

OCTOBER 12, 2009

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 12, 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, Commissioner
Charles E Wilson, Commissioner
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Grace Garcia, Interim Task Force Commander
Dianne Leubert, Solid Waste Superintendent
Yolanda Cadena, Health Director
Bill Donnell, Public Works Director
Mark Rushing, Finance Director
Robert Rodriguez, Library Director
Dora Byington, Purchasing Director
Rick Torres, Police Chief
John Garcia, Risk Manager
Diana Gonzales, Human Resource Director
Naim Khan, City Engineer
Ken Clark, Director of Development Services

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:10 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, September 28th, 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 “ABSTAINED”.**

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

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

City Manager Yerena reported Staff attending the Annual TML Conference; the next Trash-off Day is on Saturday; the events of homecoming week for the high school; the City's health fair; the kick-off for Red Ribbon Week, and that the City will be hosting several events for Halloween. He reported on a school campaign project for code enforcement.

City Manager Yerena called for Mr. Robert Viera, LNV Engineering to update the Commission on Water Well #23 & 24. Mr. Viera stated that Water Well #23 was not approved by TCEQ and provided information on what is being done to get this well in service. He stated that interim approval has been received for Water Well #24 and should be running tomorrow. He then explained the process.

City Manager Yerena provided information on a meeting that was held with TXDOT, discussion was on the 14th Street drainage problem and TXDOT agreed to work with the City to see if there is an inlet problem and work on a solution. There was discussion on the drainage area on US 77 and General Cavazos, that the City will be providing grading of the area along US 77 to allow release of water into the Santa Gertrudis creek. Commissioner Pecos stated that TXDOT will also look at the area of East Corral Street and US 77. City Manager Yerena stated that other areas of the City will be focused on as well. Regarding 14th Street construction, Commissioner Laskowski stated the City designed the drainage and TXDOT did the installation, the number of inlets may have been determined by the City's ability to pay at that time and the new City Engineer believes that based on the pipe under 14th Street, some 60 inch and some 72 inch, the problem is that there is not enough inlets. Commissioner Pecos stated that TXDOT stated this is a partnership and would work with the City.

Mayor Fugate presented a proclamation to Mr. Larry Garza in honor of his father, Mr. Nerio C Garza, former City Commissioner and a proclamation was presented for "Domestic Violence Awareness" month.

Ms Alvarez reported on attending a meeting of the investment committee; and provided information on the last legislative session, the State passed a new regulation in the transportation code, "no cell phone use in the school zone". She stated this signs are going up around town.

Commissioner Laskowski encouraged the citizens to help clean-up the City by participating at Trash-off Day on Saturday.

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.

Mr. Matt Lucas, Austin, Texas, applicant for Items 8, 9, & 10, requested approval for the rezone.

Mayor Fugate called for consideration of the items on the Consent Agenda, Items 1-5. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

V. Consent Agenda

1. **Motion to approve reappointing Ms Aurora Garza, Ms Maggie Salinas, and Mr. James Glusing to the Historical Development Board to serve another three (3) year term. (Director of Development Services).**
2. **ORDINANCE NO. ORD2009-30 Motion to approve final passage of an ordinance designating a certain area as a Reinvestment Zone. (City Manager).**

3. **ORDINANCE NO. ORD2009-31 Motion to approve final passage 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).**

4. **Motion to approve out-of-state travel for Staff members and Mayor Fugate to attend "2009 Defense Community Conference" in Orlando, Florida from November 2-5, 2009, at the request of and with expenses to be paid by the OEA. (City Manager).**

5. **Motion to approve membership renewal with Electric Reliability Council of Texas ("ERCOT") for 2010 membership year. (City Manager).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

6. **RESOLUTION NO. R2009-54 Consider resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Kingsville and Texas A&M University Kingsville relating to lighting of the rights-of-way on Corral Street and Santa Rosa Drive between Armstrong Street and Santa Fe Drive. (City Manager).**

City Manager Yerena stated Staff met with the University and they are asking for street lights of the rights-of-way on Corral Street and Santa Rosa Drive between Armstrong Street and Santa Fe Drive, the City will be paying for the electricity and the University will provide maintenance and installation. This is a one year agreement renewable up to four additional one year periods. Mayor Fugate called for comments or questions. Mayor Fugate stated that eventually Santa Rosa Road will have to be widened. Upon a question from Commissioner Laskowski regarding the amount of lights to be installed, City Manager Yerena replied this information will have to come from AEP and that the lights are being installed on existing power poles. Upon a question from Commissioner Garcia regarding the distance between the power poles, City Manager Yerena responded that the lights will be installed every 300 ft as per City ordinance.

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

7. **Consider a request to waive plan review and building permit fees associated with the construction of the new Harvey Elementary School for Kingsville Independent School District. (City Manager).**

City Manager Yerena stated the City received a request from KISD to waive the permitting and the platting fees for the new Harvey Elementary School, for a total of \$15,956.88. Mayor Fugate called for questions or comments. Commissioner Laskowski stated that his hope, if this Commission approves this request, is that this will be a sign of the City's additional commitment to working with the school district, as was done when Gillett Intermediate School was built. He continued to say that when the City requested assistance from the school district with some property for a water well the City was denied. Commissioner Laskowski stated he hopes the Board will take the same approach with the City as the City has taken with KISD. Mr. Emilio Castro, KISD Superintendent stated he was certain he could speak on behalf of the Board of Trustees and the Administration, to commit to honoring any requests on working and partnering with the City in association with any needs forth coming from the construction.

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

8. **Consider approving preliminary plat for Lots 4 & 5, Kingsville Crossing Subdivision, located at Lots 4 & 5, Section 17, Block 15 Kleberg Town and Improvement Company Subdivision. (Director of Development Services).**

Mr. Clark stated this item was approved by the Planning & Zone Commission and this would create Lots 4 & 5. The owner intends to develop one of the lots with a hotel that will provide long term stays and the other lot would be developed with a casual sit down sit-down dining restaurant. The proposed uses would be permitted in the C-4 zoning district. Mr. Clark stated the Navy was made aware and there were no objections.

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

9. Consider approving final plat for Lots 4 & 5, Kingsville Crossing Subdivision, located at Lots 4 & 5, Section 17, Block 15 Kleberg Town and Improvement Company Subdivision. (Director of Development Services).

Mr. Clark stated this was also considered and approved by the Planning and Zoning Commission after the preliminary plat was approved.

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

10. ORDINANCE NO. ORD2009-32 Consider final passage of an ordinance to rezone Lots 4 & 5, Section 17, of K.T.&I. Subdivision from AG Agriculture to C-4 Commercial, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Development Services).

Mr. Clark stated this was introduced at a previous meeting and there were questions from the Commission at that time. He stated he relayed all information to the applicant at a meeting held earlier in the afternoon. He stated that basically this is the final passage to rezone from AG to C-4; the adjacent properties are the same zoning, C-4.

Commissioner Laskowski made a motion to adopt the final ordinance to rezone Lots 4 & 5, Section 17, K.T.&I. Subdivision from AG Agriculture to C-4, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

11. Consider an appointment to the Zoning Board of Adjustment. (Director of Development Services).

Mr. Clark stated there was an ordinance to expand the amount of members due to lack of quorum at the meetings. He stated the need for people to serve was publicized and Mr. Frank Resendez, Sr. has volunteered to serve. Mr. Resendez is a former city employee and lives in the city.

Commissioner Wilson made a motion to appoint Mr. Frank Resendez, Sr. to the Zoning Board of Adjustment, seconded by Commissioner Laskowski and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia, Wilson voting "FOR".

12. Consider appointments to the Historical Development Board. (Director of Development Services).

Mr. Clark stated there are two people interested in serving on the Board, Ms Lisa Munoz and Ms Susana Killion. Both applicants are supported by the current members of the Board. Ms Munoz owns a business on Kleberg Street and Ms Killion lives in the historic district of the City.

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

13. Consider an appointment to the Library Board. (Library Director).

Mr. Rodriguez stated he is requesting the appointment of Mr. Tadeo Reyna, Jr. to the Library Board. Dr. Reyna is the director of the Center of Continuing Education and the Office of International Studies and Programs at Texas A&M Kingsville. Dr. Reyna is a Kingsville resident.

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

14. RESOLUTION NO. R2009-55 Consider resolution establishing the City of Kingsville Investment Policy and Investment Strategies; Designating the City Manager, Director of Finance, and City Accountant as the Authorized City Representatives with full authority for investment purposes, and providing for disclosure of financial interest. (City Manager).

City Manager Yerena stated this is done annually and the City is basically adopting the same policy. The only change to the policy is that the City is putting in CD's as an investment instrument which allows for additional diversification.

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

15. RESOLUTION NO. R2009-56 Consider resolution of the City of Kingsville approving Chapters 1-5 of the Rules and Regulations of the Firefighter's and Police Officer's Civil Service Commission of the City of Kingsville as recommended by the City of Kingsville Civil Service Commission. (Human Resource Director).

Ms Gonzales stated the Civil Service Commission met on September 15, 2009 and started working on updating the November 1983 City of Kingsville Civil Service Rules and Regulations for Firemen and Policemen. The Civil Service Commission reviewed and unanimously approved Chapters 1-5 of the new revised manual. As per current Civil Service Rules and Regulations, Article VIII Miscellaneous Provisions, Section 3, Changes of Rules, any "changes shall not become operative until approved by the City Commission." She noted the distinction on Chapter 5 Rule Making; this newly stated rule does not make it necessary to bring any changes to the Civil Service Rules and Regulations before the City Commission for approval. Ms Gonzales provided the names of cities that do not require their City Commission or City Councils to approve rules passed by the Civil Service Commission.

Upon a question from Commissioner Garcia regarding legal implications for approving or not approving the rules, Ms Alvarez replied it is not required under Chapter 143. Mayor Fugate called for further comments or questions. Commissioner Garcia asked if the motion would be to have the City Commission approve any changes. Commissioner Laskowski replied "No" this would take away the Commissions' authority. Commissioner Garcia stated in the past the history has been that the City Commission approves any changes. Ms Gonzales stated the most recent action was the approval by the City Commission of the Efficiency Report. Commissioner Laskowski stated that the City Commission will be held accountable regardless of whether it is the City Commissions' decision or not, and the City Commission should have the opportunity to at least say, yea or nay.

Commissioner Pecos made a motion to approve Chapter 1-4. Ms Alvarez asked if the motion was to include that any changes would come back before the City

Commission. Commissioner Pecos responded that was correct. The motion was seconded by Commissioner Laskowski. Mayor Fugate stated the motion is to approve all the changes with the exception that any other decisions made by the Board have to come back to the City Commission for approval. Commissioner Laskowski stated that the City Commission is adopting the new rules and changing Chapter 5. Ms Gonzales stated the way Chapter 5 is written any future changes or amendments that the Civil Service Commission makes would be effective without having to come before the City Commission. Commissioner Laskowski stated that the motion is to require any changes made or approved by the Civil Service Commission would have to come back for ratification by the City Commission. Upon a question from Commissioner Laskowski, Commissioner Pecos responded that was his motion. Mayor Fugate stated that by this motion the City Commission is approving Chapters 1-4 and not approving Chapter 5. He stated Chapter 5 deals with any changes in the regulations do not have to be approved by the City Commission.

There was lengthy discussion about Chapter 5; Ms Alvarez stated that she would add to Chapter 5, 5.03 at the end of the sentence, "after approval by City Commission". Mayor Fugate called for roll-call vote. **The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski, Pecos voting "FOR".**

16. Consider introduction of an ordinance amending Chapter VII, Article 5, Traffic Schedules, Schedule I: Speed Limits, establishing a speed limit in Paulson Falls Subdivision with signs on Paulson Falls Boulevard for 15 miles per hour and on Alice Lane for 15 miles per hour. (City Engineer).

Mr. Khan stated this request was made due a lot of construction in the area and for the safety of the children. Commissioner Laskowski stated the City is setting precedence if this is done.

INTRODUCTION ONLY

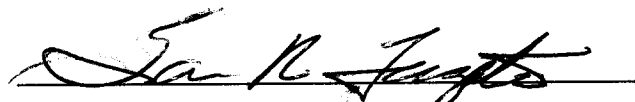
17. RESOLUTION NO. R2009-57 Consider a resolution dissolving the 1987 Joint Resolution with Kleberg County for a City/County Emergency Management Program and re-establishing the City of Kingsville Emergency Management Program. (Mayor Fugate).

Mr. Garcia stated this is a formality requested by the State.


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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:32 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, City Secretary