

**JANUARY 25, 2010**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 25, 2010 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  
Stanley Laskowski, Commissioner

**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 Work Director  
Grace Garcia, Int. Task Force Commander  
Yolanda Cadena, Health Director  
Dora Byington, Purchasing Director  
Ricardo Torres, Police Chief  
Jennifer Vela, Code Enforcement Officer  
Dianne Leubert, Solid Waste Superintendent  
Joe Casillas, Water Production Supervisor

**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, January 11, 2010. **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: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing regarding preliminary and final replat of Block 55, Lots 1-12, Original Town subdivision, known as 401 E King Avenue & 409 E King Avenue. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:03 P.M.

Mr. Clark stated this would combine the parcels in that block; the Wells Fargo Bank has purchased the land and will be building at that location. He introduced Wells Fargo's representatives. He added this will combine the lots and it has been reviewed by City Staff and no problems were found, Planning & Zoning and Staff recommends approval.

Mayor Fugate called for questions. Commissioner Laskowski had a question in reference to the sidewalks on 8<sup>th</sup> street. Mr. Clark stated Staff will work with Wells Fargo's representatives regarding the sidewalks. He stated the Historical Board was very excited being that the downtown area will have a new project. Mr. Clark stated this does not include the chiropractor's business or the location of the ice machine. Commissioner Laskowski asked if the requirements

of sidewalks were included in the plat. Ms Alvarez stated the sidewalks should be added to the motion to be on the safe side. Regarding drainage, Mr. Clark stated drainage will be addressed to meet the ordinance. Mr. Khan further explained.

Mayor Fugate closed the public hearing at 6:09 P.M.

### III. Reports from Commission & Staff<sup>2</sup>

*"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, Chapter 59 project, Merchants Holding Company development presentation. No formal action can be taken on these items at this time."*

City Manager Yerena reported the developer for the project behind the I-Hop was available for a presentation. Mr. Matt Lucas, Developer addressed the Commission and provided information on the future development plans. The current plan for construction includes the commercial development, of multiple retail and restaurant outparcels pads located along the south end of the property. There are plans for residential housing development.

Mayor Fugate presented a Proclamation for "Catholic Schools Week" to the students and the Principal from St Gertrude Catholic School. He presented an award to the group from "Kingsville's Next Generation" for their clean-up work and support of Adopt a Spot.

City Manager Yerena continued with his report, he introduced Mr. Rick Medrano, Entrust representative. Mr. Medrano stated the City will finish with the best results when compared to the prior six years based on the first three months of the plan. He provided information on the City's 1<sup>st</sup> Quarter Plan Year Analysis, October 2009 through December 2009. Mr. Medrano stated the City is finishing one of their best years. City Manager Yerena stated the Police Chief would provide information on Project KIDZ. Chief Torres provided a powerpoint presentation on an upcoming event with actor, Mr. Pepe Serna. Mr. Serna will present a program to KISD students on February 25<sup>th</sup>, 2010 at H M King High School. City Manager Yerena stated funds will come from the forfeiture accounts. City Manager Yerena reported on the Street Department currently working on reconstruction of Santa Gertrudis from 14<sup>th</sup> to 13<sup>th</sup> street; on the Street Department working on 19<sup>th</sup> Street from Lott Ave to Warren Ave and on 18<sup>th</sup> Street and 21<sup>st</sup> Street from Caesar Ave to North of Warren Avenue.

Ms Lopez provided information on voting machines for the upcoming City General Election to be held on May 8<sup>th</sup>, 2010.

Ms Alvarez reported on the next Commission, February 8<sup>th</sup>, 2010, and that day also being the first day to file for candidate for the General Election. She stated the County unanimously approved the resolution to create the Joint Airport Zoning Board at today's meeting; and the County did not have appointments on their agenda. She provided information on the jail expansion and possibly a request for waiving permitting and planning fees.

Commissioner Laskowski thanked volunteers for their help at Kingsville Shine which began this morning and will continue through the rest of the week.

### IV. Public Comment on Agenda Items<sup>3</sup>

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 made.

V. **Consent Agenda**

NONE

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

VI. **Items for consideration by Commissioners.<sup>4</sup>**

**1. Consider approval of preliminary replat of 401 E King Ave & 409 E King Ave. (Director of Development Services).**

Mr. Clark stated everything was covered in the public hearing. Mayor Fugate asked if any of the neighbors complained. Mr. Clark replied only an employee from the bank across the street who was concerned about ingress and egress. He stated that the required notices were sent out.

Commissioner Garcia made a motion to approve the preliminary replat, seconded by Commissioner Pecos. Commissioner Laskowski stated if this included the requirement for the sidewalks as per City ordinance. Commissioner Pecos replied it did. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia, Pecos voting "FOR".

**2. Consider approval of final replat of 401 E King Ave & 409 E King Ave. (Director of Development Services).**

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

**3. Consider reallocation of CO2009 Funds from Landfill Cell Construction for rehabilitation of two leachate pumping systems and for purchase of two pick-up trucks. (Public Works Director).**

Mr. Donnell stated funds remain in Fund 064 CO Series 2009, new cell construction sector 3, and there were no change orders, and the landfill is in dire need of these items. Mr. Rushing further explained the funding.

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

**4. Consider authorizing the purchase of two (2) pick-up trucks for the Landfill Department. (Purchasing Director).**

Ms Byington stated recommendation is to award the bid to, Eddie Yaklin Ford from Kingsville. The local bidder is within 5% of the lowest bid price received by the city. Ms Alvarez stated for compliance, there is a form in the Commission packet with regard to the finding, that since Eddie Yaklin Ford of Kingsville has its principle place of business in Kingsville, and is a local business that pays property taxes here, they receive and pay for municipal services here, they pay sales taxes here, and they employ local residents, and they had a faster delivery time which was one of the items requested. She added that the City Commission could find that the local bidder is within 5% of the low bidder and that they offer the best combination of contract price and additional economic development opportunities for the City created by this award, included but not limited to the employment of the residents and the increase of tax revenues to the City.

Commissioner Pecos made a motion to purchase the two trucks and award the bid to Eddie Yaklin Ford, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos voting "FOR".

**5. RESOLUTION NO. R2010-03 Consider resolution authorizing the creation of a Joint Airport Zoning Board and investing such Joint Airport Zoning Board with the powers such Boards are authorized to exercise under the provision of the Airport Zoning Act, Texas Local Government Code §§241.001 ET SEQ. (City Manager).**

City Manager Yerena stated the resolution allows for the creation of a five member board, which is the center piece of the Joint Land Study. He stated the Board would consist of two members appointed by the City, two members appointed by the County, with one member having a three year term and one having a two year term. This would allow the ability to look into zoning matters not only in the city but also the county. The maximum range of the jurisdiction for this Board would be one and a half (1 ½) miles from the sides and five (5) miles from the end. Mayor Fugate stated this was one of the main recommendations of the JLUS and the centerpiece for the implementation. He stated that counties do not have any kind of Planning & Zoning authority and this allows the City to protect the Base. He added that the County voted unanimously to approve this resolution. Upon a question from Commissioner Wilson, Ms Alvarez replied that was correct the only difference is where it says the City of Kingsville, the County's resolution would say the County Commissioners Court, but other than that the language is verbatim.

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

**6. Consider appointments to the Kingsville-Kleberg County Joint Airport Zoning Board (JAZB). (City Manager).**

City Manager Yerena stated this item deals with the appointment of the two members. He stated that there were two names circulated, as recommended by Mr. Dick Messberger: Mr. Raymond Perez and Ms Lynn Yaklin. Mayor Fugate stated that Mr. Perez has come forward that he wants to serve. Commissioner Wilson stated he would prefer it be advertised to give everyone an opportunity to apply. This item will be on the next Commission meeting for consideration. Mr. Clark stated the Board is recommending someone from the Navy to attend all the meeting and be able to interact but they would not be appointed as members to the Board.

**7. RESOLUTION NO. R2010-04 Consider resolution authorizing the Mayor to enter into an agreement between the City of Kingsville and Housing Authority of the City of Kingsville relating to an Agreement for Payment in Lieu of Taxes (PILOT). (City Manager).**

City Manager Yerena stated this would allow the opportunity to collect payment in lieu of taxes on five (5) properties owned by the housing authority which would be Brownvilla, Connell Villa, Maple Circle, Casa Ricardo and Horizon Village. He stated that currently they are tax exempt and the City is not receiving property taxes from them. This would allow the City the opportunity to receive payment in lieu of taxes. He provided information on the formula to be used for the collection of taxes. The money would come from HUD. He stated that for the Year 2009, the amount would be \$15,726.41. Upon a question from Commissioner Pecos, Ms Cory Hinojosa, Housing Authority Director replied this would not impact what the tenants or residents would pay.

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

**8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 5-1-46, Providing for heavy brush and yard waste collection, placement, maximum size and required preparation thereof. (City Manager).**

City Manager stated this would allow the City to more effectively collect brush on vacant lots. Mayor Fugate stated this is something that is needed.

Lengthy discussion followed regarding brush pick up in vacant lots and commercial lots. Ms Leubert explained that they educate the people and do pick up in vacant lots. Mayor Fugate stated brush needs to be picked up. Commissioner Laskowski stated that during today's brush pick up, he noticed brush was mixed and there are big piles of brush in vacant lots.

**INTRODUCTION ONLY**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:27 P.M.



Sam R Fugate, Mayor

ATTEST



Edna S Lopez, TRMC, City Secretary