

JUNE 26, 2006

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JUNE 26, 2006 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Charles E Wilson, Mayor Pro-tem
Al Garcia, Commissioner, arrived at 6:07 P.M.
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Frank Garcia, Interim Wastewater Supervisor
Bob Daehn, Building Official
Jennifer Cantu, Director of Development Services
Yolanda Cadena, Health Director
Mark Rushing, Finance Director
J R Ibarra, Task Force
Dora Byington, Purchasing Director
Al Lopez, Fire Chief
John Garcia, Garage Superintendent
Ricardo Torres, Police Chief
Joe Casillas, Water Production Supervisor

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Wilson 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 Pro-tem Wilson called for consideration of the minutes of the Regular Meeting of June 12, 2006. **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: Wilson, Pecos, Laskowski voting "FOR". Fugate, Garcia "ABSENT".**

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

1. Public Hearing to rezone 2 acres of property located at 2210 North 20th, Galma Subdivision from AG Agriculture to R-1 Single Family, Ronnie Lopez applicant. (Director of Development Services).

The public hearing was opened at 6:03 P.M.

Ms Jennifer Cantu stated the property was platted in 1996 as Galma Subdivision, but at that time it was not rezoned from agriculture to residential. The applicant, Mr. Lopez is requesting to rezone his property to comply with the existing zoning regulations. This property is in the AICUZ, and it is in the Accident Potential Zone, APZ II. Since this property is located in the AICUZ, staff sent a letter to Captain Crabbe, NAS Kingsville. Captain Crabbe has stated his opposition to the rezoning request. The Planning and Zoning Commission expressed their concerns about the conflict between the existing AICUZ ordinance and the NAS Kingsville request. However, seven members were present, five members voted to deny the rezoning request, one member abstained, and one member voted no.

Mayor Pro-tem Wilson called for comments or questions from the Commission, and the audience was advised this was the time that they could speak.

The public hearing was closed at 6:05 P.M.

2. Public Hearing to rezone Lot 12, 1.2 acres out of Serenity Estates, Phase I, from AG Agriculture to R-1 Single Family Residential located on Sage Road east of Armstrong, Larry T. Garcia applicant. (Director of Development Services).

The public hearing was opened at 6:05 P.M.

Ms Cantu stated this property was platted in 1997. At that time, the property was not rezoned from Agriculture to Residential. The applicant is following the zoning ordinance with this rezoning request to single family residential. The Planning and Zoning Commission recommended unanimous approval.

Mayor Pro-tem Wilson called for comments or questions from the Commission, and the audience was advised this was the time that they could speak.

The public hearing was closed at 6:06 P.M.

3. Public Hearing to rezone Block 20, Lots 1-9, K.T. & I Subdivision, 800 E Alice from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

The public hearing was opened at 6:06 P.M.

Ms Cantu stated this property was a theatre, but it is currently being used as a church. The applicant has stated that he would like to use the adjacent parking lot (819 E Richard) for non-permanent commercial sales. The applicant stated he prefers the zoning of these two properties be the same. The Planning and Zoning members expressed concerns about commercial zoning within the middle of an established residential area. Originally, Mr. Bazan had asked for a C-2 Commercial, but was asked if he would be agreeable to a C-1 Neighborhood Service District zoning. Mr. Bazan stated he had no problem with recommendation. Staff received one telephone call in opposition of this request. The Planning and Zoning Commission recommended unanimous approval.

Mayor Pro-tem Wilson called for comments or questions from the Commission, and the audience was advised this was the time that they could speak.

The public hearing was closed at 6:08 P.M.

4. Public Hearing to rezone Block 20, Lots 24-32, K.T. & I Subdivision, 819 E Richard from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

The public hearing was opened at 6:08 P.M.

Ms Cantu stated this is the property mentioned in the previous item; this is the parking lot to be used for non-permanent commercial sales. She stated that it was pointed out that this parking lot serves as the parking for the structure at 800 E Alice and that any building of any permanent structures on that property will curtail the use of the property on Alice. Staff received one telephone call in opposition of this request. The Planning and Zoning Commission recommended unanimous approval.

Mayor Pro-tem Wilson called for questions or comments from the Commission and the audience was advised this was the time that they could speak. Regarding identifying alleys for closure, Commissioner Laskowski said he had gone by this property and this appears to be an excellent opportunity to close the alley.

The public hearing was closed at 6:10 P.M.

III. Petitions, Grievances, and Presentations.²

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

Mayor Pro-tem Wilson called for the City Manager's report. City Manager Yerena reported on the Street Department seal-coating on 6th Street close to General Cavazos; and on tentatively scheduling the first community clean-up event on July 29th, from 8:00 AM to 12:00 Noon at the property next to the Police Department on King Street.

Mayor Pro-tem Wilson called for questions from the Commission. Upon a question from Commissioner Laskowski, City Manager Yerena stated all information for the JLUS application is ready and will be submitted this week. Commissioner Pecos asked about the cleaning of the ditch on 6th Street towards the park. City Manager Yerena replied that was TXDOT jurisdiction.

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

Mayor Pro-tem Wilson called for the City Attorney's report. Ms Alvarez reported on the July 4th City holiday, and on Staff weekly meetings for Emergency Management Preparedness. She reported that Staff will be attending Incident Command System and NIMS training.

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

Mayor Pro-tem Wilson called for the City Commission's reports. There were none.

IV. Public Comment on Agenda Items³

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

None

Mayor Pro-tem Wilson called for consideration of the Consent Agenda.

V. Consent Agenda

1. Motion to approve reappointing three members of the Historical Board, Ms Aurora Garza, Ms Maggie Salinas, and Dr. Leslie Hunter, to serve another 3 year term. (Director of Development Services).

2. Motion to approve a resolution authorizing the South Texas Aggregation Project (STAP) to negotiate an electric supply agreement for deliveries of electricity effective January 1, 2007; Authorizing the Mayor or other designated City Official to sign a contract with STAP for the City of Kingsville's 2007 and, if economically feasible energy purchases in 2007 and, if economically feasible, 2008 to honor the City of Kingsville's commitments to purchase power for its electrical needs in 2007 and, if economically feasible, 2008 through STAP. (City Manager).

3. Motion to approve a resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting funding for the Grant period of Fiscal Year 2006-2007 for the Category of Education. (Solid Waste Superintendent).

4. Motion to approve authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting funding for the Grant

period of Fiscal Year 2006-2007 for Brush Mulching Contract. (Solid Waste Superintendent).

5. Motion to approve authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting funding for the Grant period of Fiscal Year 2006-2007 for Litter Abatement. (Solid Waste Superintendent).

6. Motion to approve authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting funding for the Grant period of Fiscal Year 2006-2007 for a Clean-Up Event. (Solid Waste Superintendent).

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider awarding bid for 3 & 4 cubic yard garbage containers. (Purchasing Director).

Ms Dora Byington stated this item authorizes the purchase of (49) 3 cubic yard and twenty-seven (27) cubic yard garbage containers. Staff is recommending the purchase be made from Fugua Containers from Rio Vista for a total of \$34,028.00. She stated the Solid Waste Superintendent has determined that purchasing forty-nine 3 cubic yard and twenty-seven 4 cubic yard containers will better take care of the department's needs at this time. This action will expend \$34,028.00 funds are in the budget, Account Number 039-5-170.2-220.00.

Mayor Pro-tem called for questions or comments from the Commission. **Commissioner Laskowski made a motion to award the contract to Fugua Containers from Rio Vista, Texas for a total of \$34,028.00, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSENT".**

8. Consider reallocation of Series 2002-2002A Certificate of Obligation funding for the Police Department. (Police Chief).

City Manager Yerena stated this item would allow a fence at the radio tower. He stated that there were three proposals, and the funds would come from CO 2002-2002A.

Mayor Pro-tem Wilson called for questions from the Commission. Commissioner Laskowski stated that he needed clarification on the bid from Fencing Inc as to whether or not that was a current bid. Ms Lopez, City Secretary replied that the Police Chief had mentioned this was the current bid.

Mayor Pro-tem Wilson called for a motion to table this item. City Manager Yerena asked if this item could be moved to the end of the agenda, to see if the Police Chief would arrive with the relevant information.

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

9. Consider introduction of an ordinance amending the Zoning Ordinance by changing the zoning map in reference to 2 acres of property located at 2210 North 20th, Galma Subdivision from AG Agriculture to R-1 Single Family, Ronnie Lopez applicant. (Director of Development Services).

Ms Cantu stated this item was brought before them in the form of a public hearing, at that time there were no comments. The property was platted in 1996 as Galma Subdivision, but at that time it was not rezoned from agriculture to residential. The applicant, Mr. Lopez is requesting to rezone his property to comply with the existing zoning regulations. This property is in the AICUZ, and it is in the Accident Potential Zone, APZ II. Since this property is located in the AICUZ, staff sent a letter to Captain Crabbe, NAS Kingsville. Captain Crabbe has stated his opposition to the rezoning request. The Planning and Zoning Commission expressed their concerns about the conflict between the existing AICUZ ordinance and the NAS Kingsville request. However, seven members were present, five members voted to deny the rezoning request, one member abstained, and one member voted no.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the Zoning Ordinance by changing the zoning map in reference to Lot 12, 1.2 acres out of Serenity Estates, Phase I, from AG Agriculture to R-1 Single Family Residential located on Sage Road east of Armstrong, Larry T. Garcia applicant. (Director of Development Services).

Ms Cantu stated this item was brought before them in the form of a public hearing at that time there were no comments. Property was platted in 1997. At that time, the property was not rezoned Agriculture to Residential. The applicant is following the zoning ordinance with the rezoning request to single family residential. Planning and Zoning Commission recommended unanimous approval.

INTRODUCTION ONLY

11. Consider introduction of an ordinance amending the Zoning Ordinance by changing the zoning map in reference to K.T. & I Subdivision, Block 20, Lots 1-9, 800 E Alice from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

Ms Cantu stated this item was brought to them in a form of a public hearing at that time there were no comments. This property was a theatre, but it is currently being used as a church. The applicant has stated that he would like to use the adjacent parking lot (819 E Richard) for non-permanent commercial sales. The applicant stated he prefers the zoning of these two properties be the same. The Planning and Zoning members expressed concerns about commercial zoning within the middle of an established residential area. Originally, Mr. Bazan had asked for a C-2 Commercial, but was asked if he would be agreeable to a C-1 Neighborhood Service District zoning. Mr. Bazan stated he had no problem with recommendation. Staff received one telephone call in opposition of this request. The Planning and Zoning Commission recommended unanimous approval.

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the Zoning Ordinance by changing the zoning map in reference to K.T. & I Subdivision, Block 20, Lots 24-32, 819 E Richard from R-1 Single Family Residential to C-1 Neighborhood Service District, Mario Bazan applicant. (Director of Development Services).

Ms Cantu stated this item was brought before the Commission in the form of a public hearing, there were no comments. This property is attached to the previous property. Staff received one telephone call in opposition of this request. Planning and Zoning Commission recommended unanimous approval.

INTRODUCTION ONLY

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 2, Mobile Home and Mobile

Home Parks and providing for other changes therein. (Director of Development Services).

Ms Cantu stated this item was brought before the Planning and Zoning Commission at the request of the City Commission. Staff was requested to amend the existing ordinance to not allow manufactured homes in residential zone for commercial use. This request came about primarily due to the Special Use Permit for the manufactured house at Paulson Falls. The Planning and Zoning had a lengthy discussion about manufactured homes versus manufactured offices. The Planning and Zoning Commission recommended that 15-2-3 Temporary Permit: Special Use Permit (D) be modified as follows:

(D) All special use permit applications shall be accompanied by a fee of \$250 as stated in 15-6-4(A) of the Zoning ordinance. A SPECIAL USE PERMIT MAY NOT BE ISSUED FOR A MANUFACTURED HOME TO BE LOCATED IN ANY RESIDENTIAL ZONE FOR ANY COMMERCIAL PURPOSE; EX. A MODEL HOME IN R-1. A SPECIAL USE PERMIT MAY BE ISSUED FOR A MANUFACTURED OFFICE IN RESIDENTIAL ZONES.

The Planning and Zoning Commission recommended unanimous approval.

Mayor Pro-tem Wilson called for questions or comments.

INTRODUCTION ONLY

14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Appendix A of the Land Use Categories; Clarification of Special Use Permits for Manufactured Homes. (Director of Development Services).

Ms Cantu stated this item is similar to the previous item. This item was brought before the Planning and Zoning Commission at the request of the City Commission. Staff was requested to amend the existing ordinance to not allow manufactured homes in residential zone for commercial use. She then provided information that was added at the bottom of the chart: This Special Use Permit does not include or allow for a manufactured home for use as a sales office or any type of commercial use. The Planning and Zoning Commission recommended unanimous approval.

INTRODUCTION ONLY

Mayor Pro-tem called for motion to remove Agenda Item #8 from the table.

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

Chief Torres addressed the Commission regarding Agenda Item #8. He explained the three proposals that were in the agenda packet. He stated that Fencing Inc had the lowest bid. He added that there had been a question about this bid. He explained that this was a current bid which had been white-out. Mayor Pro-tem Wilson asked Chief Torres for his recommendation. Chief Torres replied he is still waiting on a local contractor to bid but has not received that information. With the information at hand, he recommended the bid be awarded to Fencing Inc.

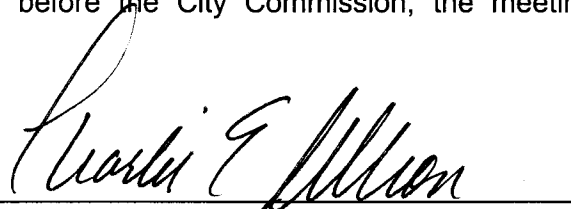
Mayor Pro-tem Wilson called for questions or comments. **Commissioner Laskowski made a motion to reallocate \$12,570.00 for the placement of a fence around the radio tower and the guy wires and that the reallocation is from the Series 2002-2002A for Fencing Inc, seconded by Commissioner Garcia.**

There was discussion on trying to get the County to pay for half the cost of the fence.

Commissioner Laskowski provided an amendment to his motion to say that the City make every effort to collect the 50% that is due from the County with regard to fencing in this property, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Wilson, Pecos, Garcia, Laskowski voting "FOR". Fugate "ABSENT".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:35 P.M.



Charles E Wilson, Mayor Pro-tem

ATTEST:



Edna S Lopez, City Secretary