

OCTOBER 8, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 8, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Mark Rushing, Finance Director
James Bryson, Accountant Manager
Mike Kellam, Director of Development Services
Diana Gonzales, Personnel Director
Diana Medina, Collections Manager
Naim Kahn, City Engineer/Public Works Director
Bill Donnell, Asst. Public Works Director
Robert Rodriguez, Library Director
Rick Torres, Chief of Police
Roel Carrion, Interim Fire Chief
Melissa Perez, Risk Manager
Emilio Garcia, Health Director
Jennifer Bernal, Community Appearance Supervisor
Dionecio Perez, Electrical Inspector
Ken Starrs, Assistant Commander Task Force

I. Preliminary Proceedings.

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, September 24, 2012. **Commissioner Pecos made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting “FOR”.**

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

1. Discuss amending the zoning ordinance by granting a special use permit for 822 South 9th Street (Lots 29-32, Block 11, 9th Addition) for a daycare facility, Lorena Lopez-applicant. (Director of Planning and Development Services).

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

Mr. Kellam stated that he would like to go into full report once the item is up for consideration.

Mayor Fugate closed this public hearing at 6:05 P.M.

2. Discuss amending the zoning ordinance by changing the zoning map in reference to 39.03 acres out of KT&I Co., Section 22, Lot 9 known as the Hawk's Landing area from AG Agriculture District to R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened the public hearing at 6:05 P.M.

Courtney Alvarez, City Attorney, stated that this includes the entire block which includes the Hawks Landing area and the other segments.

Mayor Fugate closed this public hearing at 6:07 P.M.

3. Discuss ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave., from R1 Single Family District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened the public hearing at 6:07 P.M.

Mr. Fugate complimented staff on all their hard work in getting this done.

Mayor Fugate closed this public hearing at 6:08 P.M.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"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, Tourism, 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. No formal action can be taken on these items at this time."

Mrs. Alvarez reminded staff that agenda items for regular scheduled meeting on October 22, 2012 are due Friday, October 12, 2012.

Mayor Fugate stated that NAS Kingsville has \$14,000,000 to hook up with the City of Kingsville water and sewer. This is an indication that NAS Kingsville mission may be expanded during BRAC 2015.

Commissioner Pecos stated that he was approached by a citizen stating that the City has had a lot of garbage containers being damaged by the garbage trucks.

Mr. Kahn stated that he has not heard anything of this nature, but will look into the situation.

Bill Donnell, Assistant Public Works Director, stated that there is some garbage containers that have been damaged by the clamp on the garbage truck. He stated that there are roughly about 100 containers that get damaged by the garbage truck per year.

Mayor Fugate presented certificates of appreciation to groups of Texas A&M Kingsville for their assistance in Trash Off day.

IV. Public Comment on Agenda Items³

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

No public comments were made at this time.

Mayor Fugate asked for a motion to approve the amended consent agenda Commissioner Garcia made a motion to approve the amended consent agenda voting only for item #2, removing agenda item #1 which is to be

placed on the next Commission meeting for October 22, 2012 due to the typographical error, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

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 introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 2, Ambulance Service, providing for the ambulance billing rates for services provided by the City. (Finance Director).
2. Consider to approve re-appointing Dr. Tadeo Reyna to the Library Board to serve another three (3) year term. (Library Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. **Items for consideration by Commissioners.⁴**

3. Consider authorizing the purchase of a Landfill Compactor with Dozer Blade via BuyBoard as per staff recommendation. (Purchasing/IT Director).

Mr. David Mason, Purchasing Director stated that the current compactor is at the end of its useful life and the cost of remanufacturing of the current model is equivalent to purchase a new one. The best value for the City is a Bomag BC-2 Landfill compactor with dozer blade through Anderson Machinery under the Buy Board contract #345-10 for \$414,191. He stated that the company would like for the City to have the sales contract with the purchase order done before going proceeding with the lease agreement.

Commissioner Garcia asked if there will be a trade-in.

Mr. Mason stated that there wouldn't be a trade-in.

Motion made by Commissioner Leubert to approve the purchase of a Landfill Compactor as recommended by staff, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

4. Consider designating a voting delegate and an alternate for the National League of Cities (NLC) Annual Business Meeting to be held on Saturday, December 1, 2012. (Commissioner Garcia).

