

JUNE 28, 2010

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 28, 2010 HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Charles E Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF:

Carlos Yerena, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Ken Clark, Director of Development Services
Al Lopez, Fire Chief
Naim Khan, City Engineer
John Garcia, Risk Manager
Joe Casillas, Water Production Supervisor
Grace Garcia, Interim Task Force Commander
Robert Trescott, Downtown Manager
Mark Rushing, Finance Director
Dora Byington, Purchasing Director

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 June 14th, 2010 and the minutes of the workshops held on June 24th and June 25th, 2010. **Commissioner Laskowski made a motion to accept the minutes, as corrected, 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. A Public Hearing to request to amend the zoning ordinance for a special use permit for the operation of a recycling collection center and the placement of a recycling trailer at Fourth (4th) Addition, Block 2, Lots 1-3, known as 708 South Sixth (6th) Street. Applicant, Larry Lopez, on behalf of ABC Recycling, LLC. (Director of Development Services).

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

Mr. Ken Clark addressed the Commission stating that the trailer located across from the HEB store will be relocated since that area will be used for the new site of the Wells Fargo Bank. He stated a building has been found on 6th Street; they will be expanding and offering more services to the citizens. He stated old batteries will eventually be recycled. The company will put up screening on the fence and some landscaping. The Planning and Zoning Commission recommends approval. After Mr. Clark referred to the site plan in the agenda packet, Commissioner Laskowski stated there was no site plan in the packet. Mr. Clark then handed out the information to the Commission. Mr. Lopez, applicant, further explained the proposed site and services. Upon a question from Commissioner Pecos, Mr. Clark explained the fence

size and the hours of operation. Upon a question from Commissioner Laskowski, Mr. Clark further explained the fence distance on each side of the location.

Mayor Fugate announced anyone wanting to speak, could speak on this subject for five minutes. Mayor Fugate closed the public hearing at 6:15 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 reported that Staff is monitoring the storm, and provided information on the Street department projects. He provided information on the locations where the street sweeper has cleaned and on mowing projects. City Manager Yerena provided information on a new project, the planting of trees in the downtown area. Mayor Fugate stated this project should wait until the weather gets a little cooler. Mr. Clark provided information on the watering of the trees. He stated this will not take up parking spaces in the downtown area.

Ms Alvarez reported that City Hall will be closed for the 4th of July holiday, on Monday July 5th; and on coordinating efforts for collective bargaining with Fire and Police.

Commissioner Pecos suggested the City be proactive in the areas that flood.

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 1-7. 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

1. **ORDINANCE NO. ORD 2010-16 Motion to approve final passage of an ordinance amending the fiscal year 2009-2010 budget for the City of Kingsville to budget for various equipment for the Collections Department, the Landfill closure fund revenues that are expected for the current fiscal year, and for various expenses for the Task Force to be funded from additional awarded seizures. (Finance Director).**
2. **ORDINANCE NO. ORD 2010-17 Motion to approve final passage of an ordinance electing for the City to make current service and prior service contributions to the City's account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation. (Finance Director).**

3. Motion to approve awarding Bid No. 10-05 to Altviva Corporation from Houston for liquid ammonia sulfate for approximately \$25,200.00 for the period commencing October 1, 2010 through September 30, 2011. (Purchasing Director).
4. Motion to approve awarding Bid No. 10-17 to Kingsville C & A Services for tires and services for the Police and Task Force Departments, for approximately \$15,000.00. (Purchasing Director).
5. RESOLUTION NO. R2010-31 Motion to approve a resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for a new recycling truck. (City Manager).
6. RESOLUTION NO. R2010-32 Motion to approve a resolution authorizing the City of Kingsville to participate in the Texas Main Street Program and designating the City Manager to coordinate program activities. (City Manager).
7. Motion to approve reappointing Ms Dora Martinez to serve a three year term on the Civil Service Commission. (Human Resource Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

8. Consider appointing Mr. Rudy F. Galvan to serve a two year term on the Planning & Zoning Commission. (Director of Development Services).

Mr. Clark stated this was brought up some time ago during the City Manager's report; Mr. Galvan is a local plumbing contractor and has consented to serve. He stated there are two vacancies on this board at the present time.

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

9. Consider awarding Bid No. 10-04B to Bay LTD from Corpus Christi for hot mix for the period commencing October 1, 2010 through September 30, 2011. (Purchasing Director).

Ms Byington stated this would extend the contract in the amount of less than \$200,000 for the period commencing October 1, 2010 through September 30, 2011. She added that this would save the City \$12,840 during the next fiscal year. She added that bids were not opened and that this is something new on some of the contracts.

Commissioner Wilson made a motion to accept Staff's recommendation, seconded by Commissioner Laskowski and Commissioner Garcia. Mayor Fugate called for further discussion. Upon a question from Commissioner Pecos if this is allowed by law before the budget is made, Ms Alvarez replied that this doesn't guarantee that the City is going to buy anything from them, only that whatever the City buys will be based on certain prices. Mayor Fugate called for a roll-call vote. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Laskowski, Wilson voting "FOR".

10. Consider introduction of an ordinance amending the Zoning Ordinance by granting a Special Use Permit for the Operation of a Recycling Collection Center and placement of a Recycling Trailer at 708 South Sixth Street for ABC Recycling LLC. (Director of Development Services).

Mr. Clark stated this is what the public hearing was about. Upon a question from Mayor Fugate, Mr. Clark replied everything that is required was done. He stated there were no complaints, but the person living in the house did have questions. He stated there are

recommended conditions. Upon a question from Commissioner Garcia, Mr. Clark stated that there will not be any noise inside the building; the only noise will be from people dropping off an appliance. He stated this is noise that will be during the day. Commissioner Wilson stated that he hopes the City would be attempting to respect the person's property that backs up to the location and not have such a cavalier attitude that they ought to be at work or doing something during the day. He stated there are some people that are homebound. He stated he hopes the City is making every attempt to be respectful and that he wants to see the building occupied but he doesn't want to lose site that there is a residence there. Commissioner Laskowski stated that under the miscellaneous section some of the miscellaneous recommendations are not included; he then asked if at the next reading these would be included. Ms Alvarez replied that was correct and that Staff was waiting to get the Commissions' feedback on the recommendations before they were added into the ordinance.

INTRODUCTION ONLY

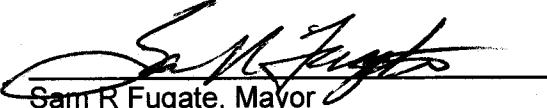
11. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Zoning, adopting purpose, uses and regulations for Mixed Use Developments. (Director of Development Services).

Mr. Clark stated that previously an ordinance was adopted with the definition of mixed use, retail on the first floor and residential units on the second floor. He added that was the first step to establish mixed use in the zoning ordinance. He stated that as recommended in the adopted Master Plan which is to have mixed use in the Santa Gertrudis and Armstrong area, across from the University. He stated this is the next step to adopt a zoning ordinance for mixed use which would say what the developer regulations and the different setbacks, land coverage, height limits, etc. He referred to the site plan and explained the future plans. He stated some of the University students are present and they have been following the project.


INTRODUCTION ONLY

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:42 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMG
City Secretary