

NOVEMBER 9, 2009

A REGULAR MEETING OF THE KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 9, 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
Arturo Pecos, Commissioner
Stanley Laskowski, Commissioner

CITY COMMISSION ABSENT:

Charles E Wilson, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Naim Khan, City Engineer
Bill Donnell, Public Works Director
Al Lopez, Fire Chief
Diana Gonzalez, Human Resource Director
Ricardo Torres, Police Chief
Mark Rushing, Finance Director
Joe Casillas, Water Production Supervisor
Yolanda Cadena, Health Director
Grace Garcia, Interim Task Force Commander
John Garcia, Risk Manager

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, four members present and Commissioner Wilson 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, October 26th, 2009. **Commissioner Laskowski made a motion to approve the minutes, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting “FOR”. Wilson “ABSENT”.**

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

1. A Public Hearing for an alcohol variance application for the Kingsville Food Mart located at 1102 S. 6th Street. (City Secretary).

Mayor Fugate opened the public hearing at 6:02 P.M.

Ms Lopez, City Secretary stated a request for a variance for a wine and beer retailer's off-premise permit was received for a business known as Kingsville Food Mart, located at 1102 S 6th Street. This business previously had a permit but due to a change of ownership, has had to apply again. Letters were mailed to surrounding property owners and there were no objections.

Mayor Fugate closed the public hearing at 6:05 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, Pan American School infrastructure presentation. No formal action can be taken on these items at this time."

City Manager Yerena reported on the next National Guard mission in the City of Kingsville on December 6th – 18th with twenty structures to be demolished; City offices will be closed on Wednesday in observance of Veterans Day; a successful Halloween event; and 1,100 people viewing the Task Force Haunted House. He provided information on street improvements and sweeper update. Mr. Donnell provided an update on the status of delivering the new containers.

Mr. Jerry Bravenec, Insurance Agent addressed the Commission and stated the report for tonight is for the plan year 2008-2009. He stated the plan is performing very well and had come in below expectations. He stated this is the City's second best plan year in the last two to three years. He introduced Mr. Rick Medrano, Entrust representative. Mr. Medrano addressed the Commission providing information on the City's plan year plan analysis from October 2008 through June 2009; Aggregate report; Paid Claims by Type; PPO Savings by Claim Type; PPO utilization; Paid claims by member type; Top 10 providers; Aggregate claim loss ratio; Aggregate claim history; Claim utilization trends; and PPO Savings trends. Mr. Medrano commented it was a very good year for the City.

Ms Alvarez reported on the next meeting for JLUS Implementation Committee is scheduled for November 16th, 2009 at the Chamber of Commerce; on the closing of City offices on Wednesday in observance of Veterans Day, and on the next Commission meeting scheduled for Monday, November 23, 2009.

Commissioner Laskowski encouraged the citizens of Kingsville to go on-line to vote for TAMUK Coach Bo Atterberry for Coach of the Year. He announced the play-off game for the Javelinas on Saturday. Mayor Fugate commented that Coach Atterberry and Staff are doing a good job. Commissioner Pecos provided information on the meeting held with TXDOT and several other persons regarding the flooding on Corral Street and Brookshire Street. Commissioner Garcia reported that he entertained a Girls' Scout Troop who visited City Hall, which is part of earning their patches. Mayor Fugate reported on his trip to Orlando, Florida to attend the Department of Defense Office of Economic Adjustment conference. He stated that they wanted Kingsville there because of the City's implementation of the JLUS. Commissioner Pecos announced the Veterans Day parade on Wednesday.

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. John Joiner, 412 Nelda, Deacon St. Gertrude Church, commented on a problem with the limited parking at St Thomas Aquinas Catholic Center.

Mr. Rudy Galvan Jr., 1400 Palm, spoke in opposition of the proposed zone change for the property located behind Lowe's.

Mayor Fugate called for consideration of the items in the Consent Agenda, 1 & 2. **Commissioner Laskowski made a motion to accept the Consent Agenda, seconded**

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

V. Consent Agenda

1. ORDINANCE NO. ORD2009-34 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XV; Providing for adoption of Article 10, Irrigation Systems and Regulations pertaining thereto in order to establish the minimum standards for installation of irrigation systems within the corporate limits of the City and the extraterritorial jurisdiction; and providing for a criminal penalty, Class C Misdemeanor not to exceed two thousand dollars (\$2,000.00) for violation of the code. (Director of Development Services).
2. ORDINANCE NO. ORD2009-35 Motion to approve final passage of an ordinance amending the Fiscal Year 2009-2010 Budget for the City of Kingsville to remodel City Hall conference room. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider approval of alcohol variance for the Kingsville Food Mart located at 1102 S. 6th Street. (City Secretary).

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

4. ORDINANCE NO. ORD2009-36 Consider final passage 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 will not cost the City anything and Kingsville is the host community. He added this will help Celanese with some of their issues. Upon a question from Mayor Fugate, Ms Alvarez replied Staff has not been made aware of any down sides. Mayor Fugate called for further discussion or a motion.

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

5. RESOLUTION NO. R2009-60 Consider resolution casting the City of Kingsville's votes to candidate Al Garcia for election to the Board of Directors of the Kleberg County Appraisal District. (City Manager).

Commissioner Laskowski made a motion to adopt this resolution and give 100% of the City's votes to Commissioner Al Garcia, seconded by Mayor Fugate. The motion was passed and approved by the following vote: Fugate, Pecos Laskowski voting "FOR". Garcia "ABSTAINED". Wilson "ABSENT".

6. Consider awarding Bid No. 10-19 for the purchase of ambulance medical supplies. (Purchasing Director).

Fire Chief Lopez stated the recommendation is to award the bid to the sole bidder, Southeastern Emergency Equipment from North Carolina.

Commissioner Garcia made a motion to award the bid to Southeastern Emergency Equipment, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Pecos, Laskowski, Garcia voting "FOR". Wilson "ABSENT".

7. Consider awarding contract for janitorial maintenance services for City Hall. (Purchasing Director).

City Manager Yerena stated he concurs with the recommendation from the Purchasing Director to award the bid to James Enterprises from Corpus Christi, Texas.

Commissioner Laskowski made a motion to accept Staff's recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting "FOR". Wilson "ABSENT".

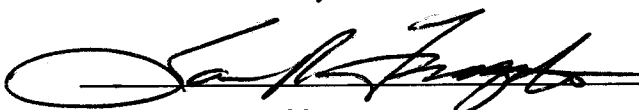
8. RESOLUTION NO. R2009-61 Consider resolution authorizing the City Manager to pursue all Energy Efficiency and Conservation Block Grant funding to assist the City in becoming more energy efficient. (City Manager).

City Manager Yerena stated this would allow staff to put together an application to apply for funding to the Comptroller of Public Housing in the amount of \$75,000. There are no matching funds.

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

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:00 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, City Secretary