

MAY 29, 2007

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON TUESDAY, MAY 29, 2007 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
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
Jennifer Vela, Litter Abatement Officer
Jaime Garza, Task Force Commander
Susan Ivy, Parks Director
Yolanda Cadena, Health Director
Dora Byington, Purchasing Director
Mark Rushing, Finance Director
Al Lopez, Fire Chief
Bill Donnell, Public Works Director
John Garcia, Garage Superintendent
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Wilson called the meeting to order in the City 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 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 Monday, May 14, 2007. **Commissioner Pecos made a motion to accept the minutes, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Wilson, Garcia, Laskowski, Pecos voting "FOR". Fugate "ABSENT".**

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

1. Public Hearing regarding condemnation proceedings for structures located at 500 block of W. Santa Gertrudis. (Litter Abatement Officer).

Upon Commissioner Garcia's requested this item was heard as the last public hearing.

The public hearing was opened at 6:25 P.M.

Ms Jennifer Vela, Litter Abatement Officer stated the eight structures behind 500 W Santa Gertrudis are being considered for condemnation. She stated these structures are need of attention, property owners have received letters, and notice of public hearing.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Garcia asked for the length of time the apartments have been vacant. Ms Vela replied for quite some time. Commissioner Laskowski asked City Attorney Alvarez if each multiple structures should have been considered for condemnation in a public hearing held for each individual one. City Attorney Alvarez replied that this could go either way. She stated that since it was the same property owner that had all the lots that was the way that the former City Engineer sent out the notice to the property owner. She stated that in his letter the former City Engineer listed the specific defects with regard to each particular lot. Commissioner Garcia stated he had spoken to Attorney Leo Villarreal and that he was under the impression that someone would be in attendance to speak on this item.

Mayor Pro-tem Wilson called for questions or comments.

The public hearing was closed at 6:30 P.M.

2. Public Hearing to rezone 6.05 acres out of K.T.& I, Block 3 Part of Farm Lot 10 from AG Agriculture to R-1 Single Family, property located at 2302 Young Drive, applicants Greg & Stacey Florence. (Interim Director of Development Services).

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

Mr. Bill Donnell, Interim Director of Development Services stated this is a property to be rezoned from Agriculture to R-1 Single family. The family is waiting for the results of the rezone to build house.

Mayor Pro-tem Wilson called for questions or comments. There were no comments made.

The public hearing was closed at 6:07 P.M.

3. Public Hearing to rezone 0.50 acres out of K.T.&I, Block 20 Part of Farm Lot 1 from I-1 Light Industrial to MH Mobile Home, property located on South Franklin Adams, applicants Jose & Aida Razo. (Interim Director of Development Services).

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

Mr. Donnell stated this tract is out of the Tiffie's estate, the rezoning is from light industrial to mobile home. The applicants are waiting approval for the movement of a manufactured home.

Mayor Pro-tem Wilson called for questions or comments. Mr. Jose Razo, who resides at 2801 S Brahma Blvd asked that Ms Tiffie make comments for him. Ms Tiffie approached the Commission with a copy of the area map. She provided information on previous rezones at that location. She stated that Mr. & Mrs. Razo have been waiting since February to move their manufactured home and they are requesting approval. She stated that originally this area was part of the subdivision.

Commissioner Garcia asked for clarification for the purpose of the corner. Ms Tiffie stated that when the subdivision was started, two of the homes were repossessed homes that needed to be refurbished. She stated that any work done on these homes would have been manufacturing which is against city ordinance. She stated that it was agreed upon between the Planning and Zoning Commission, the Director and the landowner that this location would be called Light Industrial. This area would allow for refurbishing and after completion, the manufactured homes could be moved to their permanent location. Commissioner Garcia asked who suggested this idea. Ms Tiffie replied it was Ms Detloff.

The public hearing was closed at 6:13 P.M.

4. Public Hearing to rezone 0.50 acres out of K.T. & I, Block 20 Part of Farm Lot 1 from AG Agriculture to MH Mobile Home, property located on South Franklin Adams, applicant Billy Tiffie. (Interim Director of Development Services).

The public hearing was opened 6:13 P.M.

Mr. Donnell stated this lot is south of the previous location which is zoned Ag. The applicant is requesting this location be zoned to Mobile Home. He stated the applicant owns the surrounding area, except for the lots located to the north.

Mayor Pro-tem Wilson called for questions or comments. Ms Debbie Tiffie, address is at 810 W King but lives at 2714 S Franklin Adams. She provided information on the last lot that will be sold. She stated that when the last lot is sold that will pay for the water line.

The public hearing was closed at 6:16 P.M.

5. Public Hearing to rezone 2.38 acres out of Haggerton Addition, Lot 4 from AG Agriculture to R-1 Single Family, property located on FM Road 3320, applicant Miguel Ramirez. (Interim Director of Development Services).

The public hearing was opened 6:16 P.M.

Mr. Donnell stated this is the furthest lot north in Haggerton Addition which is vacant. The applicant is awaiting zoning change to have a house constructed at this location.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Laskowski asked a question on the maps that were provided to them in their packets. He stated that it appears that the drawing shows a jog in the property. Mr. Donnell replied that the intent of that is for mortgaging purposes.

The public hearing was closed at 6:18 P.M.

6. Public Hearing to rezone 0.9773 acres out of Vista Alegre, Block 2, Lots 13-20 from R-1 Single Family to C4 Commercial District, property located at 1436 E Yoakum, applicant Reverend Edmond Carmody Diocese. (Interim Director of Development Services).

The public hearing was opened 6:18 P.M.

Mr. Donnell stated property is being rezoned to C1. He stated there was a typo of R-1 Single family to C-1 and not C-4. He stated that Planning and Zoning approved this to be rezoned to a C-1 which has more restrictions. Mayor Pro-tem Wilson asked about legality of the item due to typo. City Attorney Alvarez stated that the public notice that was published in the newspaper had the C-1 and the item posted had the C-4, but it had originally gone to Planning and Zoning it was listed as a C-4. She stated that the Planning and Zoning Commission chose a more restrictive use which is okay. Mayor Pro-tem Wilson voiced his concern of the how this was advertised and how the public thought this area would be used for. City Attorney Alvarez once again clarified the situation.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Laskowski questioned the map which shows that Yoakum is opened to 19th, but it is not. Mr. Donnell replied the information came from the appraisal roll.

The public hearing was closed at 6:25 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 that the Historical Board has two vacancies and that Ms Suzan Killian is interested in serving. Commissioner Laskowski asked for an update on a water well located on the south side. Mr. Donnell stated only one bid was received for the pump house and that the City will have to re-bid. Commissioner Laskowski asked when the high bid was received. Mr. Donnell replied the bid was received about three or four months. Commissioner Laskowski voiced his concern about summer time coming and having large pressure on the City's wells due to people watering. He asked that the project be moved expeditiously to get well in service. City Manager Yerena stated he would get with the contract engineer and a report as to the timeline of the project will be provided at the next meeting.

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

Mayor Pro-tem Wilson called for the City Attorney's report. City Attorney Alvarez reported the next Collective Bargaining meeting with the Fire Department, and on working on dates to get started with the Police Department Collective Bargaining unit. She reported that budget packets are due on Thursday. She reported that the City Secretary will be attending a conference and that the agenda for the next Commission meeting of June 11th will be posted on Tuesday, June 5th. She provided information on the technical committee meeting and public hearing for the JLUS. The public hearing will be held on Thursday, June 7th from 6:00 P.M. to 8:30 P.M.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Laskowski stated that the public hearing is on the same night as the Alumni Mixer.

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

Mayor Fugate called for the City Commission's reports. There were no comments or reports.

IV. Public Comment on Agenda Items³

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

Mayor Pro-tem Wilson called for comments on all agenda and non-agenda items. There were no comments made.

Mayor Pro-tem Wilson called for consideration of the Consent Agenda, Items 1-3.

V. Consent Agenda

1. Motion to approve the submission of an application for the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program which allows states and local governments to support a broad range of activities to prevent and control crime and improve the criminal justice system. (Police Chief).

2. Motion to approve Resolution of the City of Kingsville approving the Parks and Recreation Master Plan for the City of Kingsville and Kleberg County Park System. (City Manager).

3. Motion to approve the cancellation of the balance of a twenty-four month contract with Noble Cleaners providing laundry services for the Firefighters. (Purchasing Director).

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: Wilson, Pecos, Garcia, Laskowski voting "FOR". Fugate "ABSENT".

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider condemnation of structures located at 500 block of W. Santa Gertrudis. (Litter Abatement Officer).

Ms Vela stated it is requested that the eight structures be condemned. She stated that notices were sent and received with proper signatures. She stated she has not received notice to the intentions of the property owner.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Garcia requested that Mr. Bailey who arrived late be allowed to speak. Mayor Pro-tem Wilson called for Mr. Lin Leo Bailey, Jr who resides at 5547 FM 89, Lot A, Tuscola, Texas 79562 to address the Commission. He stated that he would like the National Guard to demolish the property. Ms Vela stated she will get with Mr. Bailey to get this done.

Commissioner Laskowski asked about the cost for hauling off debris. City Manager Yerena replied that was correct the City would absorb the cost if the National Guard demolished these properties. Commissioner Laskowski voiced his concern about demolishing eight buildings for one property owner. He stated that this does not send a good message to the community that landlords with run down property all over town can just let the properties go and that the City will under the KWOP program tear down the house and have them hauled off, free of charge at taxpayers expense. City Manager Yerena stated that this would be a deviation from what has been done.

Commissioner Garcia stated he agreed with Commissioner Laskowski, but asked how long the City will tolerate these types of properties. Commissioner Garcia stated that each lot has a legal description which constitutes separate property. City Manager Yerena stated he did not know if Staff is capable of demolishing these structures since they are two-story buildings. Commissioner Garcia voiced his concern regarding these properties; he stated they should be secured to keep children and vagrants out. Ms Vela stated these structures are very unsafe. Commissioner Laskowski stated the properties that front those properties are not any better. Ms Vela stated the process for the structures in the front has been started.

Mayor Pro-Tem Wilson called for motion.

Commissioner Laskowski made a motion that the structures located at 511 ½, 513 ½, 515 ½, 517 ½, 519 ½, 521 ½, 523 ½, and 525 ½, West Santa Gertrudis are not able to be repaired, that the building or structure is unsafe, and it's present condition is a violation of ordinance and can not be corrected without substantial reconstruction and declare the building or structure to be a public nuisance and order the demolition by the owner or agent in charge within 45 days and if not done the City shall abate in any manner it deems necessary and proper, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski voting "FOR". Fugate "ABSENT".

5. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 6.05 Acres out of K.T. & I., Block 3 Part of Farm Lot 10, from AG Agriculture to R-1 Single Family. (Interim Director of Development Services).

Mr. Donnell stated letters were sent to adjacent property owners and no objections were received. The applicant's intentions are to build a single family residence and the zoning does not conflict with any AICUZ regulations.

Mayor Pro-tem called for questions or comments.

INTRODUCTION ONLY

6. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.50 Acres out of K.T. & I, Block 20 Part of Farm Lot 1, from I-1 Light Industrial to MH Mobile Home. (Interim Director of Development Services).

Mr. Donnell stated this property is vacant, City water and sewer is available private septic. The applicants are wishing to move a manufactured housing onto the property. He stated that letters were sent and received no opposition. He stated that the property does not conflict with AICUZ regulations.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Laskowski stated that the Planning and Zoning Commission denied this item with a vote of 5/1. He stated that in order for the Commission to overwrite that vote, a 2/3 vote is required. City Attorney Alvarez provided information on the required vote, she stated the vote had to be a 4/5 vote which would have to be a unanimous vote at tonight's meeting.

INTRODUCTION ONLY

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.50 Acres out of K.T. & I, Block 20 Part of Farm Lot 1, from AG Agriculture to MH Mobile Home. (Interim Director of Development Services).

Mr. Donnell stated this is a vacant property, and City water is available. He stated that this does not affect the AICUZ regulation. He stated that letters were sent out and received no opposition. He stated that the Planning and Zoning Commission voted 6/0 to deny the rezone, on the fact that it was less than 5 acres.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Laskowski asked about the revisiting of the ordinance to address these types of concerns in the future and if the Planning and Zoning Commission was working on such an ordinance. Mr. Donnell replied they were not.

INTRODUCTION ONLY

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 2.38 Acres out of Haggerton Addition Lot 4, from AG Agriculture to R-1 Single Family. (Interim Director of Development Services).

Mr. Donnell stated this is a vacant property, City water and sewer is available. The proposed zoning change does not conflict with AICUZ regulations. He stated that letters were sent out and received no responses. He stated that Planning and Zoning Commission recommended unanimous approval.

Mayor Pro-tem Wilson called for questions or comments.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.9773 Acres out of Vista Alegre, Block 2, Lots 13-20, from R-1 Single Family to C4 Commercial District. (Interim Director of Development Services).

Mr. Donnell stated the property was not vacant, City water and sewer is available. He stated proposed change does not conflict with AICUZ regulations. He stated that the Planning and Zoning Commission recommended unanimous approval to rezone to C-1. City Attorney Alvarez stated the ordinance will be modified to reflect the C-1.

Mayor Pro-tem Wilson called for questions or comments. Commissioner Garcia asked if property was vacant. Mr. Donnell replied there is a building and there was an error in his memorandum.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter X, Article 3, Traffic Control Devices; providing for the installation of a stop sign on Brook Lane at Paulson Falls Boulevard for east and west bound traffic. (Interim Director of Development Services).

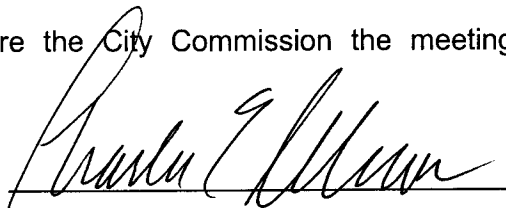
Mr. Donnell stated the developer has concerns with traffic in that area.

Mayor Pro-tem Wilson called for questions or comments


INTRODUCTION ONLY

VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 6:58 P.M.


Charles E Wilson, Mayor Pro-tem

ATTEST:


Edna S Lopez, City Secretary