

APRIL 24, 2006

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, APRIL 24, 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, Mayor Pro-tem  
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  
Mark Rushing, Finance Director  
Diana Gonzales, Human Resource Director  
Frank Garcia, Interim Wastewater Supervisor  
Bill Donnell, Engineering Technician/Interim Street Supervisor  
Dora Byington, Purchasing Director  
Dianne Leubert, Solid Waste Superintendent  
Al Lopez, Fire Chief  
Ricardo Torres, Police Chief  
Art Alvarez, Risk Manager

**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 special meeting of Monday, April 17, 2006. **Commissioner Wilson made a motion to adopt the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".**

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

NONE

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

1. Proclamation designating the month of April as "Sexual Assault Awareness and Prevention Month".

Mayor Fugate read the proclamation and presented it to Ms Zandra Gonzales, Women's Shelter Representative.

2. Proclamation honoring and recognizing Andrew G. Dembski.

Mayor Fugate read the proclamation and presented it to Andrew.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the completion of the City's audit.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the Image Kingsville meeting; on the successful Bike Ride this weekend; and wished a Happy Birthday to City Manager Yerena and Ms Dora Byington. She also provided early voting dates and information on the Charter amendments.

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

Mayor Fugate called for the City Commission's reports. Commissioner Pecos reported that he and Commissioner Garcia participated in the Vietnam Symposium which was a great success, and will be back next year.

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

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

NONE

Mayor Fugate called for consideration of the Consent Agenda Items 1 – 3.

**V. Consent Agenda**

1. **Motion to approve resolution amending the appointment of Election Judges and the Early Voting Ballot Judge for the City of Kingsville General Election on May 13, 2006. (City Secretary).**
2. **Motion to approve a Memorandum of Understanding by and between the Kingsville Police Department and Communities in Schools to set forth their agreements concerning the organization and functions of the partnership and the respective responsibilities to support The New Horizons Mentoring Program. (Police Chief).**
3. **Motion to approve a resolution accepting funding from the Office of National Drug Control Policy HIDTA Program from law enforcement personnel overtime, services, and supplies; authorizing the Chief of Police to act on the City's behalf with such grant; and providing for an effective date. (Police Chief).**

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

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

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

4. **Consider approval of the program design guidelines for the Owner Occupancy Grant Application. (City Manager).**

City Manager Yerena stated that the guidelines set up benchmarks to target elderly and disabled. The City makes a commitment to market the program and target the rehabilitation of homes belonging to the elderly and disabled. If the City's funding request is approved, the program design guidelines will dictate the process by which the City will select eligible applicants for the owner occupancy program.

Mayor Fugate called for questions or comments.

As far as tax abatements, Commissioner Laskowski asked if the recipients of these grant would qualify under the guidelines for the residential renovations adopted by the Commission. City Manager Yerena replied that was correct; and this particular program pays for rehabilitation of the homes. He added this would work hand-in-hand with tax abatements. Commissioner Laskowski stated he wanted people made aware that this is available so that they can go through the application process.

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

**5. Consider a resolution authorizing the Mayor to submit a Home Investment Partnership Owner Occupied Housing Grant Application through the Texas Department of Housing and Community. (City Manager).**

City Manager Yerena stated the city is making a conservative effort to address the affordable housing issue in our community. The City has partnered with the Kingsville Affordable Housing and the Housing Authority on the homebuyers assistance program. The City will provide down payment and closing cost assistance to individuals and families. Because the other two entities already have the administrative part set up and funding has been received, the City will follow their lead. This application involves the rehabilitation of homes and allows the City to take the lead in inspecting. The City is requesting \$286,000 in grant funding for the rehabilitation of single family home that are in need of repairs to comply with local building codes. The City will be waiving permit fees and sewer fees. The City's in-kind contribution is \$40,074.00. The City is proposing to provide assistance to 7 homes that are not in compliance with our building codes and pose health and safety concerns. Guidelines are set for \$35,000 per home.

Mayor Fugate called for questions or comments

Commissioner Laskowski asked who would be demolishing the homes and if monies would have to be budgeted. City Manager Yerena replied the intent is to use the KWOP program or a private contractor would be used, but if this could not be done than it would be done in-house.

