

FEBRUARY 28, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 28, 2011 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
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Stanley Laskowski, Commissioner

CITY STAFF PRESENT:

Courtney Alvarez, Interim City Manager
Edna S Lopez, City Secretary
Mark Rushing, Finance Director
Dave Mason, Purchasing Director
Al Lopez, Fire Chief
Bill Donnell, Public Works Director/Interim Director of Development Services
Yolanda Cadena, Health Director
Robert Rodriguez, Library Director
Gary Fuselier, Landfill Supervisor
Willie Vera, Task Force Commander
Diana Gonzales, Human Resource Director
Jose Casillas, Water Production Supervisor
John Garcia, Risk Manager
Rick Torres, Police Chief

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 with Commissioner Laskowski on city business in Washington, D.C.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, 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, February 14, 2011. **Commissioner Pecos 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, Wilson, Pecos voting "FOR". Laskowski "ABSENT".**

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

1. Public Hearing for rezone of 10.04 acres out of KT&I Co., Block 32, Lot PT 4, 5, 8, 9 acres 59.01 known as the property located adjacent to the Westside of Hwy 77 and north of South Creek Addition from R-1 Single Family District to C-2 Commercial Retail District. (Interim Director of Development Services).

Mayor Fugate opened the public hearing at 6:01 P.M. and announced anyone wanting to speak on this subject could do so for five (5) minutes.

Mr. Ken Clark former Director of Development Services addressed the Commission and stated he was present to discuss since he was here from the beginning of the project.

Ms Jackie Ambrose, P O Box 793, Ingleside, Texas spoke in favor of the proposed RV Park. She stated the City will benefit from sales tax and property tax that will be paid on the property by the developer. She pointed out the pros on having Winter Texans staying in the City. She stated the property was picked because RV's like to ride bikes and the park is a perfect location. She stated this is a win-win situation for both the City and the developer.

Mr. Melvin Schoech, 605 W Sage Rd, stated he travels in his RV frequently. He stated RVers are retired people that play golf, support local sport teams, and get involved in the City. He stated most RVers are members of the Good Sam's Club. In Victoria, Texas there's a park across the street from the RV Park and it is great. He stated that Kingsville needs this RV Park and asked that the Commission do the right thing.

Mr. Fred Bigelow, 916 South Creek, provided information on the amount people in opposition of the RV Park. He voiced his concerns and read from his letter that he had presented to the Commission prior to the meeting.

Mr. Andres Aquino, 924 South Creek, read a letter from Mr. Gene Cantu, 825 South Creek. The letter was in opposition of the RV Park.

Mr. Alan Fadyinch, 5450 Box Creek, voiced his concerns about property valuations going down if the proposed RV Park is approved.

Mr. Gail Oldham, 305 N FM 2619, property owner in South Creek, voiced his concern about property values.

Mr. Lance Hamm, 1912 South Creek, provided information against the rezoning. He stated the RV Park will create a lot of problems for the City. He provided information on other areas where the RV Park can be located. He stressed once park goes through it is there forever and once you mix commercial property with residential you are stuck with it. He stated the golf course area is a good location for the proposed RV Park. In conclusion, he stated the developer took a risk buying the property as it is a residential zone.

Ms. Paula Stone, Aransas Pass, Texas stated RV Parks are in her area and next to the parks and pools. She stated she is offended by the word "transient". She stated she'd like to see a yes vote

Mr. Ken Kelly, 804 South Creek, spoke in favor of the RV Park, stating he didn't see any Realtors in the audience if the South Creek subdivision valuations are going down. He stated RVers spend money about \$1,200 - \$1,500 per month. He stated he would like to see an RV Park in Kingsville.

Mr. Ken Clark, Harlingen, Texas, stated that several comments were made in the community about poor planning, but several meetings were held and questions were answered.

Ms Mary Windham, 628 E Escondido, commented on recently having thirty (30) carnival RV's in the Park and there were no problems.

Mr. Ralph Ambrose, Developer RV Park, stated he had gotten in one day, seventy-five (75) businesses to sign the petition in favor of having an RV Park.

Commissioner Garcia commented on information he received at a conference regarding property devaluations. He stated properties are being evaluated 3% and more through the state without the RV Park next to these properties.

Ms Carol Ann Anderson, 1204 W Lee, said an RV Park will not put any money in her budget at the Tourism. She stated this is good for the City and she has never seen any RV park deteriorate once they are built.

Mayor Fugate closed the public hearing at 6:45 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, Financial Advisor presentation. No formal action can be taken on these items at this time."

Interim City Manager Alvarez reported on the start of the downtown beautification project; provided information on the Ride on the Wild Side event, the Classic Car show this weekend;

Item #3 has a typo, from L1 to I1 on ordinance, and there's no first meeting in March next meeting on 28th of March.

Commissioner Garcia stated there needs to be a meeting to address the golf course issue. Interim City Manager Alvarez provided information received from the County Commissioner Rosse regarding the County's meeting on the golf course. She stated that County Commissioner Rosse had stated that if the City was still interested in trying to negotiate with the County on the golf course, they had a three (3) point on a short-term proposal. This will be discussed under Agenda Item #15. Basically, the three (3) points are: the City would, when the County gets the golf course back under their name, take the electric utility account and have that be in the City's name so the City's electric provider can be used since the City has preferable rates, and the second (2nd) point is to split the monthly electric bill with the County equally, and the third (3rd) point is that the City would provide a maintenance type worker up to four (4) eight (8) hour workdays, thirty-two (32) hour ability to work per month to assist with some of the basic grounds keeping.

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 1-9. Commissioner Wilson made a motion to approve the consent agenda, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson voting "FOR". Laskowski "ABSENT".

V.

Consent Agenda

1. ORDINANCE NO. ORD2011-05 Motion to approve final passage of an ordinance amending the zoning ordinance by changing the Zoning Map in reference to 1.364 Acres out of Escondido Park 4, Block 1, Lot 1-10, Lot PT Common Ground with Lots 11-17, known as 800 Escondido Road from R-2 Two Family District to R-3 Multi Family District. (Interim Director of Development Services).
2. ORDINANCE NO. ORD 2011-06 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules, amending the location of speed limit zones on East King Avenue; Providing for appropriate penalties, fines, and fees regarding the regulation thereof. (City Engineer).
3. ORDINANCE NO. ORD 2011-07 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 6, Appendix A: Land Use Categories, Section 1 Land Use Chart, Amending the Chart to require certain permitted uses in C2 and L1 be changed to Special Uses. (Interim Director of Development Services).
4. ORDINANCE NO. ORD 2011-08 Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter VII, Article 6, Traffic Control Devices, providing for the restriction of parking on streets around the University from 7:00am to 5:00pm Monday-Friday. (Interim City Manager).
5. Motion to approve accepting donations for Keep Kingsville Beautiful for the Downtown Beautification Tree Project. (Finance Director).
6. ORDINANCE NO. ORD2011-09 Motion to approve final passage of an ordinance amending the Fiscal Year 2010-2011 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful, for the costs related to the City Manager search, and to cover the costs of the agreed upon improvements of the parking lot at the Douglass Center and for the Utility Fund Capital Projects Fund to cover the costs for the installation of the generator for the North Plant and for the improvement project for all of the Wastewater Plants. (Finance Director).
7. Motion to approve of the City's participation in sponsorship of the Annual Ride on the Wild Side charity bike tour on the King Ranch on April 16th, 2011 in

conjunction with the Kingsville Convention and Visitors Bureau and the Kingsville Noon Lions Club; and other matters related thereto. (Interim City Manager).

8. Motion to approve Memorandum of Understanding between the City of Kingsville Police Department and the Women's Shelter of South Texas. (Police Chief).

