

June 27, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JUNE 27, 2005 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 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
Robert Rodriguez, Library Director
Jennifer Vela, Litter Abatement Officer
Dora Byington, Purchasing Director
Jennifer Cantu, Director of Development Services
Diana Gonzalez, Human Resource Director
Al Lopez, Interim Fire Chief
Y I Hinojosa, Street Field Supervisor
Joe Casillas, Water Production
John Garcia, Garage Superintendent
Wilma Castillo, Interim Finance Director
Caron Vela, Accounts Manager
Ricardo Torres, Police Chief
A.L. Noyola, Health Director
Art Alvarez, Risk Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at City Hall at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms Dora Byington, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for approval of the minutes of the City Commission's regular meeting of June 13, 2005. **Commissioner Laskowski made a motion to approve the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSTAINING".**

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

1.Public Hearing to rezone 0.998 acres of Lot 14, Block 9, K.T&I Subdivision from AG-Agriculture to MH-Mobile Home District, located at 1513 West Johnston. Applicant Daniel Huerta. (Director of Development Services).

The Public Hearing was opened at 6:02 P.M.

Ms Jennifer Cantu explained that Mr. Daniel Huerta is requesting to rezone 0.998 acres of Lot 14, Block 9, K.T. &I Subdivision. The property is located at 1513 West Johnston and is currently zoned AG- Agriculture, and request is to rezone to MH – Mobile Home District. She added that the area is changing from agricultural to residential. Planning and Zoning Commission heard this

item at the June 15th meeting and there were no comments from the public. The Planning and Zoning Commission recommends unanimous approval.

Mayor Fugate asked for public comment. No comment was made.

The Public Hearing was closed at 6:04 P.M.

III. Petitions, Grievances, and Presentations.²

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported that there were two presentations, Sgt Levin from the Texas National Guard who will provide overview on KWOP and Mr. David Jacobson from Entrust.

1.1 Presentation by Sgt. Levin regarding Kingsville Wipe-Out Program (KWOP).

Sgt Levin stated the KWOP was a great program. He provided information regarding the start of the program, and on the amount of houses to be demolished.

1.2 Presentation by David Jacobson regarding six month overview Entrust Insurance.

Mr. Jacobson, Vice President of Marketing, Entrust, provided information on 2004/2005 Financial Review, Utilization Review, Utilization Trends and Recommendations. Mr. Jacobson said that educating employees is the key. Mr. Rick Medrano, Director of Operation in Corpus Christi, Texas, provided information on a heart study and on a Health fair being planned.

Ms Diana Gonzalez updated the Commission on the Fire Chief selection.

Ms Jennifer Cantu provided information on the litter abatement ordinances and introduced the new Litter Abatement Officer – Ms Jennifer Vela. She stated that litter abatement informational letters will be sent out with water bills.

City Manager Yerena reported on the TML Region Meeting to be held on Thursday in Rockport, Texas; on hosting the next TML Region Meeting on August 25th; on the closing of City Hall for the 4th of July holiday; and on Safety Week.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on Thursday's warrant roundup; on the first Charter Review meeting; on KWOP Media Day; and on Kingsville Day at Aviator Stadium.

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

Mayor Fugate called for the City Commission's report. Commissioner Wilson reported on the 4th of July festivities; Commissioner Laskowski reminded the Commission on the budget schedule and asked them to get in touch with the Finance Department if anyone is scheduled for vacation; Mayor Fugate

reported a TXDOT meeting on August 9th and on Congress Ortiz holding a conference at the American Bank in Corpus Christi, Texas.

IV. Public Comment on Agenda Items³

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

Mr. J. F. Garcia, 1313 East 1717, spoke against Item #1, stating it will hurt property value.

Ms Janet Price, 2420 S 6th, Apt. 408, asked the Commission to consider an ordinance for dogs.

V. Consent Agenda

1. A motion approving an ordinance granting a franchise to Etan Industries, Inc. D/B/A CMA Communications, its successors or assigns, to own and operate and maintain a cable system in the City of Kingsville, Texas, setting forth conditions accompanying the grant of franchise, and providing for the regulation and use of said system. (City Attorney).
2. A motion approving the Memorandum of Understanding – KWOP. (Director of Development).
3. Consider awarding Bid No. 26-01 for rental of uniforms for all departments except the Police and Fire Departments. (Director of Purchasing).
4. Consider awarding bid for sewer lines rehabilitation project. (Director of Purchasing).

Mayor Fugate called for approval of the consent agenda. Commissioner Pecos made a motion to approve the consent agenda, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider final passage of an ordinance amending the Fiscal Year 2004-2005 Budget for the City of Kingsville for Codification of Ordinances, for Mold Remediation at the Fire Department with funding to come from the Unreserved Fund Balance and for Public Works fence with funding to come from the CO 2002-2002A Fund. (Interim Finance Director).

Ms Vilma Castillo stated that the Commission was provided with two budget amendments, and changes were made as per Commissioner Laskowski's suggestions. She stated that Mr. Luke Womack, Auditor had stated there was another option, by taking \$12,000 from the CO 2002-2002A, from the unapplied balance of the interest earned. She stated that she had one concern in taking money from Account 103-319-Catering for the reason that the City Secretary is hosting a TML function and will need those funds. She also stated that this account is used for budget workshop lunches.

Mayor Fugate asked for the City Manager's recommendation. City Manager Yerena stated that both options lead to where the City needs to go. He stated that if monies are taken from the Interest Fund it gives a little more flexibility in the general fund.

There was discussion regarding the two ordinances.

Mayor Fugate asked for a motion. Commissioner Wilson made a motion to follow scenario #1, and put \$2,000 back into the City Special Catering and to take the \$2,000 from the interest bearing, Fund 39, seconded by Commissioner Garcia. The motion was approved by the following vote: Fugate, Pecos, Garcia, Wilson voting "FOR". Laskowski voting "AGAINST".

6. Consider awarding Bid No. 25-36 for purchase and installation of fence at Public Works location. (Director of Purchasing).

Ms Dora Byington stated that this item authorizes the purchase and installation of approximately 2,400 feet of 6 foot chain link fence to be installed at Public Works. This action will expend \$36,201.50; lowest bidder is Construction Rent-A-Fence, Inc. from Thrall, Texas.

Commissioner Wilson made a motion to award bid to Construction Rent-A-Fence, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

7. Consider reallocation of Series 1998 & 2002-2002a Certificates of Obligation funding for the Fire Department. (Interim Fire Chief).

Interim Fire Chief Al Lopez stated this item is a request to reallocate funds from the Series 1998 & 2002-2002A Certificates of Obligation in the amount of \$14,501.36 for the purchase of some fire hose and stretchers.

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

8. Consider introduction of an ordinance amending Chapter IX, Article 5, Fire Prevention and Protection, providing for revisions to the fire prevention code permit schedule regarding automatic sprinklers and extinguishing systems. (Interim Fire Chief).

Interim Fire Chief Al Lopez stated that this ordinance makes changes to two parts of the fees for a fire inspection; particularly to the inspections concerning the automatic sprinklers and the extinguishing systems.

Mayor Fugate requested that information be gathered from other cities to see what they are charging.

INTRODUCTION ONLY

9. Consider introduction of an ordinance changing the zoning map in reference to 0.998 acres of land out of Lot 14, Block 9, K.T&I Subdivision from "AG" Agriculture, to "MH" Mobile Home District located at 1513 West Johnston. (Director of Development Services).

Ms Cantu stated a public hearing was conducted, and no comments were made. She stated that the Planning and Zoning Commission recommends approval.

INTRODUCTION ONLY

10. Consider Guidelines and Criteria for Stimulating Residential & Commercial Development. (Director of Development Services).

Ms Cantu provided information on the guidelines and criteria for commercial and residential incentives. She stated that the Commission has expressed a desire to clean up Kingsville, as seen with the KWOP program. As a result of this program, an incentive to re-build on these properties and to improve existing residential properties, staff was requested to draft an incentive program that would defray the tax increase that results in upgrading the property. She stated that at the May 16th Commission meeting, staff distributed copies of the Guidelines and Criteria for Stimulating Residential Development and Guidelines and Criteria for Stimulating Commercial Development. Staff received comment that the application fee for residential program was too high. Staff recommends the application fee be reduced to \$25.00. Ms Cantu stated that Staff had reviewed the Guidelines and Criteria initially given to the Commission and would like to make changes to Section III: Tax Abatement Schedule. She explained the changes.

Mayor Fugate suggested this be tied in with permits. City Manager Yerena stated that was a good suggestion. Mayor Fugate stated he would like to see the area of the new Gillett included. Ms Cantu stated areas were taken from the first KWOP project, but it could be opened up to different areas. Mayor Fugate commented this was a pilot program to see how this worked, but would like to have the Gillett area in the pilot program.

Mayor Fugate called for a motion. Commissioner Wilson made a motion to table Agenda Item #10, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski, Wilson voting "FOR".

11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV, Article 6, Zoning, providing for the mitigation of noise levels for residential development in AICUZ areas. (Director of Development Services).

Ms Cantu stated that the AICUZ ordinance was adopted in 1986 with the assistance of the U.S. Department of Defense and the U.S. Navy to address the accident potential zones and the noise zones surrounding the Naval Air Station Kingsville. Due to changes in the mission of the base, the City of Kingsville was asked in April 2005 to review the existing ordinance and determine what, if any, changes were necessary to address these changes. Ms Cantu stated that staff met with members of NAS-Kingsville and others to review the existing ordinance. The draft AICUZ was presented to the Planning and Zoning Commission at the May 18th meeting for discussion and comment. The final draft was presented at the June 15th meeting. There were no public comments at either meeting. Ms Cantu stated that she does not anticipate a negative on development.

Suggestion was made that Ms Cantu initiate a letter and copy of the ordinance to notify potential property owners about the change.

Commissioner Garcia asked about restrictions to landowners. Ms Alvarez pointed out Section 15-6-37 Use Restrictions and explained Table 1.

INTRODUCTION ONLY

The Commission took a break at 8:01 P.M., and then convened into Executive Session.

12. Executive Session: Under Section 551.071 of the Texas Open Meetings Act, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding potential litigation regarding administration and enforcement of City obligations under the South Texas Water Authority Supply Contract. (Mayor Fugate).

The Commission reconvened at 8:28 P.M.

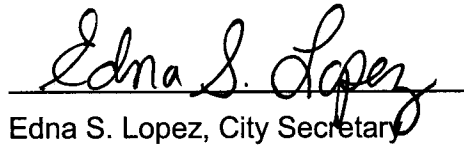
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:28 P.M. on June 27, 2005.



Sam R. Fugate, Mayor

ATTEST:


Edna S. Lopez, City Secretary