

NOVEMBER 5, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 5, 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
Bill Donnell, Asst. Public Works Director
Robert Rodriguez, Library Director
Rick Torres, Chief of Police
Roel Carrion, Interim Fire Chief
Emilio Garcia, Health Director
Willie Vera, Task Force Commander
Bob Trescott, Tourism Director
Rose Morrow, Municipal Court Supervisor
Melissa Perez, Risk Manager
Naim Kahn, Public Works Director/City Engineer

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, October 22, 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: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.**

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

1. Public hearing to consider amending the zoning ordinance by changing the zoning map in reference to Lots 9-16, Block 25 of Ninth Addition, known as 704-B East Fordyce from R1 Single Family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning & Economic Development).

Mayor Fugate opened the public hearing at 6:02 p.m.

Mayor Fugate asked Mrs. Courtney Alvarez, City Attorney, if there is a specific time limit that we would need to keep this Public Hearing open to allow the public to speak. Mrs. Alvarez responded there is no period of time to keep this Public Hearing open.

No comments were made by either staff or the public on this matter. Mayor Fugate closed this hearing at 6:05 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 staff reports and agenda items for the November 26, 2012 Commission meeting are due on Friday, November 9, 2012 by noon. She stated that the City will be closed for the following holidays, Monday, November 12, 2012, Veteran's Day and Thursday, November 22nd and Friday, November 23, 2012 for the Thanksgiving Holiday.

Mayor Fugate encouraged all citizens to go out and support the H.M. King Braham Football team this Friday, November 9th and the Texas A&M Kingsville Javelina Football team on Saturday, November 10, 2012.

Commissioner Leubert stated that she had recently attended the reception for the Board of Regents at the University last week. She stated that she was able to speak with some of the Presidents of the Universities System that were here about 8 years ago and stated that they could see a marked difference in the City of Kingsville. The City was cleaner and had so many other wonderful things to say about our City and the University.

IV. Public Comment on Agenda Items^{.3}

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

Mr. Clyde Allen, 722 W. Lee, stated that the Park located on 6th Street is very attractive and well-kept and would like to compliment the individuals who are responsible for keeping it well maintained. He stated that he would like to see the striping on Kleberg Street repainted before the King Ranch Hand Breakfast festivities take place. He further stated that he would like to see a monthly report from the Kingsville Police Department showing all burglaries in Kingsville.

Mayor Fugate stated that on the City of Kingsville website a Staff Report is posted on everything that is going on throughout the City.

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)

Mayor Fugate asked for a motion to approve the consent agenda items as presented. Commissioner Garcia made a motion to approve the consent agenda as presented, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for Community Appearance to transfer funds for maintenance projects. (Finance Director).
2. Motion to approve membership renewal with Electric Reliability Council of Texas ("ERCOT") for 2013 membership year. (City Attorney).
3. Motion to approve a resolution appointing Commissioner Dianne Leubert to represent the City of Kingsville at the Coastal Bend Council of Governments' general meetings as an alternate representative. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider amending the zoning ordinance by changing the zoning map in reference to Lots 9-16, Block 25 of Ninth Addition, known as 704-B East Fordyce from R1 Single Family Residential District to C2 Retail District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning & Economic Development).

Mr. Mike Kellam, Director of Development Services stated that this site is located on the South East Corner of 11th Street and E. Huisache. This was the old Fellowship Hall Education Building for the Church of Christ. The future and use plan calls for this to be utilized as a public or institutional use. The neighboring church that currently owns the building can no longer support its use and is under contract with the applicant for sale of the property. The petitioner is requesting a zoning district change in order to facilitate the location of a central office, training facility and information technologies staff dispatch center for 10 McDonald's franchise restaurants in the region.

Mayor Fugate asked if notices were sent out and what was the response(s).

Mr. Kellam stated that notices were sent out and there were no oppositions received, but did receive a couple of calls asking questions only. He further stated that the Planning & Zoning Commission met on October 17, 2012 and voted unanimously 8-0.

