

SEPTEMBER 28, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 28, 2009 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Al Garcia, Mayor Pro-tem
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Sam R Fugate, Mayor

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Ken Clark, Director of Development Services
Naim Khan, City Engineer
Bill Donnell, Public Works Director
Mark Rushing, Finance Director
Joe Casillas, Water Production Supervisor
Robert Rodriguez, Library Director
Frank Garcia, Wastewater Supervisor
Jennifer Vela, Code Enforcement Officer
Dianne Leubert, Solid Waste Superintendent
Al Lopez, Fire Chief
John Garcia, Risk Manager
Grace Garcia, Assistant Task Force Commander
Diana Gonzalez, Human Resource Director
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present.

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 Pro-tem Garcia called for consideration of the minutes of the regular meeting of Monday, September 21st, 2009. **Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT"**

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

1. A Public Hearing on the designation of a reinvestment zone. (City Manager).

Mayor Pro-tem Garcia opened the public hearing at 6:02 P.M. and called for questions or comments on this subject.

City Manager Yerena stated the City is looking to designate the entire city as a reinvestment zone.

Ms Anna Samms, (no address given) asked for an explanation of a reinvestment zone. City Manager Yerena explained this is an area designated by the city that would make tax abatements available for business in the area.

Mayor Pro-tem Garcia closed the public hearing at 6:04 P.M.

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, Tax Increment Zone Presentation, Budget Workshop. No formal action can be taken on these items at this time."

City Manager Yerena reported on several vacancies on some of the City's Boards: Zoning Board of Adjustments, Historical Board, and Library Board. He announced there will be an awards ceremony on September 30th at 10:00 AM to acknowledge Kingsville Independent students for their participation in the City's adopt-a-spot program and that there will be a TMRS meeting for employees.

Ms Alvarez reported on the Downtown Art Walk to be held on Saturday, October 3rd, and that normal City Commission meetings will occur on Monday, October 12th.

Commissioner Wilson complimented Staff on promptly taking care of website complaints for reported potholes, and on the good work being done on Huisache Street.

Commissioner Laskowski presented two "Because You Care" awards to Ms Anita Perez and Pueblo Tire Company. He reminded the public of the next Trash-off on October 17th.

IV. Public Comment on Agenda Items³

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

Mayor Pro-tem Garcia called for comments on all agenda and non-agenda items.

Ms Marty Ontiveros, 401 E Ave C, commented on the City's tax increase and budget.

V. Consent Agenda

Notice to the Public

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider approval of the KCVB Budget for 2009-2010. (Finance Director).

Ms Carol Ann Anderson presented the budget and explained several line item increases. She stated she had followed the trend in Tourism. There was an increase to insurance and the audit which went up considerably due to new state laws. The admin part of the budget is 37%; and advertising/Promotions/ Sales are 52%. She stated that the Visitor's Center take 11% of their budget. The budget increased a total of 6.4%; they will

contribute 48% of the Hotel/Motel Tax money for the Downtown Manager that the City will hire. The total budget amount for FY 2009-2010 is \$314,200.

Commissioner Pecos made a motion to approve the KCVB Budget for 2009-2010, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Laskowski, Wilson, Pecos voting "FOR". Fugate "ABSENT".

2. ORDINANCE NO. ORD2009-29 Consider final passage of an ordinance amending the Fiscal Year 2008-2009 Budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Finance Director).

Mr. Rushing stated the budget amendment adjusts the interest revenue for the General Fund, an adjustment of \$56,221 reduction, an increase of miscellaneous revenues of \$50,000, an increase in the garbage fees additional revenues of \$242,736, and an increase in the penalty fees of \$70,000, a decrease in the delinquent taxes of \$47,940 and the penalty & interest associated of \$56,780, total increase of revenues \$362,736 and reduction, \$260,941. Total General Fund Expenditures, \$18,743. Mr. Rushing explained the adjustment to the Tourism Fund and added that they are experiencing higher revenues than the initial budget. He stated the initial budget amount was \$344,283, an additional of \$97,404, for a total of \$441,687. He further explained the split out to the KCVB. In the Utility fund there is a reduction of \$26,100 in Interest Income and increase in water sales of \$218,317. Expenditures were also increased to \$192,217, which is \$50,000 for overtime for Water Construction department, \$28,000 for Utilities and Water Production, and transfers to STWA of \$114,217.

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

3. RESOLUTION NO. R2009-50 Consider resolution approving the City of Kingsville's 2009 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (City Manager).

City Manager Yerena stated this is part of the protocol to approve the City of Kingsville's 2009 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector.

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

4. Consider authorizing the City Manager to enter into a memorandum of understanding with John Womack & Co. P.C. to audit the financial statements for the year ended September 30, 2009. (City Manager).

City Manager Yerena stated this is the MOU that is signed every year with the Auditor John Womack. This MOU is similar as to the one in the past.

Commissioner Laskowski made a motion to enter into a memorandum of understanding with John Womack & Co. P.C. to audit the financial statements for the year ended September 30, 2009, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Wilson, Pecos, Laskowski voting "FOR". Fugate "ABSENT".

5. RESOLUTION NO. R2009-51 Consider resolution accepting communication letter from Independent Auditor John Womack & Co., P.C.; Authorizing the Mayor to execute the letter on the City's behalf. (City Manager).

City Manager Yerena stated this is the yearly communication letter and the Commission must designate three items for communication.

Commissioner Laskowski made a motion to authorize the resolution accepting the communication letter and that all three items would be reported to the City Commission, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Garcia, Pecos, Wilson, Laskowski voting "FOR". Fugate "ABSENT".

6. RESOLUTION NO. R2009-52 Consider resolution nominating certain person(s) as candidate(s) for election to the Board of Directors for the Kleberg County Appraisal board. (Mayor Fugate).

Mayor Pro-tem Garcia called for questions or comments.

Commissioner Wilson made a motion to adopt the resolution nominating Al Garcia, 1125 W Henrietta Ave, Kingsville, Texas as the City's elected member, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Laskowski, Pecos, Wilson voting "FOR". Fugate "ABSENT".

7. RESOLUTION NO. R2009-53 Consider resolution establishing guidelines and criteria governing tax abatement for all taxing entities located within the City of Kingsville; Authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission; stating the City elects to be eligible to participate in tax abatements; and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (City Manager).

City Manager Yerena stated this are updated guidelines for the Tax Abatement which were revised by the City Attorney due to State Statute changes. He stated this would allow the City to have the guidelines in place and the next agenda item would allow for a reinvestment zone in place which goes hand-in-hand. Also, included is an application. The guidelines are good for a two year period. Commissioner Pecos asked what for the difference. City Manager Yerena responded the zone would make it eligible for businesses that want to participate. Commissioner Laskowski added that no matter where you open your business or improve your business it would be covered under the reinvestment zone.

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

8. Consider introduction of an ordinance designating a certain area as a Reinvestment Zone. (City Manager).

City Manager Yerena stated the designation of a reinvestment zone is required in order to make the tax abatement incentives available. The entire City would be designated as a reinvestment zone; this would need to be revised in five (5) years.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices; providing for the installation of a Stop Sign on Henrietta Ave at 5th Street for east bound traffic. (City Engineer).

Mr. Khan stated this request is from a citizen, he inspected the sight and the Police Chief agrees this stop sign is needed. Police Chief Torres stated there have been accidents in that area and this area is located behind Casa Ricardo. He stated this is for safety reasons.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 9-3-25 through 9-3-45 and adopting Sections 9-3-46 through 9-3-64; providing for a rewrite of the provisions regarding dogs and cats. (Health Director).

City Manager Yerena stated he would provide information to the Health director. Commissioner Laskowski stated he had a point of concern under 9-3-35 Number of dogs and cats at residences. He stated that according to this ordinance, each household can have no more than four (4) animal and any addition animals must be sterilized by a licensed veterinarian. He further stated that if a person wants to have dogs or cats in excess of the four (4) there is a \$50.00 filing fee. He asked if all of these animals had to be spayed and neutered. Ms Alvarez responded that if you have more than four (4) animals the animals in excess of four (4) have to be spayed or neutered. Commissioner Laskowski stated his concern was that he is not sure how well this can be enforced due to his discussion of a previous issue of a residence on Nancy Street. He stated that it might good to discuss that section a little more. Ms Alvarez asked for clarification of the section(s) needing to be discussed. Commissioner Laskowski stated he is concerned with the number of animals allowed and there should be some consideration of having a limit. Ms Alvarez stated they would have to submit an application. He stated he is concerned with the issue that all the animals must be kept within the owner's perimeter. He stated this section needs to be revised. Mayor Pro-tem Garcia asked if the Board should be asked to change this section. Commissioner Laskowski stated he had spoken to the Health Board President who stated that the Board was satisfied with this section and they are unwilling to change it. He stated it is up to the Commission to accept the Health Boards' recommendation or change it.

INTRODUCTION ONLY

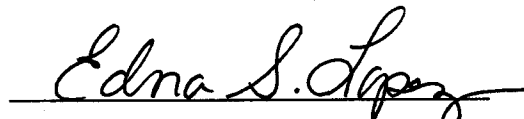
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:56 P.M.



Al Garcia, Mayor Pro-tem

ATTEST:



Edna S Lopez, TRMC, City Secretary