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

**6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 11-10-23 providing for a revised taxicab insurance policy section. (City Attorney).**

Ms Alvarez stated that staff received a request to revise the ordinance regarding the insurance section. She stated Staff provided six different city ordinances. She stated that five of the six state that State minimum is necessary or required. She stated that since that seemed to be the majority it was included in the draft ordinance that is being presented tonight. Ms Alvarez provided information on the City of Corpus Christi and Bryan's insurance set amounts. She stated that the Risk Manager helped ascertain what other cities do.

Mayor Fugate called for questions or comments.

Commissioner Garcia commented on the insurance coverage required by private ambulance services. Ms Alvarez stated the City might want to consider going the 100-300-100.

Mayor Fugate called for Ms Alvarez's recommendation. Ms Alvarez stated that it is the Commissions' prerogative to go with the State minimum with regard to the City licensing or allowing them to transport people within the City limits. If the City is regulating the rates, and if the State minimum works for regular automobiles policies, perhaps is not sufficient, and the City itself would not be liable, but the Commission might want to consider going with 100-300-100.

Mayor Fugate stated that if that was the case then the rates should be the same as the ambulance rates.

Commissioner Laskowski stated that the previous insurance coverage was 5-10-5 a 1962 State minimum and it is the Commissions' responsibility to make sure the citizens are always protected.

Commissioner Garcia provided information on the different types of insurance coverage. He stated that amounts should be defined.

There was brief discussion on setting insurance amounts.

Mr. Art Alvarez, Risk Manager provided some information on insurance coverage. Commissioner Wilson stated that the objective is to make a reasonable attempt to protect those who are riding in and those who would be injured by an accident. He recommended meeting halfway, 50-150-50.

Mayor Fugate suggested the amount of \$10,000 PIP and \$25,000 on uninsured motorist.

Commissioner Garcia suggested 25-50-25 for uninsured motorist.

Commissioner Wilson stated that if the Commission sets the limits to be reasonable, it is up to the insured to find how to get it.

#### INTRODUCTION ONLY

**7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the authority to change the direction of stop signs at 5<sup>th</sup> Street and Richard Street, to remove the stop sign at 6<sup>th</sup> Street and Richard Street, and install stop signs in the Paulson Falls Subdivision. (Interim Street Supervisor).**

Ms Alvarez stated that in the process of preparing the ordinance for stop signs at Richard St, it was found that three stop signs in the Paulson Falls Subdivision were inadvertently numbered over and struck out by the previous Street Superintendent/City Engineer. She added that they are being brought back into the books with this introduction.

#### INTRODUCTION ONLY

The City Commission convened into executive session at 6:43 P.M.

**8. 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 on a legal matter not related to litigation or the settlement of litigation, which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Section 551 of the Texas Government Code. (City Attorney).**

The City Commission reconvened into open session at 7:19 P.M.

**9. Consider approval to remove from the table agenda items #10, 11, & 12. (City Manager).**

Commissioner Wilson made a motion to remove from the table agenda items #10, 11, & 12, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

**10. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to the north one-half of Lot 5,**

**Haggerton Addition from AG Agriculture to R-1 Single-Family. (Director of Development Services).**

In the absence of Ms Jennifer Cantu, Director of Development Services, City Manager Yerena stated that this is the final passage of the rezoning. Ms Alvarez stated she had handed out a revised ordinance for items #10, 11, & 12, which include two additional WHEREAS to consider in the revised ordinance.

Mayor Fugate called for comments.

Commissioner Laskowski stated he would like to make a comment for the record. Mayor Fugate stated he would like the comments in the minutes.

Commissioner Laskowski commented on having a serious problem in dealing with the mistakes that were made on these properties. His recommendation, to avoid this in the future, which was discussed with the City Manager, is that every piece of AG property within the city limits of the City of Kingsville be researched by the City as to who the owners are. Also, that the City advise the property owners that they are in the city limits and that if they intend to now or in the future develop those properties, or have them rezoned from agriculture to residential, they must plat it and it must be 10 acres or more to meet the zoning requirements in the City's subdivision code. He stated that the Commission is put between a rock and a hard place and this is not easy for any of them. He continued to say that two of these houses are almost completed. Commissioner Laskowski stated that he does not know how this construction was allowed to continue, when the property wasn't properly zoned. He had gone by to see one of the properties and brick had been delivered. Finally, he stated that as long as he sits on this Commission, he doesn't ever want to be faced with this issue again.

**Commissioner Wilson made a motion to adopt the ordinance with the following amendment: after the third, WHEREAS, and before NOW THEREFORE, these two items be inserted: WHEREAS, some utilities were visible on the property and easements are shown on the plat; and WHEREAS, the applicant began construction prior to their request for rezone, seconded by Commissioner Pecos.**

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

**11. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to the south one-half of Lot 5, Haggerton Addition from AG Agriculture to R-1 Single-Family. (Director of Development Services).**

City Manager stated this is similar to the one prior, and this is the final passage for rezoning.

Commissioner Laskowski stated he want his previous comments from agenda item #10 to reflect agenda items #11 & 12. Commissioner Laskowski commented on having a serious problem in dealing with the mistakes that were made on these properties. His recommendation, to avoid this in the future, which was discussed with the City Manager, is that every piece of AG property within the city limits of the City of Kingsville be researched by the City as to who the owners are. Also, that the City advise the property owners that they are in the city limits and that if they intend to now or in the future develop those properties, or have them rezoned from agriculture to residential, they must plat it and it must be 10 acres or more to meet the zoning requirements in the City's subdivision code. He stated that the Commission is put between a rock and a hard place and this is not easy for any of them. He continued to say that two of these houses are almost completed. Commissioner Laskowski stated that he does not know how this construction was allowed to continue, when the property wasn't properly zoned. He had gone by to see one of the properties and brick had been delivered. Finally, he stated that as long as he sits on this Commission, he doesn't ever want to be faced with this issue again.

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**WHEREAS, the applicant began construction prior to their request for rezone, seconded by Commissioner Pecos.**

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

**12. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.212 acres out of Hinojosa Estates Lots 1A & 1B from AG Agriculture to R-1 Single-Family. (Director of Development Services).**

City Manager Yerena stated this is similar item to the prior, final passage for rezoning from Ag to R-1.

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

**13. Discussion of policies for inclusion in the City of Kingsville's Administrative Policies and Procedures Manual. (Human Resource Director).**

Ms Gonzales stated that since the last meeting two individuals came to her office with comments about the policies. She provided inclusion information.

There was lengthy discussion on which jobs would require physical examinations. The Commissions' consensus was to provide physical examinations for everyone.

There was discussion on the timeline for providing an employee his monies when an error was made on the employee's paycheck.

There was discussion on regarding Pre-1984 sick leave which will be paid in full and anything else will be paid 50%.

There was discussion regarding the Emergency Service Policy and complying with the Texas Governor's Executive Order RP-57.

There was discussion regarding the use of cell phones while driving. Mayor Fugate asked if this would raise the city's liability because we are putting this in our policy. Mr. Art Alvarez provided information regarding information asked during depositions.

Commissioner Laskowski requested information on what a call-back was. City Manager Yerena replied there is a procedure, if an emergency the employee documents and goes out on the call. Commissioner Laskowski asked if they punch the clock before starting work on a call-out. Ms Gonzales replied they do go to the site first to evaluate, but there is no policy.

There was discussion on employees taking City vehicles home. City Manager Yerena stated at the next meeting information will be provided as to who takes City vehicles home.

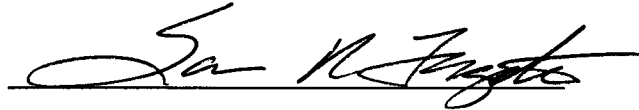
Commissioner Wilson asked about the Meal and Rest Periods. Ms Gonzales replied an explanation and stated this section needed to be more specific. Commissioner Wilson commented he was uncomfortable with the language.

Commissioner Laskowski voiced his concern with section "Care of Vehicles".

Comments and suggestions will be incorporated.

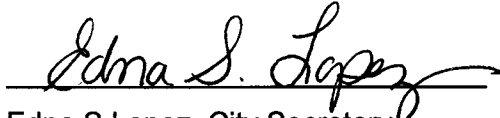
#### VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 8:25 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, City Secretary