

JANUARY 9, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 09, 2006, 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:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Dora Byington, Purchasing Director
Frank Garcia, Field Supervisor
Diana Gonzales, Human Resource Director
Daniel Almeida, Wastewater Supervisor
Mary Valenzuela, Legal Secretary
Stanley Fees, City Engineer
Jaime Garza, Task Force Commander
J R Ibarra, Task Force Asst. Commander
Jennifer Cantu, Director of Development Services
Dianne Leubert, Solid Waste Superintendent
Ricardo Torres, Police Chief
Al Lopez, Fire Chief
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers 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 consideration of the minutes of the regular meeting of December 12, 2005. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSTAINED".**

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

NONE

III. Petitions, Grievances, and Presentations.²

1. Presentation of Charter Amendment Proposals by the Charter Review Committee.

Mr. Roy Medina, Chairperson stated the draft for the Charter proposal has been presented. Mr. Medina recognized the Charter Review committee members, Ms Courtney Alvarez, City Attorney, and Ms Mary Valenzuela, Legal Secretary.

Commissioner Laskowski and Mayor Fugate thanked the committee members for all their hard work.

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

Mayor Fugate called for the City Manager's Report. City Manager Yerena reported on the Jr. Livestock Show Parade to be held on January 27, 2006 at 5:00 P.M., deadline for entry is January 19th at the Chamber of Commerce.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the registration deadline for TML to be held in Corpus Christi on January 19th; on the first session of Municipal Court and that fines for Failure to Appear (FTA) have increased.

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

Mayor Fugate called for the City Commission's reports. Commissioner Laskowski reported on having spoken to a member of the Health Board, where he was told that an emergency meeting was held in October to review the ordinance that creates the Health Board. He stated that recommendations were established to change the ordinance. He requested a workshop be set up between the City Commission, County and Health Board to discuss ordinance changes. Mayor Fugate commended Commissioner Wilson on his hard work during the preparation of the Cactus Bowl.

IV. Public Comment on Agenda Items³

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

None

V. Consent Agenda

1. **Motion approving final passage of an ordinance amending the City of Kingsville Code of Ordinances, Chapter VII, Article 6, Traffic Control Devices; providing for the authority to replace yield signs with stop signs at 4th Street and Lott Street and at 4th Street and Huisache Avenue and for the installation of stop signs in the Carriage Park Subdivision. (City Engineer).**

2. **Motion approving a resolution authorizing the submission of an application to the U S Army Electronics Proving Ground, High Impact Pilot Project Proposals grant. (Chief of Police).**

Mayor Fugate called for consideration of the consent agenda (Items 1 & 2). Commissioner Laskowski made a motion to accept the consent agenda as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **Discuss and consider EDA grant. (City Manager).**

City Manager Yerena provided information on the description of the application that was submitted to the Economic Development Administration. There are certain items that the City is requesting assistance in an effort to improve the quality of life for its citizens. Total estimated project cost is \$3,472,396, with the

City providing a match of \$520,859. The City's matching portion would come from the re-allocation of \$500,000 that is set aside from the 2005 Certificate of Obligations for the construction of water well. City Manager Yerena provided information on the requested items.

Finally, City Manager Yerena mentioned that he has provided an explanation to the EDA for the urgency of these requests. The committee is now reviewing the application and additional information will be provided when received.

Mayor Fugate asked for item consideration. City Manager Yerena stated he would like to wait for item consideration until he receives feedback from the EDA.

4. Consider final passage of an ordinance to amend the zoning ordinance by granting a Special Use Permit for Lots 13-16, Block 11, Hoffman Addition for a Daycare Facility. (Director of Development Services).

Ms Jennifer Cantu, Director of Development Services explained this was brought before them at the last City Commission meeting. A public hearing was held, there were no comments made and since then no comments have been received.

Mayor Fugate called for questions or comments from the Commission. Commissioner Wilson asked if the applicant would be paving her portion of the alley. Ms Cantu replied that has not been discussed. Commissioner Wilson voiced his concern regarding the maintenance of the alley and stated there needs to be something in writing that addresses the issue of the applicant maintaining the alley.

Ms Alvarez stated a condition could be added to the special use permit with regard to the applicant's intention of using the alley for ingress and egress from her property. Then the applicant should have the alley initially paved.

Commissioner Wilson stated that the City should not be continually maintaining that alleyway for a private owner who is using it commercially.

With regard to the amount of people working and the students enrolled at the proposed day care, Mayor Fugate asked if the neighbors realized what was fixing to happen at that location. Ms Cantu replied they were not told the number of people who potentially would be there.

Ms Alvarez stated the City could talk to the applicant to see if the paving of the alleyway would be an additional expense that will be a factor on her decision to continue to stay at this location. She added this item would be brought back for consideration at the next Commission meeting.

A motion was made by Commissioner Wilson to table this item so that Staff can continue discussion with the applicant, seconded Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

5. Consider awarding bid for lift station repairs and force main improvements. (Director of Purchasing).

Ms Dora Byington stated this item authorizes repairs to the lift stations and force main improvements at five lift stations located on May Street, FM 1717, 17th and Lee and the North and South Wastewater Treatment Plants. Bids were opened on December 13, 2005, three bids were received. This action will expend \$1,838,808.81 for the entire project. Funds for this project will come from the new bond Capital Projects funds (062-5-700.1-721.00, 062-5-700.2-721.00 and 062-5-700.2-718.00).

Mayor Fugate called for questions. Commissioner Laskowski stated that all his questions were answered before the meeting.

Commissioner Laskowski made a motion to award the contract to the lowest bidder, Hoover Construction Company for the total contract of \$1,838,808.81, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 7, Traffic Calming Devices, providing for a change in travel speed percentile needed for project eligibility requirements. (City Engineer).

Mr. Stanley Fees, City Engineer stated the traffic calming ordinance has been in effect for almost two years. There have been eight requests for the placement of "Speed Humps" at locations throughout the City. No requests have been approved due to not meeting the speed survey requirements. An individual has requested the speed survey percentile be reduced from 85% to 75%. Based on the surveys conducted to date, the engineering department staff concurs with this request. It is estimated that two speed humps be necessary for each request that was made at a cost for manpower and equipment, \$24,000 for the eight requests. Based on the four speed surveys currently completed, Ailsie Avenue is the only location that could meet the proposed revised criteria for the installation of a speed hump.

Commissioner Laskowski suggested Mr. Fees establish criteria for the length of the area to determine the amount of speed humps.

INTRODUCTION ONLY

7. Consider out-of-state travel for Mayor Fugate to Washington, D.C. on January 19- 20, 2006 for BRAC related issues. (Mayor Fugate).

Mayor Fugate stated he is requesting approval of out-of-state travel in order to revisit with BRAC personnel.

Commissioner Wilson made a motion to approve \$1,000.00 for the Mayor's out-of-state travel to Washington, D.C., seconded by Commissioner Pecos. Mayor Fugate suggested motion read: up to a \$1,000.00. Commissioner Wilson stated that was his intention. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSTAINED".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:45 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary