

OCTOBER 24, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 24, 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
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY COMMISSION ABSENT:

Charles Wilson, Commissioner

STAFF PRESENT:

Vincent J. Capell, City Manager
Courtney Alvarez, City Attorney
Mary Valenzuela, Legal Assistant/Paralegal
David Mason, Purchasing Director
Yolanda Cadena, Health Director
Bob Trescott, Downtown Manager
Mike Kellam, Director of Development Services
Willie Vera, Task Force Commander
Rick Torres, Police Chief
Mark Rushing, Finance Director
John Garcia, Risk Manager
Naim Kahn, Public Works Director/Engineer
Al Lopez, Fire Chief
Gary Fuselier, Landfill Supervisor
Susan Ivy, Parks Director
Bill Donnell, Assistant Public Works Director
Diana Gonzalez, Human Resources Director

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, with Commissioner Wilson absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director 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 for the regular meeting held on Monday, October 10, 2011. **Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski voting “FOR”. Wilson “ABSENT”.**

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

1. Public hearing on rescinding condemnation order for 421 S. 17th Street. (Director of Development Services).

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

Mr. Mike Kellam, Director of Development Services, stated that Mr. Graveley was present at tonight's meeting if the Commission had any questions for him. He further stated that a memorandum was provided to them asking to rescind the condemnation order for 421 S. 17th Street.

Commissioner Laskowski asked if this location had two addresses.

Mr. Kellam stated that it does have two addresses, 421 and 423 S. 17th Street being that it's a duplex.

Courtney Alvarez, City Attorney, stated that staff had looked back at the actual condemnations that were approved by Commission at a prior meeting, and it only listed the property as being condemned at 421 S. 17th Street. She further stated that as per Section 15-1-73, last sentence states that if the purchaser who has been informed of the existence of any notice of condemnation prior to the actual sell occurring, shall be bound

by it. She stated that the memo reflects that Mr. Graveley purchased the property without being notified that the property was previously condemned. She stated that this is the reason that it appears that the condemnation order may not apply to Mr. Graveley but staff wanted to make it cleaner by asking Commission to rescind the order.

Mayor Fugate closed the public hearing at 6:04 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."

Vince Capell, City Manager, stated that the Commission has been provided with copies of staff's report for their review and consideration. He further commented that a couple of weeks ago staff had reported to the Commission that the City was ready to demolish six houses under the Kingsville Wipe Out Program (KWOP). He stated that the City has enough funds in the budget estimated in the amount of \$10,000 of the \$25,000 that was budgeted for this fiscal year. He further stated that we don't tentatively need Commissions approval, but because half the budget will be spent for the demolishing of these houses, therefore we would like to make Commission aware of the cost. He stated that the City could add an additional two houses to the demolishing if Commission would like to proceed in this matter, therefore making it eight houses which would increase the cost for the demolishing. Mr. Capell stated that staff wanted to notify the Commission that we are ready to proceed with the demolishing of these houses.

Mayor Fugate stated that he believes this does not require a Commission vote.

Mr. Capell stated that it did not require a Commission vote but it was solely to update the Commission on the demolition status.

Mike Kellam, Director of Development Services, stated that there are two additional houses located at 606 W. King Avenue and 606 ½ W. King Avenue that had been introduced to the KWOP system. He further stated that staff would like to include these two addresses to the demolition list.

Commissioner Laskowski asked if there were any houses that have been condemned by Commission but have not been demolished that may need to be addressed prior to demolishing any houses listed under the Kingsville Wipe Out Program.

Mr. Kellam stated that the City has houses that have been condemned by Commission and intend to use the rest of the money for those homes to be demolished. He stated that the initial phase was basically to process all the paperwork including inspections and have everything ready to go, but staff was waiting for the National Guard to come back into Kingsville for their next mission. He stated that city staff will begin the demolishing of these houses soon.

Commissioner Laskowski stated that staff needs to make it a priority to demolish those houses that have been condemned by the City Commission because time has expired and then staff can move on to those on the KWOP list.

Mrs. Alvarez stated that there is a court case that came out this summer that has some ambiguities in it with regards to condemnations. TML and several other cities have filed amicus briefs on that case, so they suggest on holding off doing things like that until such time as it is clarified. She stated that there could be issues with regards to constitutional takings claims because now the court in the opinion, which is limited, seems to talk about perhaps the court as opposed to a board making decisions with regard to condemnations.

Mr. Kellam stated that is even more of a reason why staff is going after the ones that are cleaner and easier.

Mayor Fugate stated that no one on this Commission would have any objections on this matter. Mayor Fugate asked if the City has heard anything with regards to the National Guards next mission.

