

NOVEMBER 23, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 23, 2009 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
Al Garcia, Mayor Pro-tem
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Mark Rushing, Finance Director
Diana Gonzales, Human Resource Director
Diana Medina, Collections Supervisor
Al Lopez, Fire Chief
Ricardo Torres, Police Chief
Robert Rodriguez, Library Director
Grace Garcia, Interim Task Force Commander
Joe Casillas, Water Production Supervisor
Dianne Leubert, Solid Waste Superintendent
Ken Clark, Director of Development Services
Naim Khan, City Engineer

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:00 P.M. and announce quorum as present, with four members present and Commissioner Laskowski absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by City Manager Yerena, 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, November 9th, 2009. **Commissioner Pecos made a motion to approve the minutes, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos voting “FOR”. Wilson “ABSTAINED”. Laskowski “ABSENT”.**

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

NONE

III. Reports from Commission & Staff²

“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, Health Plan Update, Tax Increment Zone Presentation, Pan American School infrastructure presentation. No formal action can be taken on these items at this time."

City Manager Yerena reported on the closing of City offices for the Thanksgiving holiday; the Fire Department administering H1N1 vaccines to the public on Friday and Saturday, December 4th & 5th; the City's participation in the Christmas parade; Media Day for KWOP on December 16th at 1400 Brookshire Drive; events of the Health Department; and updated the Commission on the Street Department's schedule for street improvements and sweeper updates. City Manager Yerena provided information on the Police Department's crime prevention programs for the holidays. Mr. Robert Viera, LNV Engineering, provided the Commission with a brief updated of Water Well #22 & #23. He stated TCEQ has been notified on the progress of Water Well #23. For Water Well #22, he stated the well's casing has a hole and specifications will be sent to TCEQ on the proposed repairs.

Mayor Fugate reported on the editorial in the newspaper regarding wind farms. He stated they are being built closer and closer to our military bases. He further explained the situation regarding the wind farms. He reported he received compliments from out-of-town visitors about the cleanliness of the City.

Ms Alvarez reported on the JLUS Implementation Committee meeting she attended last week. She provided on forming a joint airport zoning board with the County. This board could pass certain types of zoning regulations around the naval base. She stated this would be implemented in December or January. She reminded the audience about La Posada parade on December 5th.

Mayor Fugate presented Father Paul with a "Key to the City" for his service to the community as Pastor of Our Lady of Good Counsel Catholic Church.

IV. Public Comment on Agenda Items ³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Mr. Jaime Cantu, 627 E Miller, spoke on behalf of the Kingsville Boxing Club and introduced his staff and champion boxers.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-5. Commissioner Garcia made a motion to approve Consent Agenda Items 1, 2, & 4, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia voting "FOR". Laskowski "AGAINST".

V. Consent Agenda

1. Motion to approve out of state travel for City Commission and City Manager to attend National League of Cities, 2010 Congressional City Conference in Washington, D.C. from March 12th – 18th, 2010. (City Manager).
2. Motion to approve out of state travel for Police Officer Jorge Flores to attend the Desert Snow Conference in Topeka, Kansas from December 13th – 18th, 2009. (Police Chief).
3. Motion to approve an Emergency Management Interlocal Cooperation Agreement between the City of Kingsville and Kingsville Independent School District. (City Manager).

Commissioner Pecos provided several corrections to the Interlocal Agreement.

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

4. **RESOLUTION NO. R2009-62** Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Police Department for donation to the Kingsville Boxing Club. (Police Chief).
5. **RESOLUTION NO. R2009-63** Motion to approve resolution of the City of Kingsville authorizing the release of Chapter 59 funds of the Kingsville Specialized Crime & Narcotics Task Force for donation to the Kingsville Boxing Club. (Interim Task Force Commander).

Mayor Fugate stated he took this off because he wanted to discuss this. He stated the kids really need help and Mr. Jaime Cantu mentors them and does a good job. He stated they have a drug program already in place. Mayor Fugate stated the building needs a lot of work.

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **Consider introduction of an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code (Act), providing tax incentives, designating a liaison for communication with interested parties, and nominating Celanese Corporation to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as an Enterprise Project (Project). (Director of Development Services).**

Mayor Fugate stated this ordinance was previously approved but was not done right, which wasn't the City's fault. Mr. Mark Garner, on behalf of Celanese, stated the address of the facility was incorrect, so the first ordinance reflected it was not an enterprise zone, but in fact it is. This new ordinance addresses the language, and the number of employees for job retention changes from 35% to 25%.

INTRODUCTION ONLY

7. **Consider a request to waive plan review and building permit fees associated with the renovations of the Douglas Center for the Kingsville Independent School District. (City Manager).**

Mayor Fugate stated this has been a partnership through the City, KISD, and the University which will be a remodeling project. The University will use the facility for mentoring. Ms Karen Griffin, Asst. Superintendent KISD addressed the Commission, and stated this is a five year project where people will be able to come in and do some educational projects. Mayor Fugate stated the facility will also be used for social purposes by the community. The requested amount to be waived will be approximately, \$2,500.00. Upon a question from Commissioner Pecos, Ms Karen Griffin replied the monies to renovate the center are coming through Texas A&M University-Kingsville through a grant that was received with the help of Dr. Reyna from the University. She stated both building located on the property will be renovated. Upon a question from Commissioner Wilson, Ms Griffin replied at the end of the project the property will still be owned by the school, but an agreement will be issued with the Douglas Center. She stated the school district's contribution is \$36,000 for architect fees and the school is donating the building. She stated that in partnership with the grant the school district has to retain the building.

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

8. Consider appointment of a Texas A&M University-Kingsville representative to the Joint Land Use Study (JLUS) Implementation Committee. (Director of Development Services).

Mr. Clark stated that JLUS Implementation Committee felt it appropriate to designate someone to the committee from the University. He stated he tried contacting Dr. Marilyn Fowle, Vice-President in charge of Facility and Finance at the University, but was unavailable to speak to her. He added he would like for her or someone on her staff appointed to the JLUS Implementation Committee. Mayor Fugate asked that Staff have a more definitive answer from Dr. Fowle before a decision is made.

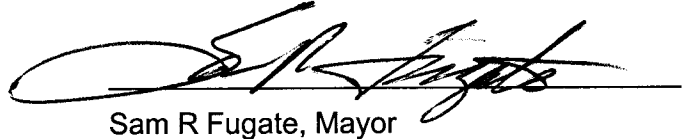
9. Consider introduction of an ordinance amending the 2009-2010 Compensation Plan for the City of Kingsville Chapter III, Article 7, Personnel Policies to rename the Main Street Manager as the Downtown Manager. (Human Resource Director).

Ms Gonzales stated this is an introduction to rename the Main Street Manager position that is in the City's Compensation Plan to Downtown Manager. The Main Street is a trademark name to the Texas Historical Commission and this position has to be renamed.

INTRODUCTION ONLY

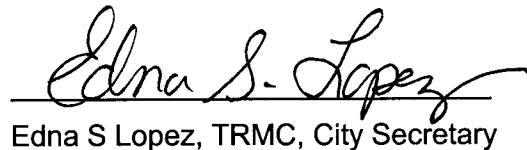
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:43 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, City Secretary