Mayor Fugate made a recommendation to appoint Commissioner Pecos as the voting delegate and Commissioner Leubert as the alternate for the National League of Cities Annual Business Meeting, second by Garcia. The recommendation was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

5. Consider appointing a commission member to the City's Investment Committee. (Finance Director).

Mark Rushing, Finance Director gave a brief description as to what the City's Investment Committee does.

Commissioner Pena made a motion to appoint Commissioner Pecos to the City's Investment Committee, second by Commissioner Garcia and Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 822 South 9th Street (Lots 29-32, Block 11, 9th Addition) for a daycare facility, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning and Development Services).

Mike Kellam, Director of Development Services stated that staff received an application for a special use permit for a daycare facility. All pertinent notices were published and sent out to the surrounding property owners that are within 200ft. radius within the location. The Planning & Zoning Commission met on September 19, 2012 in regards to this request. There were no oppositions made regarding this request. The Planning & Zoning Commission recommended Conditional Approval of the request with a unanimous 8/0 vote.

Commissioner Garcia asked what will the hours of operation be for this daycare.

Mr. Kellam stated that hours of operation will be from 7:00 A.M. to 5:30 P.M.

Commissioner Garcia stated that his concern is traffic congestion in this area.

Mr. Kellam stated that the property has a good size driveway to fit about three vehicles plus it has a half circular drive that exits off the alley. The maximum she will allow to have is 12 children.

This item is an introduction item only.

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave., from R1 Single Family District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).

Mr. Kellam stated that the Planning & Zoning Commission met on September 19, 2012 in regard to a request made by the City of Kingsville, to rezone lots 1, 2 & 3 of Newman Center Addition, which is located at the southwest corner of Retama St. and Corral Ave. The request is to rezone from R-1 Single Family Residential District and R-3 Multi-Family Residential District to solely R-3 Multi-Family Residential District. All pertinent notices were published and sent out to the surround property owners within the 200ft radius. There were no oppositions made regarding this request. The Planning & Zoning Commission recommended approval of the request with a vote of 8/0 in favor.

Commissioner Pecos asked that during the construction phase, is Corral Street going to be widened.

Mr. Kellam stated that there will be no street infrastructure improvements made for this project.

Mayor Fugate stated that in talking with the City Manager, staff is going to compile a map showing street developments. This will show what the City needs to do and what it will cost to get it done.

This item is an introduction item only.

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 39.03 acres out of KT&I Co., Section 22, Lot 9 known as the Hawk's Landing area from AG Agriculture District to R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).

Mr. Kellam stated that the Planning & Zoning Commission met on September 19, 2012 in regard to a request made by the City of Kingsville, to establish a zoning designation for the recently annexed 39.03 acres also known as Lot 9, Section 22, K.T. & I Subdivision. The request is to zone the area R-3 Multi-Family

Residential District, which is consistent with the existing apartment development use, known as Hawk's Landing. All pertinent notices were published and sent out to surrounding property owners that are within 200ft radius. The Planning & Zoning Commission recommended approval of the request with a unanimous 8/0 vote.

Mr. Kahn stated that 5 lights will be placed in this area, two located on FM Rd 2020 and three on Trant Rd.

This item is an introduction item only.

9. Consider options for vacant position in Legal Department. (City Attorney).

Mrs. Alvarez stated that she would like to advertise for a part-time Assistant City Attorney. This position would not increase the salaries line item for the 2012-2013 budget. The Assistant City Attorney will be working on Municipal Court issues, liens and open records request. She further stated that if no applicants were received, she would advertise for a Paralegal. Mrs. Alvarez stated that there will be a savings in the position since a new employee would start at the lesser amount than the previous employee who was there prior.

Commissioner Leubert stated that Mrs. Valenzuela is temporarily assisting in the Legal office. She asked how long it would take to fill the position so that Mrs. Valenzuela could concentrate on her schooling and the full duties of being a City Secretary.

Mrs. Alvarez stated that at this moment Mrs. Valenzuela is concentrating on her certification program and only helping in the Legal Office for about an hour a day.

Commissioner Leubert asked if there is any need to hire a temporary employee, to answer phones.


Mrs. Alvarez stated that at this time the Legal Department phones are transferred to the City Secretary. She stated that this arrangement is no different as when the previous City Secretary was out on sick leave and Mrs. Valenzuela assisted in the City Manager's Office for about 5 months.

Commissioner Leubert asked how long it would take to fill this position.

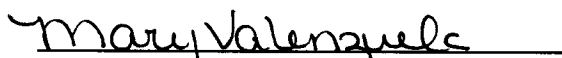
Mrs. Alvarez stated no more than a week.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary