

APRIL 24, 2008

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON THURSDAY, APRIL 24, 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
Bill Donnell, Public Works Director
Mark Rushing, Finance Director
Dora Byington, Purchasing Director
Diana Gonzalez, Human Resource Director
Frank Garcia, Wastewater Supervisor
Armando Gutierrez, City Engineer
Yolanda Cadena, Health Director
Dianne Leubert, Solid Waste Superintendent
Fidel Gonzalez, Task Force Commander
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City 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 Monday, April 14th, 2008. **Commissioner Laskowski made a motion to approve the minutes with corrections, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting “FOR”.**

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

There were no public hearings.

III. Reports from Commission & Staff.²

“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.”

City Manager Yerena reported on the next KWOP which will begin on May 12th, at 618 W Ave G and on Media Day, May 14th, 2008. He reported that twenty structures will be demolished. He

announced the dates for Early Voting and Election Day, May 10th, 2008. He also announced the next NIMS 400 course will take place next week.

Mr. Armando Gutierrez, City Engineer addressed the Commission and stated the design for reconstruction work on Santa Gertrudis Street was completed, as was the design for the fire station. He provided information on the project for Carriage Park is already designed and ready for bidding. He provided information as to what the previous Engineer had planned on doing: replacing existing inlets to change grade of the pipe and for the ditch to be lined with concrete. He stated that he looked at the overall picture as to why this work needed to be done, and the answer is that there is flooding in the subdivision. He stated there is flooding in the subdivision because of water coming in from across the street and mainly from Shelly Street and the high school. He provided an explanation. He stated that the drain ditch was eliminated when Shelly Street was constructed. Mr. Gutierrez explained how and where the water flows. He stated that his philosophy is that rather than spending the monies to try to improve the ditch and eliminate the flooding, which probably will not happen; he would rather intercept the water before it gets to the subdivision. He explained his proposal for intercepting the water. He further discussed the layout at the local WalMart. He stated that the policy that was passed by this Commission should be enforced by having retention ponds.

Mr. Bill Donnell, Public Works Director addressed the Commission and stated there is a new schedule for Well #23 pump house as provided by Hubert Construction. He stated there is a time delay on some deliveries, but the work will be finished within the time line allowed. He provided an update on the clean sweep project.

City Manager Yerena thanked everyone that participated at the last Trash-Off Day.

Ms Alvarez, City Attorney stated she had spoken to representative from the City of Bishop, and she asked about the ambulance service contract and they had advised they had discussed it at a recent meeting but was not acted on, some proposal have been received which are being taken into consideration. She reminded the Commission that the next regular scheduled Commission meeting will be Monday, May 12th.

Commissioner Pecos reported on relocating the red caboose that is presently located on the Bypass.

IV. Public Comment on Agenda Items³

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.

Mayor Fugate presented a proclamation for "Motorcycle Safety and Awareness Month".

Mayor Fugate called for consideration of the Consent Agenda Items #1-4. **Commissioner Garcia made a motion to accept the Consent Agenda Items #1-4, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

V. Consent Agenda Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

1. ORDINANCE ORD2008-15 Motion to approve final passage of an ordinance adopting the Kingsville Joint Land Use Study (JLUS). (City Engineer).
2. ORDINANCE ORD2008-16 Motion to approve final passage of an ordinance adopting the Kingsville Comprehensive Master Plan. (City Engineer).
3. ORDINANCE ORD2008-17 Motion to approve final passage 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).
4. ORDINANCE ORD2008-18 Motion to approve final passage 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).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, Section 15-6-130, providing for definitions, prohibitions, and grandfathering of changeable electronic variable message signs. (City Attorney).

Ms Alvarez explained that on February 2008 the Texas Transportation Commission adopted a rule change that redefines lighted billboards in a manner that prohibits electronic or LED billboards on state highways within a city's city limits or ETJ subject the City's written consent. She stated that the effective date for this rule was extended to June 1st, 2008 so that cities could adopt regulations governing these types of signs. She stated that the proposed ordinance would help address an issue that had come up in the JLUS with regard to light sources that might hinder the dark sky, and therefore affect the night vision training by impacting the use of military night vision devices and air operations at NAS-Kingsville. She stated this ordinance basically prohibits any new billboards from going up and especially prohibits the billboards that have the LED or lighted messaging signs that might stay on or revolve. Ms Alvarez stated that the signs that are currently in existence are grandfathered.

INTRODUCTION ONLY

6. Consider authorizing the City Manager to enter into a lease agreement with CAPPS for vehicles for the Task Force. (City Manager).

City Manager Yerena stated this basically allows the Task Force to lease six vehicles, at a cost of \$39,000. He stated this would lower maintenance costs and this would be a yearly contract. City Manager Yerena stated that the vehicles will be replaced at 20,000 miles.

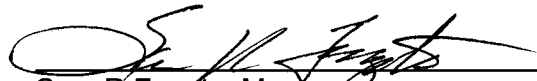
Commissioner Laskowski made a motion to authorize the City Manager to enter into a lease agreement with CAPPS for vehicles for the Task Force, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowsk voting "FOR".

Mayor Fugate announced the Executive Session at 6:35 P.M., and called a five minutes recess.


7. Executive Session pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the duties and compensation of the City Manager, the City Attorney, the City Engineer and the City Finance Director. (Mayor Fugate).

VII. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:11 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC
City Secretary