

MAY 10, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 10, 2010, IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE 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
Robert Trescott, Downtown Manager
Diana Gonzales, Human Resource Director
Frank Garcia, Wastewater Supervisor
Robert Rodriguez, Library Director
Ricardo Torres, Police Chief
Bill Donnell, Public Works Director
Naim Khan, City Engineer
Mark Rushing, Finance Director
John Garcia, Risk Manager
Joe Casillas, Water Production Supervisor
Al Lopez, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate 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 Fugate called for consideration of the minutes of the regular meeting of Monday, April 19th, 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).¹

1. Public Hearing to rezone 4.0753 Acres out of Ronning Addition No. 2, Block 3, Lots 1-6; Lund Addition, Block 7, Lots 1-9; Lund Addition, Block 8, Lots 1-14; Penny Addition, Block 1, Lots 1-21, From “R-1”, Single Family District to “C-2”, Retail Commercial District. (Director of Development Services).

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

Mayor Fugate announced anyone wanting to speak on this subject could do so for five (5) minutes.

Mr. Clark stated an application was received from Mr. Luis Fuentes. The entire side of said location will be rezoned followed by the lots across the street at a later date. There were no complaints or comments from the area residents.

Mayor Fugate closed the public hearing at 6:07 P.M.

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, Keep Kingsville Beautiful, 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. No formal action can be taken on these items at this time."

City Manager Yerena congratulated the Commission on their re-election. He reported that there will be a special meeting of the City Commission on Monday, May 17th to canvass votes from the City's General Election of May 8th, 2010; the swearing-in ceremony will be held on Thursday, May 20th; that the City is picking up trash in right-of-ways; and Trash-off Day will be held on Saturday, May 15th and that the collection site is opened. He also reported on Street Department activities: paving, mowing, sweeper cleaning, ditch cleaning, patching and curb & gutter clean up. He stated that the bond rating for the City was improved from A3 to A1 due to City's strong financial position and management.

Commissioner Laskowski suggested to the City Manager to prepare a press release on the bond rating. Commissioner Garcia asked that individuals involved be named in order to be recognized. Upon a question from Commissioner Pecos, City Manager Yerena responded that the Recycling Center will not be a permanent location for the Emergency Management Office but Staff is looking for a permanent location through some grants.

Mayor Fugate presented a proclamation to Dr. Jacqueline Thomas.

Ms Alvarez congratulated the Commission on their re-election. She stated there will be two special meetings, then a regular meeting on May 21st.

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. There were no comments.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items #1 – 8. **Commissioner Laskowski made a motion to accept the Consent Agenda as presented, seconded by Commissioner Wilson and Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".**

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)

1. ORDINANCE NO. ORD2010-07 Motion to approve final passage of an ordinance amending the Fiscal Year 2009-2010 Budget for the City of Kingsville to patch and repave Armstrong Street from Santa Gertrudis Avenue to Corral Avenue, to accept donations for Keep Kingsville Beautiful, and to reflect Revenues and Expenditures for the Task Force. (Finance Director).
2. ORDINANCE NO. ORD2010-08 Motion to approve final passage of an ordinance vacating, abandoning, and closing a 60 foot wide street right of way on Jackson Street (Brown Villa Complex) between Corral Avenue and Avenue F in the Kellogg Addition. (City Engineer).
3. RESOLUTION NO. R2010-24 Motion to approve resolution authorizing the submission of an application to the U.S. Department of Justice for the purpose of requesting funding for bullet proof vests through the Bulletproof Vest Program Grant. (Police Chief).
4. RESOLUTION NO. R2010-25 Motion to approve resolution authorizing the City to submit an application to the U.S. Department of Justice for the purpose of requesting Grant funding on behalf of the City for the 2010 COPS Hiring Recovery Program (CHRP) Grant for Law Enforcement personnel for the Kingsville Police Department with an anticipated cash match of \$51,000 in the fourth year. (Police Chief).
5. RESOLUTION NO. R2010-26 Motion to approve resolution authorizing the City Manager to enter into an Interlocal Agreement with the Santa Gertrudis Independent School district for the COPS Hiring Recovery Grant Program 2010 and Cooperative Working Agreement. (Police Chief).
6. Motion to approve waiver of paper shredding fees for the Kleberg County Parks Department, estimated total cost of \$60.00. (City Manager).
7. Motion to authorize staff to move forward with application for Texas Main Street Program designation and matters related thereto. (City Manager).
8. Motion to authorize staff to move forward with work necessary for formation of tax increment financing districts and matters related thereto. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 6, Zoning, Sections 35-41 of Air Installation Zoning Regulations; changing restrictions and updating language. (Director of Development Services).

