

NOVEMBER 26, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 26, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

Al Garcia, Mayor Pro-Tem  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Sam R. Fugate, Mayor

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
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  
Rick Torres, Chief of Police  
Roel Carrion, Interim Fire Chief  
Emilio Garcia, Health Director  
Bob Trescott, Tourism Director  
Rose Morrow, Municipal Court Supervisor  
Naim Kahn, Public Works Director/City Engineer  
Daniel Ramirez, Building Official  
Jennifer Bernal, Community Appearance Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Pro-tem Garcia called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present with Mayor Fugate 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 Pro-tem Garcia called for consideration of the minutes for regular meeting held on Monday, November 5, 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: Leubert, Pecos, Pena, Garcia voting "FOR".**

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

1. Public hearing regarding condemnation proceeding for structures located at 418 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Garcia opened the public hearing at 6:03 p.m.

Mr. Mike Kellam, Director of Development Services stated that numerous letters were mailed to the property owner, and no effort from the property owner has been made to contact the City with regards to this property. All proper steps have been taken prior to placing property for condemnation

Mayor Pro-tem Garcia 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 the public on this matter. Mayor Pro-tem Garcia closed this hearing at 6:05 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 523 E. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Pro-tem Garcia opened the public hearing at 6:05 p.m.

Mr. Kellam stated that numerous letters were mailed to the property owner, and no effort from the property owner has been made to contact the City with regards to this property. All proper steps have been taken prior to placing property for condemnation

No comments were made by the public on this matter. Mayor Pro-tem Garcia closed this hearing at 6:07 p.m.

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

Mr. Vince Capell, City Manager reported that the week of December 3-7, 2012 is Employee Recognition & Safety Week. During this week, employees will be recognized for their years of service to the City of Kingsville and will be rewarded with a gift item. Department Supervisors will be hosting a breakfast or luncheon for their employees as an appreciation for their hard work. Mr. Capell further stated that Fire Chief finalist will be in town from December 5-7, 2012 for their interviews and tour of the Fire Stations.

Mrs. Courtney Alvarez, City Attorney reported that the next regular scheduled Commission meeting is Monday, December 10, 2012. Therefore all agenda items are due Friday, November 30<sup>th</sup> as well as staff reports due to the City Manager.

Commissioner Pecos stated that he received compliments from several citizens on the work that city crews have done on city streets.

Commissioner Pena commented on the communication he received regarding sewer and water rates. He stated that this was a good update for him and he would like to commend Mrs. Diana Medina, Collections Manager on her hard work.

Commissioner Pecos stated that he would like to congratulate the University for hosting playoff games.

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

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

### **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 Pro-tem Garcia asked for a motion to approve the consent agenda as presented. Commissioner Leubert made a motion to approve the consent agenda as presented, second by Commissioner Pecos.**

Commissioner Pecos commended the Kingsville Police Department and Task Force for their donations to these non-profit organizations.

**The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garica voting "FOR".**

1. Motion to approve final passage of a 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).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for Solid Waste to purchase a Landfill compactor with dozer blade. (Finance Director).
3. 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 Amateur Boxing Club, Inc. (Task Force Commander).
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 Communities in School. (Task Force Commander).
5. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys and Girls Club of Kingsville. (Task Force Commander).
6. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. (Police Chief).
7. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Communities in Schools. (Police Chief).
8. Motion to approve resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Boys & Girls Club of Kingsville (Police Chief).
9. Motion to approve out-of-state travel for Mayor Sam Fugate to work on matters related to Naval Air Station Kingsville, on December 4-6, 2012, in Washington, D.C. (City Manager).

**REGULAR AGENDA**

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

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

10. Consider condemnation of structures located at 418 E. Lee, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Kellam stated that all necessary approvals were done for this condemnation.

**Commissioner Pecos made a motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within a specified time of 60 days, second by**

**Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Garcia voting "FOR".**

11. Consider condemnation of structures located at 523 E. Henrietta, Kingsville, Texas. (Director of Planning & Development Services).

**Commissioner Pecos made a motion finding not able to repair building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within a specified time of 60 days, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Garcia voting "FOR".**

12. Consider a resolution authorizing the City to submit an application on behalf of the Kingsville Police Department to the Friends of the NRA's (through the NRA Foundation) Eddie Eagle GunSafe Program for the purpose of requesting an Eddie Eagle mascot costume to promote gun safety, with no cash match. (Police Chief).

Chief Torres stated that the Eddie Eagle costume will be used to teach young children about gun safety. The costume has a value of \$2,500 with no cash match from the City.

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

13. Consider authorizing the purchase of ambulance medical supplies for the Kingsville Fire Department on an annual contract as per staff recommendation. (Bid #13-02). (Purchasing Director).

Mr. David Mason, Purchasing Director stated that this item authorizes the purchase of ambulance medical supplies on an annual contract. Proper advertisement was done in the Kingsville Record on September 23<sup>rd</sup> and September 30<sup>th</sup>, 2012 and opened bids Tuesday, October 9, 2012. A total of four bids were received. The bidder recommended for the award submitted the best value bid. It is recommended that the bid be awarded to Henry Schein, Inc. Irmo, SC. Interim Chief Carrion and EMS Supply Officer have reviewed the bids and are making this recommendation.

**Motion made by Commissioner Pecos to go with staff recommendation, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Leubert, Garcia voting "FOR".**

14. Consider authorizing the purchase of one 7.5 yd. dump truck for the Water Construction Department as per staff recommendation. (Purchasing Director).

Mr. Mason stated that this item authorizes the purchase of on 7.5 yard dump truck for Water Construction. This truck will replace an existing truck, Unit 485 which is a 1997 Ford F800. This vehicle is from Grande Ford in San Antonio through BuyBoard contract #358-10 therefore satisfies competitive bidding requirements. This action if approved by Commission will expend \$66,867.20.

**Motion was made by Commissioner Leubert to authorize the purchase of one 7.5 yard dump truck, second by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia voting "FOR".**

15. Consideration and approval of resolution authorizing publication of Notice of Intention to Issue Certificates of Obligation (Series 2013). (Finance Director).

Mr. Mark Rushing, Finance Director stated that Exhibit A shows detail on upcoming projects. He further stated that Anne Burger Entrekin of First Southwest will be making a presentation to the Commission regarding Certificates of Obligation.

Anne Burger Entrekin of First Southwest explained to the Commission what has happened in the municipal market since her last visit to Kingsville. She presented the Commission with a presentation handbook and explained to the Commission how the municipal market has gone up and down in the past year. She spoke to the Commission about the Bond Buyer's Index of 20 Municipal Bonds.

Commissioner Pecos asked if in this plan, the drainage situation is being considered. If the has to tear down the street to repair the drainage, is that dollar amount included in this proposal.

Mr. Capell stated that there is a dollar amount included for street repairs. A portion of the bond issuance is for street repairs that are torn down to repair drainage pipes.

Mrs. Alvarez stated that this is primarily a storm water CO and in the event there is savings along the way, they will be able to do street repairs. The resolution with attachment Exhibit A is a contract with the bond holders.

**Motion made by Commissioner Pecos to approve resolution authorizing publication of Notice of Intention to issue Certificates of Obligation (Series 2013), second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia voting "FOR".**

16. Consider waiving interest on weed liens for property owned by Kevin A. Zeitler, Lots 30-32, Block 63, Original Town. (Finance Director).

Mr. Rushing stated that Mr. Kevin A. Zeitler is requesting the City to waive the weed lien interest for the above said property in the amount of \$866.58.

Mr. Kellam stated that he is not aware of any development going on this property, but he is aware of a prospective buyer for this property.

**Motion made by Commissioner Pecos to waive interest on weed liens for property owned by Kevin A. Zeitler, Lots 30-32, Block 63, Original Town, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pena, Leubert, Pecos, Garcia voting "FOR".**

17. Consider a resolution authorizing the City Manager to execute an Interlocal Cooperation Contract with the Texas Department of Public Safety to implement the provisions of the Transportation Code, Chapter 706 wherein a local political subdivision may contract with the Texas Department of Public Safety to provide information necessary to deny renewal of the Driver's license of a person who fail to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a manner involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure. (Finance Director).

Mr. Rushing stated that in review and restructure of the Municipal Court, we are looking at the different tools that are available to the City to assist in the collection of revenues that is owed. Many municipalities utilize by submitting information to OmniBase network which it is communicated which will affect an individual's ability to renew their driver's license at time of renewal. This would make an individual settle their fines with the Municipal Court and would bring in the revenue that is being owed to the city.

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

18. Consider a resolution of the City of Kingsville authorizing the City Attorney to execute a License Agreement for the King Ranch Running W Mark for a mural to be located in downtown Kingsville. (City Attorney).

Mrs. Alvarez stated that the King Ranch has submitted this agreement to her and prior to the City taking over the Tourism Department. The KCVB was contracting with an artist to do a mural in the downtown area. She stated that it's nice when visitors come and see these murals that show the history of the community. She further stated should the artist and the city choose to place the Running W on the mural, all proper paper work would be in place.

Mr. Bob Trescott, Tourism Director stated that the Mayor has made contact with him and would like this item to be tabled at this time.

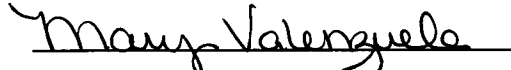
**Motion made by Commissioner Pena to table item #18, second by Commissioner Leubert. Motion was passed and approved by the following vote: Pena, Leubert, Garcia voting "FOR". Pecos "AGAINST".**

## VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:20 p.m.

  
Al Garcia, Mayor Pro-tem

ATTEST:

  
Mary Valenzuela, City Secretary