

JULY 12, 2010

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

CITY STAFF PRESENT:

Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Mark Rushing, Finance Director
Ken Clark, Director of Development Services
Al Lopez, Fire Chief
Naim Khan, City Engineer
Dora Byington, Purchasing Director
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
Diana Gonzalez, Human Resource Director
Robert Trescott, Downtown Manager
Joe Casillas, Water Production Supervisor
Bill Donnell, Public Works Director
Gary Fuselier, Landfill Supervisor
Ricardo Torres, Police Chief

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.

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, June 28th, 2010. Commissioner Laskowski made a motion to approve 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 for an alcohol variance application for Poncho's on the Border located at 601 North 7th Street. (City Secretary).

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

Ms Lopez, City Secretary stated this is an application for a wine and beer retailer's permit and retail dealer's on-premise late hours license for a new business to be located at 601 North 7th Street. The Engineering Department performed the research and physical inspection and found that there's a day care center located within the 300 ft boundary. Letters were mailed to residents within the 300 ft boundary and two persons voiced their concerns about another bar being located at that location.

Mayor Fugate announced anyone wishing to speak on this subject could by approaching the podium and identifying themselves, and that they have five (5) minutes.

Ms Maria Imelda Guevara, 726 E Ave A, applicant, spoke about the intentions of the business.

Ms Mary Freelon, 609 E Ella, spoke about problems with the applicants regarding parking.

Ms Veronica Garcia, 609 E Ella, spoke in opposition of granting the license to the new business.

Upon a request from Mayor Fugate, Mr. Ken Clark addressed the Commission and explained the problem about the parking.

Mayor Fugate closed the public hearing at 6:13 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, Main Street Downtown, Chapter 59 project. No formal action can be taken on these items at this time."

Ms Alvarez reported on the dates for the next meeting and workshops of the City Commission and that the next Trash-Off Day has been cancelled. Mayor Fugate commented he would like to see that rescheduled. She reported on preliminary meetings with Fire and Police, on the next JLUS meeting on Wednesday, and the next JAZB meeting also on Wednesday. She reported the City Secretary has certified the petitions and information will be presented to the Commission at a future meeting. She provided information on making a change on the ordinance for the special use permit under Section 2, #1 to delete (water heaters and appliances) and to add (steel and iron).

There was a presentation for Keep Kingsville Beautiful, "Because You Care Award" to the owner of the Super 8 Motel.

Mr. Clark provided information on the progress of the TIF for downtown and the TIF for the Armstrong area. Mr. Bob Trescott provided information on the progress of the Main Street designation application. He asked for more letters of support from the community.

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. Larry Lopez, ABC Recycling, spoke on agenda item #7.

Mayor Fugate called for consideration of the items on the Consent Agenda. Commissioner Laskowski made a motion to approve 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. **ORDINANCE NO. ORD 2010-18 Motion to approve final passage 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).**
2. **RESOLUTION NO. R2010-33 Motion to approve resolution authorizing the submission of an application to the Coastal Bend Council of Governments for the purpose of requesting grant funding for the salary of a Litter Abatement Officer. (Solid Waste Superintendent).**
3. **RESOLUTION NO. R2010-34 Motion to approve resolution authorizing the submission of an application to the Justice Assistance Grant Program for the purpose of requesting funding for a broad range of activities to prevent and control crime and to improve the criminal justice system. (Police Chief).**

4. Motion to approve out of state travel for City Manager and City Commission to attend the National League of Cities Conference in Denver, Co on November 29th thru December 5th, 2010. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider approval of an alcohol variance for Poncho's on the Border located at 601 North 7th Street. (City Secretary).

Mayor Fugate called for further discussion, and then called for a motion.

Commissioner Garcia made a motion to approve the variance, seconded by Mayor Fugate. Commissioner Wilson stated the applicant wants to improve the area, and the former bar owner has a problem with the parking. He asked that Engineering keep a handle on the right of way parking. Mayor Fugate explained he had a hard time understanding the logic of one of the opponent's comments. Upon a question from Commissioner Laskowski, Mr. Clark stated that he has not looked into the parking situation. Commissioner Laskowski further voiced his concern about the parking issue and asked that when the certificate of occupancy is issued that the location meet all the requirements.

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

6. Consider accepting Comprehensive Annual Financial Report of the City of Kingsville for Fiscal Year 2008-2009. (Finance Director).

Mr. Luke Womack, Public Accountant, John Womack & Co., P.C., presented information on the unqualified audit report, the balance sheet of the City, the Police and Seizure funds, the debt service fund, the capital improvement fund, and the utility fund. Mr. Womack addressed the several issues on the management letters that were submitted to the City from his company: the escrow accounts were not being monitored, but they are up to date for this fiscal year; he stated he has no difficulties with management that they have been very open and straight forward and have provided all information needed, and all material journal entries were posted. He stated the bank reconciliations were done and the public investment act was corrected. He stated that financially the City had a good year, but that 2011 will be a challenge. He stated that as a body the City has built reserves and have a plan on how the reserves are to be administered. Mr. Womack stated Kingsville is probably as good in a financial shape that it has ever been. Mayor Fugate stated this is a tribute to Staff.

Commissioner Wilson made a motion to accept the Comprehensive Annual Financial Report of the City of Kingsville, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

7. ORDINANCE NO. ORD 2010-19 Consider final passage 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 he had nothing further to add other than what the information that was provided by City Attorney during reports from Staff. He stated that Commissioner Wilson's concern was addressed with the neighbor.

Commissioner Wilson made a motion to accept the final passage of this ordinance with changes asked for, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

8. Consider introduction of an ordinance amending the City of Kingsville Fire Prevention and Protection Ordinance by providing for clarification of fire billing

services, definitions, explanation of charges and fees in Chapter IX, Article 5 Fire Prevention and Protection, Sections 30-32. (Fire Chief).

Fire Chief Lopez stated that the billing company is recommending changes to the ordinance. Language changes were reviewed by his office as well as by the City Attorney. He added that this should help with collections of ambulance billing. Ms Alvarez stated this section has not been amended since adoption over four years ago.

INTRODUCTION ONLY

9. Consider introduction of an ordinance adopting a Water Conservation Management Plan in Chapter V, Article 3 Water, Sections 100-103. (Public Works Director).

Mr. Donnell stated this is a requirement through the Texas Water Development Board, it is a five year plan to reduce gallon per capita per individual and this will be done through education of leaky faucets and toilets in residential areas. He stated a brochure with information is handed out when new service is set up. Mayor Fugate called for further questions or comments. Commissioner Laskowski stated based on the previous history there will be a lot of education needed. Upon a question from Commissioner Pecos, Mr. Donnell replied with the current capacity the pump could handle about 10,000 people more.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the Taxicabs Ordinance by providing for a revised taxicab insurance policy section in Chapter XI, Article 10, Section 23. (Commissioner Garcia).

Mayor Fugate stated this is something that really needed to be revisited for a long time. Commissioner Garcia stated he researched the amount of coverage needed and the amount is a cost prohibited for anyone to open up a taxi cab service. He stated he is suggesting lowering from the Personal Protection Injury (PPI) coverage from \$10,000 to \$2,500. Commissioner Wilson asked Staff to research to see what other municipalities our size has on their ordinance. Commissioner Garcia stated he did not research that, but he was only looking at the applicant. Ms Alvarez stated that the City of Corpus does not have a PPI amount assigned. Commissioner Laskowski commented that it was Commissioner Garcia's suggestion to have the coverage of PPI at \$10,000. Mayor Fugate stated that things change.

INTRODUCTION ONLY

11. Consider introduction of an ordinance amending the Taxicabs Ordinance by providing for taximeters and a revised fare section in Chapter XI, Article 10, Section 8. (Commissioner Garcia).

Commissioner Garcia stated that the fees involved are not feasible compared to other communities and that in other communities the taxis have a meter. Ms Alvarez stated that she looked at the City of Corpus and the majority of the language came from that. In reference to the testing of the meters, the City would have to contract with a company to have this done.

INTRODUCTION ONLY

12. Consider introduction of an ordinance amending the effective date for the City's election 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. (City Attorney).

Ms Alvarez explained that this item came with an email and sample and they did not specify it be based on current.

INTRODUCTION ONLY

13. **Consider hiring outside legal counsel to assist with overflow matters. (City Attorney).**

Ms Alvarez provided information on additional meetings for special projects (i.e., negotiating water contract, fire union contract, police union contract, possible charter election, finishing JLUS & JAZB, establishing TIF districts). These are in addition to daily work like agenda item preparation, records processing, municipal court, case intake and meetings with staff. She added that she believe it prudent to have authorization to hire outside legal counsel to assist with overflow matters on an as needed basis, subject to funding. Ms Alvarez asked that the City contract out with the firms of Jim McKibben or Rick Navarro.

Upon a question from Mayor Fugate about how much money are was involved, Ms Alvarez responded that she would have a better handle after some meetings that will be held this coming week. She added that she would not be looking on spending more than \$15,000. Commissioner Laskowski commented that in the past when dealing with outside counsel for negotiating, especially with Police, this would go to impasse and it took several years to get issue resolved. He added that he was glad that the City finally started doing themselves, because the City was close to home and were able to get issues resolved in a timely basis. He added that he is not sure that always hiring outside counsel is a good thing. Mayor Fugate stated this could be revisited at the next meeting because he would like the City Manager present at the meeting.

No action was taken.

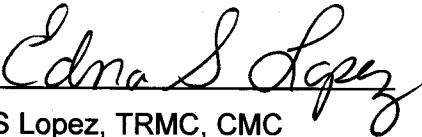
VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:15 P.M.



Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC
City Secretary