Mr. Ken Clark stated this is part of the JLUS implementation study. This is basically some cleanup to the ordinance. He stated that Staff has reviewed and has made changes in order to bring it up in compliance, and that this updates the language.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Land Use, Article 3, Subdivisions, Section 16 of Platting Procedures; adding disclosure notice. (Director of Development Services).

Mr. Clark stated this again is part of the JLUS study. This language would be included in plats.

INTRODUCTION ONLY

11. Consider introduction of an ordinance by changing the Zoning Map in reference to 4.0753 acres out of Ronning Addition No. 2, Block 3, Lots 1-6; Lund Addition,

Block 7, Lots 1-9; Lund Addition, Block 8, Lots 1-14; Penny Addition, Block 1, Lots 1-21, From "R-1", Single Family District to "C-2", Retail Commercial District. (Director of Development Services).

Mr. Clark stated this basically introduces the ordinance to change the zoning to fit the Master Plan.

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, amending the number of Zoning Districts and adding a Mixed Use District and a definition for Mixed Use. (Director of Development Services).

Mr. Clark stated this is also from the Master Plan. The University has just completed their Master Plan. The Master Plan recommends mixed-use development that would be neighborhood oriented and supportive of University expansion. He added this step needs to be taken and a definition is needed in the ordinance. The desire is to attract development that will be a mix of retail and residential on the same property, with the intent of increasing housing opportunities and providing retail services intended to primarily serve the immediate neighborhood.

INTRODUCTION ONLY

13. RESOLUTION NO. R2010-27 Consider resolution of the City Commission of the City of Kingsville, Texas, authorizing the submission of a contract amendment request for the Community Development Fund Contract between the City of Kingsville and the Office of Rural Community Affairs, Contract Number 726311. (City Manager).

City Manager Yerena stated the purpose is to add and delete certain water improvements for the grant.

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".

14. Consider awarding bid for Wastewater Department generators and for electrical installation and concrete pads for the generators. (Purchasing Director).

Mr. Donnell stated there is a savings by breaking this bid out. He stated it is recommended that Loftin be awarded the bid for (4) commercial generators; and Scott Electric Co be awarded the bid for the installation of generators and concrete pads. The total bid is \$392,764.00.

There was discussion regarding using diesel or natural gas generators.

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

15. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies City of Kingsville Code of Ordinances, to reclassify the City Engineer and Finance Director from Management Level-2 to Management Level-1 and to increase the maximum range for Executive Officer-1 (for compliance purposes). (City Manager).

City Manager Yerena stated this would reclassify the position of City Engineer to ML1. Due to two compliance issues regarding the Classification and Compensation Plan for FY

2009-2010, the Finance Director and City Manager position would be reclassified to bring these two positions in line with duties and responsibilities comparable to ML1 positions.

INTRODUCTION ONLY

16. Consider introduction of an ordinance amending the Fiscal Year 2009-2010 Budget for the City of Kingsville for the General Fund, to adjust revenues to actual collections, insurance expense to actual invoiced, to purchase siren hardware and software, and for additional salaries in the Engineering Department; for the Utility Fund, to adjust insurance expenses to actual invoiced, to purchase various items for the Water Production and Wastewater Departments and for additional salaries in the Engineering Department. (City Manager).

City Manager Yerena stated this would help purchase a much needed siren system for the City, funding would be \$85,000. The budget amendment includes \$18,000 from the Police Forfeiture account. This also includes the City Engineer's position which would be reclassified.

Risk Manager John Garcia explained a new way of notifying citizens of emergencies.

INTRODUCTION ONLY

17. Discuss and consider waiver of fees and participation in the 2010 Train Days event. (Mayor Fugate).

Mayor Fugate explained that there was a couple of decisions that had to be made on Friday regarding security and permit fees for the event. He stated that he asked that this be placed on the agenda in order to help out. Commissioner Laskowski asked for clarification as to what was the amount being waived. City Manager Yerena explained the amount for security was \$1,629.82 and \$450.00 for food handler permits and vendors. The City provided in-kind services for the event.

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

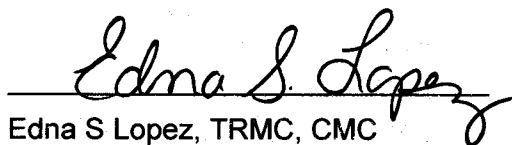
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:07 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary