

APRIL 14, 2008

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 14, 2008 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  
Edna S Lopez, City Secretary  
Courtney Alvarez, City Attorney  
Armando Gutierrez, City Engineer  
Al Lopez, Fire Chief  
Ricardo Torres, Police Chief  
Diana Gonzales, Human Resource Director  
Yolanda Cadena, Health Director  
Dianne Leubert, Solid Waste Superintendent  
Dora Byington, Purchasing Director  
Joe Casillas, Water Production Supervisor  
Macario Mayorga, Water Supervisor  
Fidel Gonzalez, Task Force Commander

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M., and announced quorum as present.

**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 March 26<sup>th</sup>, 2008. **Commissioner Pecos made a motion to approve the minutes, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting “FOR”.**

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

1. Public Hearing to discuss the Kingsville Joint Land Use Study (JLUS) by Matrix and the Kingsville Comprehensive Master Plan by Kendig Keast. (City Engineer).

The public hearing was opened at 6:02 P.M.

Mayor Fugate announced this was the time to speak on these subjects.

Mr. Armando Gutierrez, City Engineer announced he was available for any questions. Mayor Fugate announced these items were heard at several previous workshops. City Manager Yerena stated the Commission would receive a copy of the master plan. Mr. Gutierrez provided information on the previous workshops. Upon a question from Commissioner Wilson, Mr. Gutierrez stated that ten final copies will be provided with corrections.

Mayor Fugate reminded the audience that this was the time to comment because the Commission could dialogue. Upon a question from Mr. Gene Jones, Commissioner Wilson explained the procedure. Mr. Gene Jones, 609 W Escondido stated that without seeing the final draft he really could not make comments. He asked several questions on the procedure. Mayor Fugate stated he would like to think that City staff is available to answer questions from the public.

Mr. J.F. Garcia, 1632 E Santa Gertrudis stated he was opposed to this JLUS. He stated that in his opinion, he believes the path undertaken to adopt this plan is not necessary. He further stated that this is because in the last forty years the community has been in zero growth and therefore there is no encroachment at this time. He stated while the City is moving to restrict growth, Corpus Christi is moving aggressively on a different direction.

Mayor Fugate stated he agreed with Mr. Garcia that within the last seven years encroachment has not been an issue, but now, all you have to do is drive down General Cavazos to see that encroachment is an issue. He stated that it is the Commissions' responsibility to make sure that the property that remains undeveloped is developed with something that is compatible with the Base. Mayor Fugate stated this study would give a lot of mechanisms in helping the landowners around the base.

The public hearing was closed at 6:20 P.M.

### III. Reports from Commission & Staff.<sup>2</sup>

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Convention and Visitor's Bureau, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration – Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations. No formal action can be taken on these items at this time."*

Mayor Fugate called for reports.

City Manager Yerena reported on the next Trash-Off Day, April 19<sup>th</sup>; KWOP begins on May 12<sup>th</sup> with nineteen structures to be demolished; the date of the next regular City Commission meeting, April 24<sup>th</sup>; and the dates for early voting. He announced that the City has received notification that City Secretary Edna Lopez has completed all the requirements for the certification of Texas Registered Municipal Clerk.

Ms Alvarez, City Attorney reported that the next City Commission meeting will be the meeting for the second reading for the final passage or adoption of the JLUS and Master Plan ordinances. She stated comments on these two items can be made in the public comment section. She reported on a blood drive to be held at the Public Works building; and on receiving a letter from a non-profit organization called Scenic Texas, Inc. alerting the City to new TXDOT rules that allow digital billboards in Cities. She added that shortly thereafter in the TML legislative update a similar notice was received. She stated she will have an item on the next agenda to discuss possible passage of an ordinance to decide to temporarily ban such ordinances or limit their locations or size of things of that nature. She stated this maybe something that ties into some the JLUS issues with regard to light impediments for night flying.

Commissioner Pecos congratulated the City Manager and his staff on some street repairs, cleaning of an alley, and mowing grass. Commissioner Laskowski announced volunteers are needed for Trash-Off Day. Commissioner Garcia announced the opening of I-Hop on Tuesday morning.

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

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

Mayor Fugate called for comments on all agenda and non-agenda items. There were no comments.

**V. Consent Agenda**

NONE

**REGULAR AGENDA**

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

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

1. **ORDINANCE ORD2008-14 Consider final passage of an ordinance amending the Fiscal Year 2007-2008 budget for the City of Kingsville to allocate an increase in revenues from various sources for expenditures in various departments in the General Fund and the Capital Projects Fund. (Finance Director).**

Mr. Mark Rushing, Finance Director stated this was presented at the last meeting, and no changes have been made.

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

2. **Consider introduction of an ordinance adopting the Kingsville Joint Land Use Study (JLUS). (City Engineer).**

Mr. Gutierrez stated this study analyzes, reviews the different issues that may exist between the Base and the City and allows the staff to identify and develop the area. He announced that the Consultant from Matrix, Ms Molly Bosley was present to answer any questions. City Manager Yerena thanked Mr. Richard Tenga from the Office of Economic Development, Kingsville NAS Commanding Officer, and the Commission for attending the meetings.

Commissioner Laskowski voiced his concern that one of the recommendations was to put a member of the Navy on the Planning and Zoning Committee in an advisory capacity. He stated that every effort should be made to ensure that the Navy is aware of any zoning changes that would be considered by the Planning and Zoning. He added that they should receive all of the documentation necessary to advise them of that. He stated that being on the Planning and Zoning in an advisory capacity would give them more strokes with the Planning and Zoning Commission. He stated this could give them an advantage in making recommendations to the Planning and Zoning which would be heated. Commissioner Laskowski stated this is the only thing he saw in this plan that jumped out at him, that we would put them in that position. Mayor Fugate stated that the flip side of this was that the rest of the members are citizens of Kingsville. He stated the intent of the JLUS Study is to make sure everything being done is compatible with military operations. City Manager Yerena stated the Navy would be in an ex-officio member position. Commissioner Wilson stated the JLUS is simply a plan, a comprehensive plan of how the City believes we should grow to protect an asset that is vital for the survival of the community. Mayor Fugate stated this is just a plan. Commissioner Wilson stated implementation will come at a later time.

**INTRODUCTION ONLY**

3. **Consider introduction of an ordinance adopting the Kingsville Comprehensive Master Plan. (City Engineer).**

Mr. Gutierrez stated additional recommendations were included in the final copy of the comprehensive plan book and the JLUS Study was incorporated into the book. Ms Naina Magon, from Kendig Keast addressed the Commission and stated there were minor changes and editorial comments were incorporated. She stated results from the privatization exercise were incorporated. She provided information on a list that summarizes the table.

#### INTRODUCTION ONLY

At this time Mayor Fugate presented two proclamations.

**4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XIII, Article 2, Offenses against Public Peace and Safety, Sections 13-2-10 to 13-2-13 and Sections 13-2-20 to 13-2-23, providing for the renewal of the Curfew Regulations for Minors and the daytime Curfew Regulations for Minors. (City Attorney).**

Ms Alvarez stated this ordinance has to be renewed every so many years. She stated the ordinance has a lot of positive benefits for the children's safety and the Police Department.

#### INTRODUCTION ONLY

**5. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter IX, Article 5, Fire Prevention and Protection, revising language to accurately reflect the publishers of the International Fire Code. (City Attorney).**

Ms Alvarez stated that the Building Official and the Fire Marshal had discovered an error dating back to when the Code book was revised in 2001, the editorial needed to be changed to accurately reflect who the publisher was, from Southern Building Code Congress to the International Code Council.

#### INTRODUCTION ONLY

**6. Discuss and consider amendment to the Jail Contract with the County. (City Manager).**

Ms Alvarez stated that on October 8<sup>th</sup>, 2007, this Commission pasted an amendment to this contract between the City and the County relating to the jail. She added that the original contract between the two entities indicated that while in the first twenty year term of the contract, the initial term was broken down into two ten year periods. She stated that for the first ten year period which was recently completed, the price per bed and number of beds is set by the contract. Ms Alvarez stated that in the second part when the initial twenty year term starts, the price per bed and number of beds can be renegotiated. She added that the City is never required to have less than ten beds so long as they choose. With that in mind, this Commission passed an amendment to keep the number of beds the same, ten beds per day, and the Commission allowed for an increase of \$35.00 to \$45.00 per bed per day. Ms Alvarez stated that essentially this was the only thing amended from the initial contract. She stated that the City Secretary had sent the amendment to the contract to the County, but no feedback or response has been received. She stated an invoice was received from the Sheriff requesting payment at a rate of \$45.00 per bed per day, dating back to October 1, 2007. She added the signed copy of the amendment has not been received from the County and that prior to authorizing that payment confirmation to the contract amendment is needed. Ms Alvarez stated that the City Secretary has advised that she receives a copy of the County's minutes via email and that a County meeting was held on March 24<sup>th</sup>, to discuss the jail contract and finally some action was taken. She stated that the City has no record of the action taken other than the brief minutes. She stated the minutes reflect that the County is accepting the \$45.00 per bed

per day and they wanted to make sure that the increase in the rate per bed per day would be retroactive back to October 1, 2007. Finally, Ms Alvarez stated that there is an amendment or offer on the table which does not appear to have been accepted but perhaps has been countered with some other language.

Upon a question from Mayor Fugate, Commissioner Laskowski provided information about the County's meeting where he was present. He stated the County wanted him to be the messenger and to advise this Commission of what their action was. He stated he asked several questions, but the answer was always "No". Commissioner Laskowski stated that he explained to the County Commissioners Court the amended contract from the City. He stated that their response was that they wanted \$45.00 per day for the ten prisoners and to pay an additional \$10.00 for any additional prisoners above the ten on a daily basis. Upon a question from Mayor Fugate, Commissioner Laskowski replied that the City's contract does not address the prisoners above ten. Ms Alvarez stated what they are asking is something appropriate for the arbitration committee to resolve. Upon a question from Commissioner Garcia, Commissioner Laskowski replied the City does not receive credit for unused beds.

Chief Torres provided some information on the use of beds. Commissioner Wilson stated this is a simple matter, the amendment has not been signed, and the County did not respond, so the old contract is still in effective. He stated that the bill that is legitimate is to pay the County \$35.00 per bed used, according to the contract. He stated the City acted on this in October in good faith by trying to get the deal done and they have chosen not to act.

Ms Alvarez stated the contract is in the initial term, but in the second phase of the contract.

**Commissioner Laskowski made a motion to have the City Attorney draft a letter to the Kleberg County Judge advising him that the City has a copy of the minutes from the County meeting and until they amend the contract the City will continue to pay under the existing contract that has currently been signed by both parties, seconded by Commissioner Garcia.**

As point of order, Mayor Fugate asked a question on the wording of this agenda item. Ms Alvarez replied this was still dealing with the same agenda item.

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

**7. Discuss and consider exchanging or selling City owned property located on Loop 428 for the fair market value to the Kingsville Independent School District for the purpose of building a new school. (Mayor Fugate).**

Mayor Fugate stated he asked for this agenda item because the District is looking at realigning grades and schools. He stated the City is moving south and there is approximately 7.5 acres at this location. He stated that when he made the recommendation he thought it would be a little cleaner but was told by Ms Alvarez that the school district can give property to the City, but the City can not give property to the school district because the City is governed by the Local Government Code. City Manager Yerena stated the location is 11.013 acres as per the Appraisal District. Mayor Fugate stated he thought this would be cleaner but stated that the City needs a fire station on the south side. Mayor Fugate suggested this issue be tabled to allow dialogue between the Commission and the Board.

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


**8. RESOLUTION R2008-08 Motion to approve a Resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Palmer Drug Abuse Program (PDAP) and P.R.O.J.E.C.T. R.A.G.E. (City Manager).**

Police Chief Torres stated this is a way of giving back to the Community and give a donation of \$5,000 to PDAP. He stated funds will be monitored.

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

**VII. Adjournment.**

There being no further business to come before the City Commission the meeting was adjourned at 7:29 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, TRMC, City Secretary