

NOVEMBER 28, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 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  
Stanley Laskowski, Commissioner  
Charles Wilson, Commissioner  
Arturo Pecos, Commissioner  
Al Garcia, 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  
Bill Donnell, Assistant Public Works Director  
Diana Gonzalez, Human Resources Director  
Caron Vela, Accounting Manager  
Frank Garcia, Wastewater Supervisor

**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 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 regular meeting held on Monday, November 14, 2011. **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: Wilson, Pecos, Garcia, Laskowski, voting “FOR”. Fugate “ABSTAINED”**

**II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public hearing on the designation of a reinvestment zone(s) for the City of Kingsville, Texas. (Director of Development Services).

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

No comments were made during the public hearing.

**Mayor Fugate closed the public hearing at 6:04 P.M.**

**III. Reports from Commission & Staff<sup>2</sup>**

*“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 asked Mike Kellam, Director of Development Services to brief the City Commission on the demolition project that the City is working on at this time.

Mr. Kellam stated that as an extension of the Kingsville Wipe Out Program (KWOP), which the City has utilized in the past several years. Unfortunately KWOP was unable to schedule a mission for our city. As part of the Community Appearance initiative, which is one of the Commission's top goals, Community Appearance has come up with some creative ways to demolish some structures using funds from the KWOP Program that were set aside within the budget. He stated that in order to bring a KWOP mission to the City, we must have twenty to twenty-five structures identified including all it's necessary paperwork in order prior to them scheduling a mission within our City. He further stated that the City has between ten to twelve structures that have been signed over to KWOP but does not meet the necessary number. He stated that the structures that are being demolished by the City now are those that were either condemned or signed over to KWOP. These structures are the most dangerous structures which are unsecured and had a large population of bees and collapsing. He stated that on November 13, 2011 the City began the demolition of the unsafe structures which are the; 606 W. King, 1131 W. Kenedy, 314 N. 10<sup>th</sup> Street, and 306 ½ E. Lee. He stated that 314 N. 10<sup>th</sup> and 306 ½ E. Lee, only the rear structures were demolished. He further stated that 1435 E. Henrietta, 431 E. Nettie and 724 E. Ave. B were also included in this demolition. He stated that these were the original seven structures that were identified as the most dangerous structures. Due to the visibility that they had within the community, a property owner that had two mobile homes that were dilapidated and uninhabitable asked if the City could assist in the demolition of the two mobile homes and agreed to pay for services rendered. He stated that the agreement was made therefore the City assisted the property owner in the demolition of the two mobile homes and forwarded the bill to the property owner. He stated that their efforts were justified in several different ways as two of the structures had an enormous bee population which could have caused a huge problem. He stated that this was a great team effort and that within the ten to eleven day turnaround the City was able to clear eight structures that were uninhabitable. The City averaged one structure a day and is right on track with the budgeting. He thanked Gary Fuselier for doing a great job in preparation of the budget. He stated that they are still waiting to get the final roll-off number which will determine the final dollar amount. Mr. Kellam thanked the following individuals and departments, landfill crew, Jennifer Bernal, Abel Carrillo, Jason Torres, Emilio Garcia, Java Valadez, Bill Donnell and Naim Kahn. He stated that they are working on identifying additional structures that are currently condemned that have not been worked on. There are some concerns with State Legislature and asked if Courtney Alvarez, City Attorney could reiterate on that concern.

Mrs. Alvarez stated that for involuntary, we would have to go through legal system until the Supreme Court modifies the decision that they made this on.

Mayor Fugate asked if this meant that the City would not be able to do condemnations as they were doing in the past.

Mrs. Alvarez stated that everybody in the state is somewhat frozen with regards to doing any additional or demolishing those structures that have already been condemned until the Supreme Court revisits the decision.

Mr. Kellam stated that they will continue to identify structures and will monitor the situation with the Supreme Court and see what the City needs to do in order to move forward with the demolitions.

Commissioner Laskowski asked if the roll-offs worked better rather than using the dump trailers.

Mr. Kellam stated that they were able to get the roll-offs in and out quickly which made things easier and more cost efficient.

Commissioner Garcia stated that he was concerned about possible damage to adjacent property with the roll-off being so cramped between two properties.

Mr. Kellam stated that they used extreme caution during that process and stated that the only damage that was done to personal property was the damage to a fence in which the City repaired immediately.

Mr. Capell asked Bill Donnell, Assistant Public Works Director to explain to the Commission about the sewer backup just in case the Commission received any phone calls.

Mr. Donnell stated that the sewer backup was over in the south side of town which in the area over by the high school and Lowe's. He stated that city crews found the location of the plug on the sewer main which was able to be repaired and is now flowing properly. He stated that a report would be made and filed in the morning.

Mrs. Alvarez reminded staff that all agenda items for the regularly scheduled Commission meeting scheduled for December 12, 2011 will be due on Friday, December 2<sup>nd</sup> as well as the staff report. She also reminded the Commission of the special meeting scheduled for Monday, December 4, 2011 at 4:00 P.M. to be held at Kingsville Chamber of Commerce. Mrs. Alvarez reminded staff and citizens of La Posada Parade on Saturday, December 3, 2011. She also mentioned that there is one opening in the Civil Service Board if City Commission would like to recommend anyone.

Commissioner Garcia asked if the Civil Service Board is for a one year term.

Mrs. Alvarez stated that this position is a three year term.

Mayor Fugate announced that Susan Ivy of the Kleberg County Parks Department will be hosting a holiday movie "A Christmas Story" on Thursday, December 8, 2011 at 6:00 P.M. which will be projected onto the side of the Cherry Tree Tea Room located on 7<sup>th</sup> street between Kleberg and Yoakum.

#### IV. **Public Comment on Agenda Items** <sup>3</sup>

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 5. **Commissioner Wilson made a motion to accept the Consent Agenda items 1 through 5 as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Pecos, Laskowski, Wilson Fugate voting "FOR".**

#### V.

#### Consent Agenda

#### Notice to the Public

1. Motion to approve waiving Vendor and Retail Food permit fees for H.M. King High School participant called the Leo's Club which is a club under the umbrella of the LION'S Club for the La Posada parade. (Downtown Manager).
2. Motion to consider final passage of an ordinance amending the Fiscal Year 2011-2012 General Fund budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful and the Downtown Beautification Tree Project. (Finance Director).
3. Consider final passage of an ordinance to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. (Finance Director).
4. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Kingsville Boxing Club. (Task Force Commander).
5. Motion to authorize the purchase of two Wheeled Front End Loaders from Nueces Power Equipment through HGAC, one each for Wastewater Construction and Street Departments. (Purchasing Director).

#### REGULAR AGENDA

#### CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

#### VI. Items for consideration by Commissioners.<sup>4</sup>

6. Consider introduction of an ordinance designating a certain area as a reinvestment zone; repealing all ordinances in conflict herewith and providing for an effective date and publications. (Director of Development Services)

Mr. Kellam stated that this document had expired July 13, 2011. This document is utilized for stimulating residential and other economic development incentives. He stated that the language has not changed and therefore asking Commission for their approval and consideration.

Mayor Fugate asked if this could be used in the Extra Territorial Jurisdiction (ETJ) area.

Mrs. Alvarez stated that she would have to review the tax code that this section comes from, which she feels that there were certain things that the legislature would allow you to do.

**Introduction item only.**

7. Consider resolution establishing guidelines and criteria governing tax abatement for all taxing entities located within the City of Kingsville; Authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission; Stating the City elects to be eligible to participate in tax abatements; and providing for evaluation of each application for conformity with such guidelines and criteria prior to submission to the Commission. (Director of Development Services).

Mr. Kellam stated that the documents have expired and is asking Commission for their approval and consideration.

Commissioner Laskowski asked Mr. Kellam if he had an opportunity to review these documents.

Mr. Kellam stated that he has reviewed the documents and they meet the city's needs.

Commissioner Laskowski made a motion to adopt the resolution as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Wilson, Garcia, Pecos, Laskowski, Fugate "FOR".

**8. Consider authorizing staff to install 2,500 feet of 8" PVC water line along Sage Road. (City Engineer).**

Naim Kahn, Public Works Director stated that after meeting with the University a couple of weeks ago, they have requested the city's assistant for an 8" water line on Sage Road. He stated that it will cost around \$54,500 for material, labor and equipment with the University paying for the material. The city would provide the labor and equipment which will cost \$21,571.

Commissioner Laskowski asked when this project will begin.

Mr. Kahn stated that there were two city projects prior to this one which will be taken care of before beginning the University project.

Commissioner Wilson asked if this water line was going to be metered.

Mr. Kahn stated that it would be metered.

**Commissioner Laskowski made a motion to allow the city to install 2,500 feet of 8" PVC water line along Sage Road, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Wilson, Pecos, Garcia, Laskowski, Fugate "FOR".**

**9. Consider resolution authorizing the City Manager to enter into an Agreement with TXDOT for drainage improvements to Caesar Ditch. (City Engineer).**

Mr. Kahn stated that the city has met with TXDOT several times with regards to the drainage improvement project. He stated that this would be the extension of the concrete boxes that are located on the east side of Caesar. This project will allow the city to extend the box down to the city ditch.

Commissioner Laskowski asked that if the boxes that are being placed are on the west side along the Caesar ditch.

Mr. Kahn stated that currently there is one 10x6 and one 8x6 on the east side and one 7x7 under Hwy. 77. He stated that they will remove the 7x7 and extend the pipes up to their right-of-way. He stated that TXDOT will pay up to their right-of-way and the city will pay from the right-of-way to the ditch.

Commissioner Laskowski asked how many feet from 14<sup>th</sup> Street.

Mr. Kahn stated that he has asked TXDOT to send him the breakdown and once he has received it he can forward it via-email to Commission. He stated that it was around 266 feet from the bypass to the ditch.

**Commissioner Laskowski made a motion authorizing the City Manager to enter into an agreement with TXDOT for drainage improvements to Caesar ditch, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Wilson, Pecos, Garcia, Laskowski, Fugate "FOR".**

**10. Consider introduction of an ordinance amending the FY2011-2012 budget for the Utility Fund Capital Projects Fund for Waste Water Department equipment and CO2011 General Fund for Street Department equipment, street repairs and drainage projects. (Finance Director).**

Mark Rushing, Finance Director, stated that this is an introduction of a budget amendment. He stated that this is primarily the function of timing and delivery on

projects that were completed last year that are carried over into this fiscal year. He stated that on the recap Fund 54 is the water wastewater model on the capital outlay that will be purchased through the five year plan of that model. He further stated that there were some pending installation of generators at both plants, one for \$9,648 at one plant and \$10,500 for the other. He stated that the construction wastewater construction was the front end wheel loader for \$82,571 in the back truck for \$223,436 which we didn't take delivery and get authorization on those prior to fiscal year end. He stated that the sum total is \$326,155. He further stated that mid year the issuance of CO 2011, there were projects on the board that were anticipated to start in fiscal year 2010-2011 which part were the storm water drainage study. He stated that this was initially budgeted for \$80,000 and was bumped up to \$83,000 and was actually adopted. He stated that there is a little bit of billing from last fiscal at about \$29,000 and stated that there was a pending invoice coming in from HDR. He stated that for this draft of the initial introduction, they put that number at \$80,000 but are refining that number. He stated that the next item is the street repairs for \$466,204 and the drainage project for \$655,000 which both will carry into this fiscal year which is listed in the original CO 2011. He further commented on the notation of \$189,000 sub total that was originally designated for the CO 2011 and on the original for the road grader \$130,000 which was originally budgeted intended and the drum-roller for \$24,000 which equals \$154,000. He stated that the front end wheel loader that is anticipated is \$76,027 and the two wheel drum-roller is \$77,973 which equal \$154,000 and the sign machine is \$35,000 as original stated. The sub total on the budget amendment proposed to the Commission in this first draft is \$1,390,204 on the CO 2011 general fund portion which is Fund 65.

Commissioner Laskowski asked that on the storm water study, what is that going to cost the city overall. If the city has already spent \$29,000 and with another invoice coming in and the city is budgeting \$80,000 is that going to cost the city over \$129,000.

Mr. Rushing stated that it would be a total of \$83,000 between the two fiscal years. He stated that what they had done in this initial draft was left it at \$80,000 because we have expended last year already \$29,000 and having an additional invoice coming of last year, it would not exceed the total (\$83,000) that Commission authorized.

**Introduction item only.**

**11. Consider resolution authorizing the City Manager to enter into an agreement with Kleberg First National Bank for parking on the north side of City Hall. (City Engineer).**

Mr. Kahn stated that the City had an old agreement with Kleberg Bank signed in 1988 which since has not been revised or reviewed. He stated that the City Attorney has reviewed and revised the agreement for Commission approval. He stated that parking has changed to a total of thirty-six with twelve being designated and twelve undesignated.

**Commissioner Wilson made a motion to adopt the resolution authorizing the City Manager to enter into an agreement with Kleberg First National Bank for parking on the north side of City Hall, seconded by Commissioner Laskowski.**

Commissioner Laskowski asked if the City has thirty-six parking spaces and if the City is responsible for the paving of those thirty-six parking spaces.

Mrs. Alvarez stated that there are more parking spaces available for citizens. There are thirty-six designated for City staff, elected officials and employees. She stated that there are six in the first two rows and thirty on row four. She further stated that there are other areas that are available for the citizens who come to Municipal Court, pay water bills or any other city related business.

Commissioner Laskowski stated that his understanding that eighteen through forty-three does not belong to the bank.

Mayor Fugate stated that Harrel's has designated for their customers.

Commissioner Laskowski asked what the city would be responsible for paving. He stated that the agreement states that the city will be responsible for paving the parking lot and therefore he would like for staff to be clear as to what the city is responsible for. He stated that staff needs to find out the what ownership Kleberg bank has in that parking lot so that the city does not pave the entire parking lot thinking it's our obligation to do so.

Mrs. Alvarez stated that it would only be for the spaces that the bank makes available for the staff and citizens.

Commissioner Laskowski asked if the agreement specify which spaces are designated.

Mrs. Alvarez stated for parking yes, for repaving no.

Commissioner Garcia asked that for parking space 61A, 62A and 63A which are three parking areas in one section, does this mean we only pave those three.

Mrs. Alvarez stated that since the agreement is with the bank, the city would only be obligated to pave those spaces that the bank has control over.


Commissioner Laskowski stated that the city needs to know which parking spaces belong to the bank because some of those parking spaces don't belong to the bank.

**Commissioner Wilson asked to withdraw his motion to allow staff to clean the language up on this agreement. Commissioner Laskowski also asked to withdraw his second.**


Commissioner Laskowski asked city staff to clarify the language on the agreement between the City and Kleberg First National Bank with regards to parking.

#### VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:40 P.M.

  
Sam R. Fugate, Mayor

ATTEST:

  
Edna S. Lopez, TRMO, CMO  
City Secretary