9. RESOLUTION NO. R2011-13 Motion to approve a resolution authorizing the Mayor to enter into an Interlocal Agreement between the City of Kingsville and Kleberg County relating to the Justice Assistance Grant (JAG) Program Award. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

10. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 to allocate funds for the Kingsville Specialized Crimes and Narcotics Task Force received from Kleberg County District Attorney's Office. (Finance Director).

Mr. Rushing stated this is intergovernmental revenue from the District Attorney's office in the amount of \$17,251. Task Force Commander Vera introduced newly hired Mr. Ken Starr, Assistant Task Force Commander. Commander Vera stated that this will help acquire the COPsync.

INTRODUCTON ONLY

11. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 10.04 acres out of KT&I Co., Block 32, Lot PT 4, 5, 8, 9 acres 59.01 known as the property located adjacent to the Westside of Hwy 77 and north of South Creek Addition from R-1 Single Family District to C-2 Commercial Retail District. (Interim Director of Development Services).

Mr. Donnell, Interim Director of Development Services/ Public Works Director stated Staff met on this project with the developer, there are utilities available to serve this project. This will attract retirees to the community.

INTRODUCTION ONLY

12. RESOLUTION NO. R2011-14 Consider resolution authorizing the Mayor to execute a Professional Services Contract for the position of City Manager with Vincent J. Capell. (Mayor Fugate).

Mayor Fugate stated everyone has had an opportunity to look at the contract and it is a good contract. Mr. Capell has agreed to accept the terms

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

Mayor Fugate announced the Executive Session at 6:58 P.M. The Commission convened into Executive Session at 7:03 P.M.

13. Executive Session pursuant to Section 551.071, Texas Government Code, Consultation with Attorney Exception, the City Commission shall convene in executive session to seek legal advice from the City Attorney regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney).

The Commission reconvened into Regular Session at 7:27 PM

14. Consider payment to former City Manager for services under prior contract. (Mayor Fugate).

Mayor Fugate stated this was a situation if the former City Manager Carlos Yerena submitted any grants under his contract he would received 3.5% of the grant award. Mr. Yerena did submit the grant while working under the contract even though it wasn't awarded until after his contract, he administered the grant. The City will be receiving monies for administrative purposes. Interim City Manager Alvarez stated the City Secretary spoke to Mr. Del Serna, ORCA Representative from Austin. Mr. Serna had come to Kingsville to do the close-out audit on the grant. Mr. Serna believed the file was ready so the letter could be done and the local regional office could issue the final drawdown. He anticipates all will be done this week.

Commissioner Garcia made a motion to pay the sum of what is \$10,500 which is 3.5% of the \$300,000 grant, these monies will be paid out of the administrative fees that the City will be awarded, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia voting "FOR". Laskowski "ABSENT".

15. Discuss and consider the proposal with Kleberg County regarding the L. E. Ramey Golf Course and Parks. (Mayor Fugate).

County Commissioner David Rosse addressed the City Commission. He stated the County is cornered on the golf course; March 15th is the final day that Balt Ramos, Inc will operate the golf course. The County Commissioners have looked at numbers but they are to the point at looking to keep it open. The County is requesting that the City help with half the electric bill. In speaking to the City's Finance Director, Mr. Rushing, he stated that there might not be much of a savings to moving the account from County to City, not much rate difference. Mayor Fugate stated that Commissioner Laskowski had projected a savings of \$6,000 annually. County Commissioner Rosse stated the County's contract renewed for 8.2 and the City is at 7.8.

Mayor Fugate stated the County met today and if this was the consensus of their Commission. Commissioner Rosse stated this is not the consensus of the entire County Commission, they are still interested, Commissioner Lomas pretty intent on, "if the City wants it we need to sit down and talk". He stated that two weeks is not enough time to negotiate. Mayor Fugate stated that his schedule from his day job is such that it's going to be very difficult to meet for the next month. Mayor Fugate stated he was disappointed that a previous schedule meeting between the City and County was cancelled.

County Commissioner Rosse stated his proposal is that he is looking for assistance on four (4) man days per month. Mayor Fugate asked if the City agrees to something tonight is this something that the County Commission has agreed on. County Commissioner Rosse stated their Commission has discussed it, and he believes that there are two (2) other Commissioners that very interested in moving forward, but the County Judge was not present at the meeting so he doesn't know his input. He stated that County Commissioner Lomas is dead set against it. He has to go forward thinking if the City is going to assist, he believes that the votes will be there.

Mayor Fugate stated that the County is asking for half electric bill and four (4) man days per month. County Commissioner Rosse stated it may be a mechanic or helping with spraying mosquitoes. He added it may be only one (1) day per month depending on the weather.

Commissioner Wilson asked if the County Commission voted on the proposal being presented. County Commissioner Rosse replied no they had not.

Upon a question from Commissioner Garcia, County Commissioner Rosse replied the cost for the monthly electric bill is about \$60,000 to \$65,000 per year. Mayor Fugate asked for how long. County Commissioner Rosse responded they are looking for the City's help not to go past this fiscal year without doing something on a more permanent basis. He added this would give them time to see where things are going. He stated that if the golfers don't support the course it may go away.

Mayor Fugate commented that the County has to offer them something by improving the course. He stated this is a concern of his and that this sounds like a

band aid on a terrible wound. He added he would like to see a long term solution for this golf course.

Upon a question from Commissioner Garcia, County Commissioner Rosse replied that his proposal is to keep Mr. Al Gala in place at the golf course temporarily and keep his staff. They would be temporary part-time or temporary full-time employees.

Mayor Fugate asked if the County would be running the course. County Commissioner Rosse replied that was correct and that he would be there every day overseeing things and would submit monthly reports to the City.

Upon a question from Commissioner Garcia, County Commissioner Rosse replied that his Commission has not approved anything only him coming to the City to try to see what could be done in the interim. He stated that the minute the golf course is closed for a day or month; it will never be opened again.

Mayor Fugate asked Mr. Donnell if the City had someone to lend them. Mr. Donnell responded the City could provide a person. Commissioner Wilson stated it's a random person and not the same person doing the same job. His understanding is whoever is needed that day. He added if that's the case it would be more reasonable to send a day laborer, but that's not what County Commissioner Rosse is saying. County Commissioner Rosse stated whatever the City can do would really help. He stated that he is asking the County Precincts 1, 2, 3, & 4 and the Parks department to assist with two (2) man days per month each.

Upon a question from Commissioner Garcia, County Commissioner Rosse replied that Mr. Gala will get paid \$30,000 per year to manage the golf course.

Mayor Fugate asked Mr. Rushing if he could find \$15,000 to \$20,000. Interim City Manager Alvarez stated if the Commission is interested in entertaining the two (2) point proposal, the Commission might tentatively agree and direct Staff to draw up an Interlocal with the County on that two (2) point proposal. She added that she had a rough draft. This would have to come before the Commission at the next regular meeting at the end of March or at another called meeting. Mayor Fugate stated the County needs an answer by March 15th. Interim City Manager Alvarez stated if the Commission is authorizing or directing Staff to draw up an agreement along those terms than the Commission is indicating their willingness to commit to that.

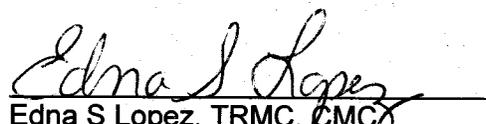
Commissioner Garcia made a motion to agree to the tentative terms on the two (2) point proposal that County Commissioner Rosse proposed (the City and County will equally split the monthly electric bill for the L.E. Ramey Golf Course from March 15, 2011 to September 30, 2011; and the City will provide a worker to perform maximum of four 8-hour work days per month to assist with work for the golf course) and directed Staff to draw up an Interlocal to bring back to the Commission at a future meeting, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia voting "FOR" Wilson "AGAINST". Laskowski "ABSENT".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:47 P.M.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC
City Secretary