Commissioner Garcia asked if this building complies with the Fire Code. Mr. Kellam stated that it will still require for them to get all of the required inspections before receiving the Certificate of Occupancy.

This item is only an introduction ordinance. No action will be taken until the next regular scheduled meeting.

5. Consider a resolution authorizing staff to proceed with implementing the State of Texas Office of Court Administration's Collection Improvement Program. (Finance Director).

Mr. Mark Rushing, Finance Director stated that this resolution will allow the City to enter into an agreement with the Office of Court Administration. The City will be submitting data to them and they will be providing us with training.

Commissioner Pecos asked if Judge Krueger was in favor of this agreement. Mr. Rushing responded that he was in favor of the agreement.

Motion made by Commissioner Pena to approve this resolution, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Mayor voting "FOR".

6. Consider a resolution authorizing the City Manager to execute a Lease-Purchase Agreement and Escrow Agreement with Leasing 2, Inc. for the Landfill Compactor. (Purchasing & Information Technologies Director).

Mr. David Mason, Purchasing Director stated that this resolution is for a purchase lease agreement and escrow agreement with Leasing 2, Inc. for the landfill compactor that was authorized to purchase the Bomag BC-2 from Anderson Machinery under the BuyBoard contract #345-10.

Commissioner Garcia asked what the term of the lease is. Mr. Mason stated that the lease term is for seven years.

Motion made by Commission Garcia to approve this resolution, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".

7. Consider authorizing purchase of Pro-Patch TCM 425-80-DHE via BuyBoard from H.D. Industries, Inc. as per staff recommendation. (Purchasing & Information Technologies Director).

Mr. Mason stated that this is a necessary piece of equipment to continue the work on patching the asphaltic streets throughout the city. The Pro-Patch will be mounted to the chassis currently occupied by the Dura Patcher and the Dura Patcher will be mounted on a trailer so we will now have two machines to assist in the patching of asphaltic streets. The Pro-Patch is manufactured in Jacksonville, TX, is available through H.D. Industries, Inc. under BuyBoard contract #358-10. The purchase will expend \$67,520.86 of which \$70,000 is budgeted for this purpose.

Motion made by Commission Pena to authorize the purchase of Pro-Patch TCM 425-80-DHE, second by Commissioner Leubert and Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for Solid Waste to purchase a Landfill compactor with dozer blade. (Finance Director).

Mr. Rushing stated that this is an introduction item only. This item is relating to agenda item #6. This is budget neutral and this is basically housekeeping factor that needs to be done.

9. Consider a resolution authorizing the City Manager to enter into a Settlement Agreement with AEP Texas Central Company. (Finance Director).

Mr. Rushing stated that after reviewing the billing with AEP, we were able to go back and recover \$104,831.86, which was an over bill back from November 2004. In 2003, electric companies were not able to import any mercury vapor light bulbs which engaged a program of replacing these light bulbs and the replacement light bulbs are sodium which consume less electricity as well as lower in cost. AEP went through this program of replacing the light bulbs in which the billing to the City did not reflect that change. Staff did an inventory and reconciled it with our billing and was able to recover \$104,831.86.

Motion made by Commissioner Pena to approve this resolution, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".


10. Consider waiving interest on Weed Liens for property owned by Pedro P. Talosig, Jr. Lot PT3, A3, Block 21, Chandler Acres. (Finance Director).

Mr. Rushing stated that Mr. Talosig is requesting the City to waive the Weed Lien Interest accrued on the property he owns located at Lot PT3, A3, Block 21, Chandler Acres. There are three separate weed liens filed against the property. The amount that is being asked to be waived is \$1,568.95, leaving the principal amount of \$4,083.72 to be paid by the owner within 30 days after the Commission approval date for the waiver of interest.

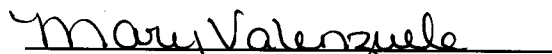
Motion made by Commissioner Garcia to approve the waiving of interest of \$1,568.95, second by Commissioner Pecos and Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:39 p.m.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary