, 2004 (12:00 Noon Workshop)

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

1. Public Hearing for an alcohol variance application for Rocking K Bar & Grill located at 2209 South Brahma. (Director of Development Services).

The Public Hearing was opened 6:04 PM

Ms Detloff reported that the applicant had applied for a Beverage Cartage Permit, Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Food and Beverage Certificate for a restaurant establishment. She added that because the property is within 1000 feet of H M King High School and the First Christian Church, the applicant is requesting a variance. She added that a Beverage Cartage Permit means that the owner of the restaurant can go to a liquor store to pick up the alcohol rather than it being delivered to the establishment.

Ms Detloff gave brief history of previous tenant at this location. She added that the property is currently closed, and twenty (20) letters were mailed to surrounding property owners and staff received no comments. She mentioned that in 2003 there was one (1) police report for a disturbance, and in 2004 there were four (4).

Mayor Fugate reminded the audience that this was a public hearing and anyone wishing to address the issue, can by coming to the podium.

The Public Hearing was closed at 6:08 PM

2. Public Hearing for an alcohol variance application for El Jardin located at 330 East Henrietta. (Director of Development Services).

The Public Hearing was opened at 6:08 PM

Ms Detloff reported that the applicant had applied for three (3) permits, Wine and Beer Retailer's Permit, Mixed Beverage Permit and Food and Beverage Certificate for a restaurant establishment. She added that the property is within 1000 feet of the Church of Miracles so a variance is needed. Ms Detloff also mentioned that three hundred and thirty (330) letters mailed to surrounding property owners, and staff did not receive any comments opposing the variance, but received two (2) phone calls supporting the variance. She added that in 2003 there were two (2) police calls for a civil matter/standby.

Mayor Fugate reminded the audience that this was a public hearing and anyone wishing to address issue, can by coming to the podium.

The Public Hearing was closed 6:10 PM

3. Public Hearing for ordinance amending the City of Kingsville Code of Ordinances Wireless Telecommunications Facilities. (Director of Development Services).

The Public Hearing opened 6:10 PM

Ms Detloff stated that the Wireless Telecommunication Facilities Ordinance was adopted in 2001, primarily to address the installation of tall telecommunication monopoles (towers). She added that the proposed changes address the changes in the industry which utilizes smaller and lighter equipment.

Ms Detloff added that equipment is small enough to place on telephone poles. She added that telephone poles do not fall within the City's current ordinance. She said that the ordinance states that a monopole has to be the distance and height away from a structure. She also mentioned that in order for the second generation of telecommunication industry to exist they must locate on telephone and in residential areas.

Ms Detloff stated that the main change to this ordinance is to change "permitted by right in places like industrial or commercial" and include residential. She added that this request is to modify the ordinance to meet their need.

Commissioner Wilson asked if poles can be placed 50 foot or less basically anywhere of their choosing without a permit other than to file under 156-46, and asked if a variance is required. Ms Detloff answered that was correct. He also asked if it made a distinction between using a monopole whether it is steel or wood. Ms Detloff answered that was correct.

The Public Hearing closed at 6:13 PM

III. Petitions, Grievances, and Presentations.²

1. Proclamation designating August 3, 2004 as "National Night Out Day".

Mayor Fugate read the proclamation and made presentation to Officer Castro from the Kleberg County Sheriff Department.

Commissioner Laskowski mentioned he would like to see the Naval Air Station added to the proclamation.

2. Proclamation designating August 1, 2004 as "First Baptist Church Day" in honor of their 100th Birthday.

Mayor Fugate read the proclamation and made presentation to First Baptist Church members. Correction to be made "would" change to "world".

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

Mr. Bejarano, Assistant City Manager/Finance Director reported that the Ordinance books will be updated from 2001 to 2003. He also reported that the City Secretary and the Legal Secretary will be attending an Election Law School in Austin, Texas. Mr. Bejarano also reported that the Wastewater Plant on FM 1717 is experiencing major problems due to power surges. He said that a press release would be read by Ms Alvarez. He added that the inspectors were here and saw what was being done to alleviate problem. Commissioner Pecos asked if a fine would be assessed. Mr. Bejarano answered that it could lead to a fine.

Mr. Bejarano thanked the Wastewater Operators who were there at time for the containment.

Mayor Fugate asked if situation could be corrected through an overhaul. Mr. Bejarano responded this is just a band aid.

Mayor Fugate asked if \$6.6 million was the cost for getting the Wastewater Plant where it should be. Mr. Bejarano said those were to last figures received.

Commissioner Laskowski stated that the \$6.6 was for both the north and south plants.

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

Ms Alvarez reported that her office would be closed tomorrow morning due to staff attending seminars. She added that in order to insure compliance with TCEQ regulations, she would be reading a press release that has been forwarded for review and approval by TCEQ, and a copy had been forwarded to the County Judge. She read the press release.

Mayor Fugate asked if people with land adjacent to creek had to be notified. Ms Alvarez said the intent is to distribute this notice by hand and the notice will be placed in the newspaper and the news stations would be contacted.

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

Commissioner Garcia commented that his request for fixing potholes on 6th Street by the "Y" were repaired and very well maintained. He added that he had received a call regarding speeding vehicles on 17th Street between Caesar and Lott.

Mayor Fugate made the public aware of an agenda item for next meeting regarding the potential closing of Richard and Alice Street railroad crossing. He added any input could be directed to the City Manager's office or by attending the next meeting.

IV. Public Comment on Agenda Items³

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

Ms Natalia Alvarez, 515 N 5th commented regarding opposing the closing of the Richard Street railroad crossing and added that will cause heavy traffic through her street.

Mr. Gary Herrera, 1080 Brownvilla commented regarding his request for funding for the National Night Out Skating Tournament.

Mr. Juan Soliz, 220 E Alice stated that he wanted to publicly thank the work of City crews (Chito Hinojosa and Tina Galvan) for all their work during July 4th celebration.

V. Items for consideration by Commissioners.⁴

1. Consider approval of alcohol variance for El Jardin located at 330 East Henrietta. (Director of Development Services).

Ms Detloff reported that the applicant had applied for three (3) permits, Wine and Beer Retailer's Permit, Mixed Beverage Permit and Food and Beverage Certificate for a restaurant establishment. She added that the property is within 1000 feet of the Church of Miracles so a variance is needed. Ms Detloff also mentioned that three hundred and thirty (330) letters mailed to surrounding property owners, and Staff did not receive any comments opposing the variance, but received two (2) phone calls supporting the variance. She added that in 2003 there were two (2) police calls for a civil matter/standby.

Mayor Fugate commented that he was privileged to be at private party before the restaurant opens, and it will be a marvelous facility.

Commissioner Garcia echoed the Mayor's comments and added that it is a landmark for the City.

Commissioner Pecos added that it is a historical building, and have always served alcohol. He added he feels positive with the situation.

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

2. Consider approval of alcohol variance for Rocking K Bar & Grill located at 2209 South Brahma. (Director of Development Services).

Ms Detloff reported that the applicant had applied for a Beverage Cartage Permit, Mixed Beverage Permit, Mixed Beverage Late Hours Permit and Food and Beverage Certificate for a restaurant establishment. She added that because the property is within 1000 feet of H M King High School and the First Christian Church, the applicant is requesting a variance. She added that a Beverage Cartage Permit means that the owner of the restaurant can go to a liquor store to pick up the alcohol rather than it being delivered to the establishment.

Ms Detloff gave brief history of previous tenant at this location. She added that the property is currently closed, and twenty (20) letters were mailed to surrounding property owners and staff received no comments. She mentioned that in 2003 there was one (1) police report for a disturbance, and in 2004 there were four (4). She added that there were no comments at the public hearing.

Commissioner Pecos asked for the length of time the establishment had been closed and if an establishment must be closed for six months. Ms Alvarez responded that for this particular ordinance on the alcohol variances there is a provision that indicates that any time there is a change in ownership or change in name they need to come back with a new permit.

Commissioner Pecos made a motion to approve variance, seconded by Mayor Fugate. The motion was passed and approved by the following votes: Fugate, Laskowski, Pecos, and Garcia voting "FOR", and Wilson voting "NO".

Mayor Fugate asked the new owners to please maintain the outside by picking up trash and landscaping.

3. Discuss certification of 2003 excess debt collections and the certification of 2004 anticipated collection rate submitted by the Kleberg County Tax Assessor Collector, Melissa T. De La Garza. (City Manager).

Mr. Bejarano stated that this basically a clarification to make sure that nothing extra has been collected. He added that the second part is that the Interest and Sinking Fund for 2004 will be funded at 100%. He added this was only a presentation.

No action taken, report item only.

4. Consider request for an additional \$2,500 in funding for the South Texas Military Task Force. (City Manager).

Mr. Bejarano stated this was a request for additional funding of \$2,500.00. Commissioner Wilson asked if the additional funding request was a direct the lack of cooperation from Nueces County. Mr. Dick Messberger, EDC answered he was exactly right.

Mr. Messberger gave a brief overview of why additional funding is needed. He also informed the Commission that the reason for the request is that they are ramping up because of a critical part of the process.

Commissioner Wilson asked where the funding would come from. Mr. Bejarano answered from City Commission Special Services.

Commissioner Garcia asked about funding requirements for next year. Mr. Messberger said that the City of Corpus, the Port, and Nueces County each fund \$50,000.00. He added that Nueces County never funded their share.

Mr. Messberger said that funds are for consultants and presentation materials.

Commissioner Pecos commented about contributions from the surrounding communities that benefit from these services.

Commissioner Laskowski made a motion that \$2,500 be granted to the South Texas Military Task Force and to take it from Department 100 – City Commission, seconded by Commissioners Garcia and Pecos. The motion was passed and approved by the following votes: Fugate, Wilson, Garcia, Pecos and Laskowski voting "FOR".

5. Consider authorizing signatories for City of Kingsville checking accounts with Kleberg First National Bank, Kingsville Bank, and MBIA. (Finance Director).

Mr. Bejarano said that due to changes in City Administration, Commissioner Wilson's signature must be replaced with the Mayor's signature.

Commissioner Wilson made motion to authorize Mayor Sam R. Fugate to be a signatory on these accounts, seconded by Commissioner Garcia. The motion was passed and approved by the following votes: Fugate, Wilson, Garcia, Pecos, and Laskowski voting "FOR".

6. Consider approval of the final plat for Love's Truck stop described as 10 acre tract of land out of Lot 8, Farm Lot 6, K.T.& I. Subdivision. (Director of Development Services).

Ms Detloff stated this is the final approval for Love's which is 10 acres located at the intersection of US 77 and Corral. She showed the Commission the actual dimensions of plat.

Ms Detloff added that Planning and Zoning recommends approval.

Commissioner Laskowski asked about the availability of wastewater utilities. Mr. Homer Castillo, Alpha Engineering stated that there is an existing sewer line on the south side of Corral Street that will be connected in to, and a water line is on the opposite side.

Commissioner Garcia asked about the capacity to handle this particular business. Ms Detloff said this business is not anticipated to be a big water user.

Commissioner Wilson made a motion to approve the final plat for Love's Truck Stop, seconded by Commissioner Pecos. The motion was passed and approved by the following votes: Fugate, Laskowski, Garcia, Pecos and Wilson voting "FOR".

7. Discuss and consider removal of three Planning and Zoning Board members. (Director of Development Services).

Ms Detloff reported that between January and June 2004, the Planning and Zoning Commission had not had quorum at four (4) meetings. She added that the chairman of the Planning and Zoning Commission had mailed a letter to all members on June 23rd concerning the importance of the committee and requesting anyone who was unable to perform the required duties to step down. She also said that at the next meeting held in July, three (3) members were absent: Mr. Jose Loera, Mr. Faustino Erebia, and Ms Lucy Contreras.

Ms Detloff stated that staff recommended that due to the frequent absences of these people, they be removed by the City Commission and

their positions are re-appointed. She added that it is staff recommendation for the City Commission to allow staff to solicit (through the newspaper) for replacements to be presented to the City Commission as soon as possible.

Commissioner Wilson asked if that board imposed on itself, to have these people removed. Ms Detloff said the board agreed unanimously to accept staff recommendation.

Commissioner Garcia asked about Mr. Loera's history. Ms Detloff stated he (Mr. Loera) had called previously before the surgery and also after receiving this letter stating he wanted to stay on the Commission.

Commissioner Garcia asked if Mr. Loera's excuse was valid, according to the rules. Ms Detloff answered that it does fall under the definition of a valid excuse; however, staff felt that in a period of four months, that attendance at one of these meetings is not excessive, the meetings are not long, and are in a handicap accessible building. She added that arrangement could have been made for attendance.

Mayor Fugate asked how often this Commission meets. Ms Detloff answered once a month.

Commissioner Laskowski commented on Dr. Chaloo's attendance. He mentioned that Dr. Chaloo had attended only six (6) out of twenty (20) meetings.

There was discussion on Dr. Chaloo's attendance.

Mayor Fugate asked if anyone had tried to contact the individuals. Ms Detloff said that every month they call every member to remind them about the meeting. She also added that they are asked if they will be able to attend. She said that Dr. Chaloo usually lets them know whether he will be in attendance, but are not able to get response from two (2) members.

Commissioner Laskowski said his concern is that whenever Planning and Zoning does not meet this holds up progress for developers.

Mayor Fugate agreed with Commissioner Laskowski, and stated his concern is if everyone is being treated fairly.

Mayor Fugate asked if these people were notified about this item being on agenda. Ms Detloff answered that they were notified that it was on the Planning and Zoning agenda, but not on the City Commission agenda.

Mayor Fugate asked for the Commission's authority on this issue. Ms Alvarez said that the City Commission appoints and can do the removal.

Commissioner Wilson commented that the City can't continue to operate, if Planning & Zoning doesn't meet. He added that the fairness is; have we looked at everyone that is there. He stated that he has two (2) suggestions: to send a registered letter to everyone on the Planning and

Zoning Commission from the Mayor's office. He also mentioned the letter should state "this commission is one of the most vital and important commission that meets in the City and we must have your dedicated service" and to that end, "we are asking that you make effort to come to these meetings, and if this is too big a commitment for you, then please tell us now in order to remove you and appoint someone else". He also suggested a time limit until the next meeting of the Planning and Zoning Commission. He also added that is one thing to do with this agenda item and the next one can be tabled.

Ms Alvarez asked if response from them would be prior to the next Commission meeting or Planning and Zoning meeting. Commissioner Wilson said either way. Ms Alvarez reminded him a City Commission meeting would occur prior to the next Planning and Zoning meeting. Commissioner Wilson said at the next City Commission meeting.

Mayor Fugate said he would like this on the next agenda and for them to get notice so they can respond.

Ms Alvarez stated that these people received notice and did not even attend the next Planning and Zoning meeting.

Commissioner Wilson stated these two items should be taken up and acted on based on the response of those letters.

Commissioner Garcia made a motion to table items 7 & 8, seconded by Commissioner Pecos.

After some discussion, Commissioner Garcia amended his motion to table item 7. Commissioner Pecos removed his second from the first motion and seconded the amended motion.

Commissioner Wilson called for point of order to Commissioner's Laskowski request to discuss.

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

8. Consider reappointments to the Planning and Zoning Board. (Director of Development Services).

Ms Detloff stated that the Planning and Zoning Commission serves two (2) year terms. She said that the term for five (5) members expired on June 24, 2004. She added that due to lack of quorum at that meeting, staff was not able to poll the members to determine if they wish to be re-appointed. She said that at the July 20th meeting, the following members in attendance stated that they did wish to continue serving: Steve Zamora (Chairman), Lupe Alvarez, Dr. J. Brown Finley, and Ramon Perez. She added that Mr. Jose Loera was not present, but stated in an earlier telephone call that he wished to continue to serve.

Commissioner Laskowski made a motion to re-appoint Lupe Alvarez, Dr. Finley, Ramon Perez and Steve Zamora at this time, seconded by Commissioner Wilson. The motion was passed and approved with

the following votes: Fugate, Pecos, Garcia, Wilson and Laskowski voting "FOR".

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by adopting Chapter XIII, Article 2, Offenses Against Public Peace and Safety, Section 13-2-24, providing for the offense of inducement to curfew. (Chief of Police).

Police Chief Rick Torres addressed the commission stating that the School Resources Officer, Rick Salinas, came up with suggestion. He stated that basically this ordinance puts teeth into curfew ordinance, and gives ability to charge older individuals who are encouraging younger people to be out in violation of curfew. He gave an example that if a sixteen and seventeen year old are together, both would be charged for curfew violation.

Mayor Fugate asked how they would know that the seventeen year old induced the sixteen year old to violate curfew. Ms Alvarez said that information would be gathered at the scene. Chief Torres said it is a case by case basis and as you investigate further a determination can be made.

Commissioner Wilson said they are relying on the officers' expertise in discovering the truth at the scene before charging the seventeen year old or person encouraging them to break curfew.

Commissioner Garcia asked why the cut off age is seventeen. Ms Alvarez responded there is no age restriction on the actual inducement ordinance.

Commissioner Wilson stated that since this is an introduction, it appears that it bares a little more scrutiny before moving forward.

No action, introduction only.

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Wireless Telecommunications Facilities. (Director of Development Services).

Ms Detloff stated that the Wireless Telecommunications Facilities Ordinance was adopted in 2001, primarily to address the installation of tall telecommunication monopoles (towers). She added that the proposed changes address changes in the industry which utilize smaller and lighter equipment.

Ms Detloff said that proposed changes allows monopole structures not exceeding 50 feet in height. She added that the current ordinance addresses poles in excess of 50 feet. Ms Detloff stated that the proposed additions to Section 15-6-48 Tower Location Standards would allow the shorter pole to be used in all zoning areas, including residential, without acquiring a special use permit and also allow alternative mounting structures to be allowed in all zoning areas, supplementing 15-6-48 (E)(3).

Ms Detloff gave an overview of the proposed revisions to the ordinance. She explained that on page 6, this section allows towers permitted by right, which means no permission is needed for towers 50 feet or less

permitted in residential districts. She added this is a request to have them permitted in all districts. She also explained that the second major request/proposal is under (E) Alternative mounting structures, (1) 100 feet or less in height, are permitted, by right, in the nonresidential districts, will be changed to include them in all districts including residential. She added that the third primary proposed change is on page 7, §15-6-49 (4) Panel antennas and dish antennas can be permitted as a matter of right on conforming billboard structures and signs.

Matt Katy, Operations Chief and Glenn Simpson, Technology Chief, both co-owners of Skylan Kingsville made a presentation regarding the equipment to be used.

Commissioner Laskowski asked the height of tower located by the University Liquor Store. Mr. Fees answered about 120 feet.

Commissioner Wilson thanked them for choosing Kingsville.

No action, introduction only.

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 3, Alcoholic Beverages, providing for variances for on premise and off premise consumption to allow the sale of alcoholic beverages within 300 feet of a church, public or private school, daycare or child care facility or hospital. (Director of Development Services).

Ms Detloff said that additional information handed out was the original adopted in 1999. She added that in June 2003, the City Commission amended the Alcohol Beverages ordinance to allow for variances. She added that the restriction of alcohol sales was increased from 300 feet to 1000 feet (of a church, school, hospital, etc). She said that a requirement for written notification to everyone within 1000 feet of the establishment was added to the ordinance in addition to a thirty (30) day public notice period.

Ms Detloff stated that the proposed changes to the Alcoholic Beverages ordinance include changing the restriction requirement from 1000 feet back to the original 300 feet, and reducing the written notification requirement for properties within 1000 feet of the establishment down to properties within 300 feet of the establishment. She added that the public notice period is proposed to be reduced from thirty (30) days to fifteen (15), and the method of measurement is clarified to be consistent with the state statute. She also mentioned that these changes will make the ordinance more consistent with guidelines established in Texas Alcoholic Beverage Code (TABC) and less of a hindrance (time wise) to development.

Ms Detloff stated staff recommends approval.

Commissioner Garcia asked if there was any other reason why this ordinance was being looked at again, other than seemingly making it easier for interpreting state statute and city ordinance. Ms Detloff answered that those were the primary reasons, and it is true that staff had issues in regard to the actual notification process. She added that since

October, 1800 notification letters were mailed, and added that the return is not there. She also advised that notice is advertised in newspaper. She added that for having to be required to notify everyone within a 1000 feet and the number of letters sent, the response received is disappointing.

Mayor Fugate stated that there have been businesses delayed due to this process.

No action, introduction only.

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Business Regulations, Article 14 Vendor Solicitations, providing for no solicitation in the streets or right of ways, permits for charitable purposes. (Director of Development Services).

Ms Detloff stated that is item is being brought to the Commission with regard to a significant number of complaints from citizens with regard to one aspect of this ordinance. She said that the existing Vendor Solicitations ordinance does not apply to "all persons or operations promoting or supporting a charitable purpose". She added that recently there have been instances of charitable purpose solicitations which have caused safety concerns among the citizens, police department, and staff. She said that because of these concerns, staff has revised the charitable solicitation aspect of the ordinance.

Ms Detloff said that the proposed changes remove charitable solicitations from exemption. She added that it is proposed that the charity get a permit prior to solicitations, and the fee may only be waived by the City Manager. She also added that there will be no solicitation in the street or right-of-way.

Ms Detloff stated that what staff recommends as it exists now, charitable purpose is not defined and it is recommended to be inserted because it is rather important. She explained that on page 57, §11-14-3 Applicability; Affirmative Defense, Section (A), Staff felt this was too lenient in light of current problems brought to staff. She added that on page 59 under, §11-14-4 Permit Required – the following sentence be added: "Persons or operations promoting or supporting a charitable purpose shall also first obtain a permit". Also, in §11-14-5 Permit Application; Filing, (10), Staff felt it would be a hardship to require them to have liability insurance as stated. She added that the last sentence was added: "This provision may be waived for charitable purposes at the discretion of the City Manager". She added that another aspect was the denial or revocation of a permit, conduct of any business in violation of any of the terms of this article, state statute or of any city ordinance would result in the permit being revoked.

Finally, she discussed the last major and important part which was added, §11-14-14 No Solicitation in the Streets or Right-of-Ways. She said that Duty of Police Enforce was replaced with the section: It shall be unlawful to solicit from the street and/or right-of-way. She added that Duty of Police to Enforce was moved to §11-14-15.

Commissioner Laskowski asked how this would effective the firefighters "Fill the Boot" campaign. Ms Detloff answered that they would not be allowed to solicit from the street or right-of-way.

Commissioner Laskowski asked if there was a provision for any exception whatsoever. Ms Detloff answered not at this time.

Commissioner Laskowski asked how many years the fire department has done "Fill the Boot". Ms Tammy Duncan, MDA District Director answered fifty (50) years.

Commissioner Laskowski asked if other Cities allowed a provision for its fire department to do "Fill the Boot". Ms Detloff answered that Dallas had implemented a very strict ordinance that did not allow provision.

Commissioner Laskowski asked if a provision could be placed in the ordinance or if it would be discriminatory. Ms Alvarez answered yes, and that time, place and manner could be restricted.

Ms Detloff stated that the people soliciting on 14th Street and King showed paperwork that they were a 501C3. She added that technically they don't have to have paperwork because the City does not permit them.

Commissioner Wilson asked if a document could be drafted to spell out time place and manner and do other creative things. Ms Alvarez answered restrictions can not be placed on where you are from and what you are collecting for.

Commissioner Garcia mentioned that he does not want to take away long standing tradition that fire fighters have had with the "Fill the Boot". He asked at what time this particular campaign is conducted. Ms Duncan answered that this happens between the months of April to the Jerry Lewis Telethon in September. She added that the fire fighters from Kingsville collected \$8,000.00 this year, and added that Kingsville has several muscular dystrophy patients.

Mayor Fugate commented that there is nobody present that believes that the MDA Association does nothing but good things and added that that is not the problem or issue. He added that unfortunately people are copying them and this has caused problems among the citizens.

Ms Duncan mentioned that she would send sample ordinances on how other cities have physically written in a 501C3 to do a nonprofit solicitation on street corners and physically work in the streets.

Commissioner Laskowski asked if the ordinance could state to allow any charitable organizations to solicit funds on a certain time. Ms Alvarez answered that if it was restricted to a certain location and time the City could also impose additional safety requirements.

No action, introduction only

13. Consider introduction of an ordinance amending the Fiscal Year 2003-2004 Budget for the City of Kingsville for Professional Services for NAS Water Treatment. (Finance Director).

Mr. Bejarano stated that this ordinance is being amended to move funds from the Capital Project funds to the City Special in the amount of \$140,000.00 to be able to cover expenditures that will occur with the professional services for the Engineering company.

Ms Carola Serrato, STWA Director addressed the commission stating that estimates have been received, \$20,000 per system on a turn key basis. She added that this is a savings of approximately \$3000 to \$5000 if installation work is done in-house.

Commissioner Laskowski asked about transferring monies from the general fund to the utility fund to general fund. Ms Caron Vela, Accountant explained that when funds were received they were set up in the Capital Projects fund and were never received in the general fund. Ms Vela explained that a separate line item within that fund was set up.

Commissioner Laskowski asked if we need for sure that we need to spend money at all of our water production facilities in order to switch to the chloramination process; or if there's a possibility it can be cured by changing process at STWA. Mr. Bejarano answered that a commitment was made with NAS stating that the City would work with STWA to clear up the water problem. He added that at this point we are not sure that the problem will be cleared up at STWA or if we have to step in.

Ms Alvarez stated that the approval of line item is not necessarily the release of the funds or expenditures.

No action, introduction only

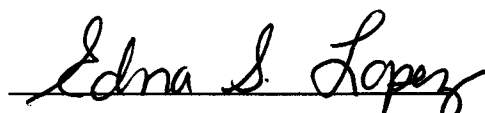
II. Adjournment.

The meeting was adjourned at 8:00 PM



Sam R. Fugate, Mayor

ATTEST:



Edna S. Lopez, City Secretary