Mr. Kellam stated that staff has heard from them and the National Guard would like for the City to have 20 to 25 structures ready and signed off and the city does not have that today for one reason or another. He stated that they were willing to come in December but we just don't have the number of structures they are requiring.

Mayor Fugate asked if the city had any houses ready.

Mr. Kellam stated that we do but not enough of them that have been signed off on and it takes about 45 to 60 days to get all the paperwork in order.

Commissioner Laskowski asked if that was also the time frame on a voluntarily condemnation.

Mr. Kellam stated that this was his understanding after speaking with staff. He further stated that just to get the inspections done and the proper noticing and things of that nature. He further stated that on the list there are 9 houses and the city is taking 6 of them and doing the work ourselves. He stated that the National Guard will not schedule a mission in Kingsville for anything less than 20 structures.

Commissioner Laskowski stated that his understanding was that staff had a hefty list of houses that were ready for the National Guard.

Mr. Kellam stated that what was communicated to him was that there were 16 total houses and the city is taking 6 of those that are the most dangerous and taking care of those first, therefore leaving us with 10 structures left potentially 11 houses. He stated that we are still not near the 20 to 25 that the National Guard is requiring.

Mayor Fugate stated that if we could get that number by April, we could have them come down during that time.

Mr. Kellam stated that he has instructed staff to go after some of these structures and try to get KWOP for their next mission.

Mrs. Alvarez stated that she would like to remind everyone that agenda items for the next regularly scheduled Commission meeting are due in the Legal Department by Friday, November 4, 2011. The next scheduled Commission meeting is scheduled for Monday, November 14, 2011. She further announced that on Friday, October 28, 2011 from 4 P.M. to 6 P.M. city staff will be working with the Kingsville Historical Downtown Association on hosting the 3rd Annual Safe Trick or Treating event and Halloween Carnival in the downtown area. She further stated that November 4-5, 2011 is the Downtown Art Walk that the City is also participating in. She further reminded everyone that Monday, October 31, 2011 is Halloween and asked everyone to be on the lookout for trick or treaters that may be out. She stated that with regards to agenda items, agenda item #2, prior to the meeting, staff passed out a revised resolution to add a third whereas, which incorporates all the changes that were noted in this year's investment policy in comparing it to last year's investment policy with the bulk of those changes being on page 7, which was also attached to the resolution. She further stated that Susan Ivy is having a "Make a Difference Day" on Saturday, October 29, 2011 from 8:00 A.M. to 2:00 P.M. at Dick Kleberg Park. She stated that the first 100 volunteers that complete four hours will receive a free t-shirt.

Commissioner Laskowski stated that the City of Kingsville has been gracious enough to support Keep Kingsville Beautiful which will be having their Fill the Flower Pot on November 5, 2011 from 9:00 A.M. to 1:00 P.M. at the intersection of King Avenue and 14th street.

Mayor Fugate stated that this is a good cause and would like to encourage the citizens to donate to the Fill the Flower Pot.

Mayor Fugate commented on the Wind farm issue stating that Dick Messbarger and he met with Under Secretary of the Navy, Mr. Garcia this morning in San Antonio at 7:00

A.M. He further stated that they had a good discussion with Mr. Garcia about the wind farm issues. He stated that they will be meeting with Mayor Adame and Judge Neal from Corpus Christi along with the Commanding Officer and his staff from NAS Corpus Christi on Wednesday morning in Corpus Christi. He state that they are still pushing the issue and will update Commission and staff after their visit.

IV. Public Comment on Agenda Items³

1. Comments on all agenda and non-agenda items.

No public comments were made.

Mayor Fugate called for consideration of the items in Consent Agenda, Items 1 through 4. **Commissioner Laskowski made a motion to accept the Consent Agenda items 1 through 4 as presented with exception to the revised resolution for item 2, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Laskowski, Pecos, Fugate voting "FOR". Wilson "ABSENT".**

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 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. Consider approving final passage of an ordinance amending the Fiscal Year 2011-2012 budget for the Police Department State Forfeiture Fund and to set up a new fund for the Kingsville Law Enforcement Scholarship Fund. (Police Chief).
2. Consider approving a resolution establishing the City of Kingsville Investment Policy and Investment Strategies, designating the City Manager, the Director of Finance, and City Accountant as the authorized representatives with full authority for investment purposes, and providing for disclosure of financial interest. (Finance Director).
3. Consider authorizing a letter of support, which requires no financial commitment, on behalf of the Texas A&M University-Kingsville Historic Documentation Program. (Commissioner Laskowski).
4. Consider authorizing a letter of support, which requires no financial commitment, to the Texas Department of State Health Services on behalf of the South Texas Family Planning and Health Corporation. (City Attorney).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider authorizing the purchase of one backhoe for the Wastewater Construction Department. (Purchasing Director).

David Mason, Purchasing Director, stated that he used Buy Board and HGAC to obtain quotes for a four wheel drive extended boom backhoe for the Wastewater Construction. The best price was from Doggett Heavy Equipment. The Buy Board price less trade-in is \$69,969.70, which is less than the \$80,000 allocated for this purchase.

Mayor Fugate called for consideration of the agenda item. **Commissioner Laskowski made a motion to award the contract to Doggett Heavy Equipment for the price of \$69,969.70, seconded by Commissioner Pecos. The motion was passed and**

approved by the following vote: Pecos, Garcia, Laskowski, Fugate voting "FOR". Wilson "ABSENT".

6. Consider rescinding Bid No. 11-29 that authorized the purchase of a Wheeled Front End Loader for the Wastewater Construction Department at the July 25, 2011 City Commission Meeting. (Purchasing Director).

Mr. Mason stated that Bid 11-29 was advertised on June 8 and June 15th, 2011. There were six responsive bids opened on June 21, 2011. He stated that at that time Nueces Power Equipment and Hyundai HL 757-9 was the best machine. The bid was awarded upon further consideration by several departments. It has been determined that this particular machine was going to be too large for its intended usage. This machine is a 38,000 pound machine with at 3.7 cubic yard bucket. A more appropriate size would be a 30,000 pound machine with at 2½ cubic yard bucket. He stated that Nueces Power Equipment has been contacted as well as Hyundai who was placed on hold pending the rescinding of this item, assuming that it is approved, the new specs will be sent out and go out for bids on a smaller machine.

Commissioner Laskowski asked if what was originally approved was \$110,877.

Mr. Mason stated that this was correct. He further stated that the new machine, being a smaller machine should be \$4,000 to \$6,000 cheaper.

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

7. Consider rescinding condemnation order for 421 S. 17th Street. (Director of Development Services).

Mr. Kellam stated that Mr. Graveley submitted a repair plan which staff was pleased with and would agree to save a house rather than have a vacant lot.

Commissioner Garcia made a motion to rescind condemnation order for 421 S. 17th Street, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Laskowski, Pecos, Garcia, Fugate voting "FOR". Wilson "ABSENT".

8. Consider authorizing participation with Kleberg County Parks Department through in-kind assistance with grant to resurface walking trails in Dick Kleberg Park. (City Manager).

Susan Ivy, Parks Director, stated that she was coming before the Commission to ask them for their staff assistance to provide in-kind labor for their grant project in renovating the walking trail at Dick Kleberg Park from the Bar-B-Que House building to along Escondido Creek down to the pier area. She further stated that County Precinct staff will be working on scraping off the old trail and cutting in where the new trail will be placed as well as putting down the caliche which will be underneath the asphalt. She stated that all the materials will be provided by the grant project and is only asking for the City to provide manpower and equipment to lay the asphalt.

Mayor Fugate asked Ms. Ivy how wide the trail will be.

Ms. Ivy stated that the trail will be 8 feet.

Mayor Fugate asked if they were going to line it with timbers.

Ms. Ivy stated that it will have landscape timbers on both sides after the asphalt is laid out. The landscape timbers will help with keeping the drainage from washing away underneath the trail.

Commissioner Pecos asked if the trail would be extended.

Ms. Ivy stated that it will be exactly the same trail going from Bar-B-Quehouse building to the pier. She stated that in addition, the trail will have a couple of exercise equipment station that will be added to the trail. There will also be a wildlife viewing station for the bird and garden watchers.

Commissioner Laskowski asked if the County will have the caliche compacted wet and ready to go with their tact code on it so we only lay the hot mix.

Ms. Ivy answered yes it will be ready. Once they have received Commissions approval, it will be timed so the County's work will match with the availability of City staff.

Mayor Fugate stated that he participated in a 5K Run/Walk and said that there are some areas in the trail that are very dangerous.

Commissioner Garcia made a motion to authorize City staff to participate with Kleberg County Parks Department through in-kind assistance with grant to resurface walking trails in Dick Kleberg Park, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Laskowski, Pecos, Garcia, Fugate voting "FOR". Wilson "ABSENT".

9. Consider authorizing extension of sewer line. (City Manager).

Mr. Capell stated that in an email sent by him, he explained that the sewer line needed to be extended by 30 feet to allow a homeowner to connect to the City sewer line to allow them to do away with their septic system.

Commissioner Laskowski made a motion to authorize the extension of the sewer line, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski, Fugate voting "FOR". Wilson "ABESNT".

10. Consider resolution authorizing submission of an application to the Texas Historical Commission for the purpose of requesting Certified Local Government (CLG) Grant funding for a historical architectural survey and inventory. (Downtown Manager).

Bob Trescott, Downtown Manager, stated that the City of Kingsville participates with the Texas Historical Commission both in the main street program and the Certified Local Program (CLG). He further stated that the Texas Historical Commission administers the grant program with money that comes from the Department of Interior. He stated that the CLG grants provide funding for local governments to sustain their historical preservation program. He stated that they have been trying for a year to get a CLG representative to come visit but with some turnover in Austin it wasn't possible back then up until now. The new CLG representative recently visited with them and encouraged them to apply for 2012 CLG funds, even though they will be running in to a deadline. He stated that there was a deadline to turn in some paperwork last week with a second deadline for additional information sometime next week. He stated that the grant will not be awarded next spring. He stated that this is a matching grant of an estimate of \$20,000 to \$25,000. This is a 50/50 match and the match could be either cash or in-kind services. He further stated that if pursued, the largest share of the match might be in-kind services from Texas A&M University-Kingsville (TAMUK), from both students and teachers. He stated that the grant funding would be used to pay a federal and state qualified consultant to oversee and to execute this project. He stated that this funding might be spent with the University, University faculty, students and with other outside contractors or a combination of groups. He stated that the project is about updating the city's historic resources. He stated that an inventory of the historic resources in 1982 was updated in 1992 and a lot has happened since that time. He stated that the inventory is the foundation of our entire preservation program, knowing what the buildings are, their age and history. The current inventory is willfully inadequate and it's dated in both content and in format. He stated that their approach to this project would be to update the inventory and build capacity within TAMUK, staff and students. He stated that the Texas Historical Commission suggested that we apply for this grant even though it has a short fuse. He further stated that right now there are questions on how the Texas Historical Commission may interact with the University because there are all kinds of rules between a state agency and state University. There are also questions about how using the people that were mentioned before might meet the qualifications that are both federal and state qualifications required for supervising a project like this. He stated that the approach that has been taken is to turn in the application as a place holder and then work out these issues if there are any issues to be worked out. He stated that to reiterate, they would like to update their historic survey and there are grant funds available and this is an opportunity for a town gown project. He stated that we can apply and work out the issues later or pass on the application. He stated that at a later time, the discussion about using city funds, KCVB funds or other funds as part of a match or the City can just work with the University and not participate in the grant. He stated that what is being asked today is to turn in the application as a place holder so that the deadline won't be missed. He stated that this is a

project that he believes that the City, Texas Historical Commission and Texas A&M University-Kingsville are interested in doing together.

Commissioner Pecos asked if they would favor option #2 within the correspondence presented to him.

Mr. Trescott stated that there is a continuance of possibilities from the City hiring a consultant, which probably wouldn't work because we would not have the match. The other end of the possibility is having all the money and services provided by the University and have them receive the entire grant.

Mayor Fugate asked if there was anyone at the University that would be qualified to supervise this project.

Mr. Trescott stated that he has been led to believe that there may be someone but what we need to do is get the guidelines from the Department of Interior and the Texas Historical Commission. He further stated that what the Texas Historical Commission is saying is that there is only so much money and in the past they have had people receive grants and start projects but did not receive the deliverables that they wanted. He stated that there are standards that have been set by the Department of Interior of what they think it means to qualify for the grant. He further stated that he is proposing to apply for the grant and work it out with the goal of keeping it as close to home as possibly.

Mayor Fugate asked if the University chooses to opt out and not want to participate in this grant, what happens then.

Mr. Trescott stated that it's only \$25,000 and the City can do it themselves or go with other sources of funding. He further stated that the Texas Historical Commission is actually interested in the City applying. They want to work with the City and they also like the approach of using the University. He stated that they have realized that their rules are convoluted and they are willing to work with us and try to work this out. He further stated that they would like to use the University, because that is our first choice.

Commissioner Laskowski stated that he is hopeful that the details can be worked out so that we can have the in-kind match and have the University participate so the students can be compensated for their work.

Mr. Trescott stated that the City initiated this and invited the University to participate because he doesn't see how it can be done without them. He stated that this is a good opportunity for the University to build capacity and pay their students and staff.

Commissioner Pecos asked if the City was aware of how much money would be funded.

Mr. Trescott stated that it could be between \$15,000 to \$25,000, which would be cash money from the state that the City would have to match either with cash money or in-kind services. The services can be provided by city staff and the University.


Commissioner Garcia made a motion to approve the resolution authorizing submission of an application to the Texas Historical Commission, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Laskowski, Garcia, Fugate voting "FOR". Wilson "ABESNT".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:37 P.M.


Sam R. Fugate, Mayor

ATTEST:


Edna S. Lopez, TRMC, CMC
City Secretary