

DECEMBER 10, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 10, 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
Al Garcia, Commissioner
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Arturo Pecos, Commissioner

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
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
Dionicio Perez, Building Inspector
Cynthia Martin, Downtown & Volunteer Manager
Melissa Perez, Risk Manager
Willie Vera, Task Force Commander
Valerie Valero, Engineering
Ruthie Valdez, Interim Library Director
Tony Verdin, Computer Operation Technician

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:02 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 26, 2012. **Commissioner Leubert made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, voting "FOR". Fugate "ABSTAIN".**

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

1. Public hearing regarding introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 607 South 13th (Lots 5, Block 30, Retama Park) for an off-site caterer/bakery. (Director of Planning & Development Services).

Mayor Fugate opened the public hearing at 6:04 p.m.

Mr. Mike Kellam, Director of Development Services stated this is a special use permit for an offsite carter bakery. This item was presented on November 14, 2012 to the Planning & Zoning Commission meeting. No one appeared in

opposition during this meeting and received no written comments in opposition to this request. Business hours will be from 10:00 A.M. to 7:00 P.M. with minimal customer traffic expected. Handicap accessibility parking space shall be properly designated for one of the two required parking stalls for ADA customers. Minimal remodeling will be done to the interior of the building. This property is one block from 14th Street, one of the busiest commercial corridors of the city. Given the proximity to the existing commercial corridor, neighboring commercial uses and the aforementioned findings, staff is comfortable with the issuance of the special use permit. The business shall obtain all required permits for building, including Fire and Health Departments codes to operate said business. Planning staff and the Planning and Zoning Commission recommend conditional approval of this rezoning request.

Mayor Fugate closed the public hearing at 6:09 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."

Mr. Vince Capell, City Manager reported that it being the holiday season, our next regular scheduled Commission meeting falls on Christmas Eve and City Hall will be closed in observance of the holiday on Monday, December 24, 2012 and Tuesday, December 25, 2012. Our next regular scheduled meeting is January 14, 2013.

Mayor Fugate stated that he is fine with waiting to meet on January 14, 2013, unless any of the other Commissioners have any objection.

No objections were made by the Commission.

Mr. Capell stated that in the past week the City hosted an Employee Recognition and Safety Week which went very well. He commended Diana Gonzales, Director of Personnel, Melissa Perez, Risk Manager and the Safety Committee on all their hard work for putting this together. Mr. Capell introduced Ms. Cynthia Martin, Downtown & Volunteer Manager and Ruthie Valdez, Interim Library Director.

Mrs. Courtney Alvarez, City Attorney stated that all agenda items and staff reports are due December 28, 2012. She further stated that Municipal Court dates are December 20, 2012 and January 3, 2013. Mrs. Alvarez stated that regarding tonight's agenda, item number 3 is a proposed interlocal with Kingsville Independent School District. She stated that she has spoken with Ms. Griffith of KISD who stated that she and the KISD attorney have not had the opportunity to review the proposed interlocal so therefore they are unable to provide comments at this time. Item number 7 regarding vacating a plat, staff has met with a representative from the property owner. After having a discussion with them, staff will be making some modifications and bring this item back to Commission in January.

Mayor Fugate stated he recently took a trip with Dick Messbarger to Washington, D.C. The purpose of this trip was to discuss issues regarding NAS Kingsville. He

stated that the last three years, the Navy has spent close to \$100,000,000 in infrastructure improvements. He stated that with the completion of the Joint Land Use Study (JLUS), makes Kingsville stand well for the next BRAC round. He further stated that recently the Navy has received \$14,000,000 to connect NAS Kingsville with the City water and wastewater services. He further stated that there is still concern with regards to wind farms. Mayor Fugate stated that Celanese is interested in building a plant in Texas at one of their facilities that will convert natural gas into gasoline. Celanese representatives have asked for help in talking to Congress about making natural gas part of a bio-fuel or an alternative fuel in defining that in this legislation which will give them some benefits that can be used in developing their plant.

IV. Public Comment on Agenda Items³

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

1. Motion to approve resolution authorizing the submission of a grant application on behalf of the City of Kingsville Fire Department to Firehouse Subs Public Safety Foundation for the purpose of requesting grant funding for three additional StreetSmart Lifeline (EMS) Segway vehicles, with no cash match. (Interim Fire Chief).
2. Motion to approve authorizing the purchase of two 2012 Dodge Chargers and applicable equipment for the Kingsville Police Department from Grapevine Dodge Chrysler Jeep via Buyboard (contract #358-10) for and using "Operation Stone Garden" grant funds of approximately \$50,465.50 with any additional funding for equipping the vehicles coming from Chapter 59 Funds, as per staff recommendation. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider a resolution authorizing the Mayor to execute an Interlocal Agreement with the Kingsville Independent School District relating to Waiver of Certain Planning Fees in Exchange for Certain Land. (Mayor Fugate).

Mayor Fugate stated that he would like to bring everyone up to speed regarding the new city hall project. He stated that at this time we have \$5.3 million, including City's money to put into the new city hall, plus additional money that will be coming in next May. He stated that when the Kingsville School District deeded the property to the foundation, they left out the old homemaking cottage. He stated that he would like to ask for this structure as they would not have any need for it. He stated that this building could be used for the Utility Department.

Mayor Fugate met with Karen Griffith and Mr. Baha of the Kingsville Independent School District. They are asking for the City to waive all necessary permits fees for the building of the new high school, this amount would have a total of a little less than \$68,000. They are asking for the City to demolish a portable building located at the old Lamar School, as well as sweep their parking lots at their schools twice a year. He recalls the City waiving a great deal of permits for the new Gillette and Harvey School. The permits fees waived will be in exchange for the homemaking building and possibly the gymnasium.

Mr. Kellam briefed the Commission of the layout of the new city hall.

Commissioner Garcia asked staff to make the renditions available for public viewing.

4. Consider a resolution authorizing the Mayor to sign all necessary documentation on behalf of the City of Kingsville regarding the voluntary demolition of Kleberg County Trustees property located at 508 S. 2nd Street, Kingsville, Texas. (Director of Planning & Development Services).

Mr. Kellam stated that staff has received a complaint regarding the tree which is extremely over grown, that is going in through the roof of the house creating a structural integrity issue.

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

5. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 607 South 13th (Lots 5, Block 30, Retama Park) for an off-site caterer/bakery. (Director of Planning & Development Services).

Introduction item only.

6. Consider a resolution abandoning a utility easement within the Serenity Estates No. 2 Subdivision. (City Engineer/Public Works Director).

Mr. Naim Kahn, City Engineer/Public Works Director stated that property owner Victoria Guerrero is requesting to abandon a 15 foot utility easement located within the Serenity Estates No. 2 Subdivision. Staff has verified with AEP, AT&T CMA, Center Point, including City's water and sanitary sewer departments, which all confirmed that there are no active lines detected within the easement. Staff recommends that the utility easement in question be abandoned.

Mayor Fugate stated that when the water line was placed for Steve Childress property, it opened up an easement that allowed access to this private road. This would give us access to all the properties in Serenity Acres which would allow us to abandon this easement in question.

Commissioner Pecos asked what happens when individuals ask for a sewer line.

Mr. Kahn stated that at this time there isn't a sewer line in that area. If city wants to run a sewer line the capability is there.

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

7. Consider a resolution vacating the plat of Young Terrace Addition Subdivision. (City Engineer/Public Works Director).

No action or discussion done on this item.

8. Consider removing from the table 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 Manager).

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

9. 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).

Mayor Fugate stated that after speaking with the previous Downtown Manager and City Manager, staff wanted to make sure everything that we were doing with regards to the mural was legal.

Motion made by Commissioner Pecos to authorize the City Attorney to execute a license agreement for the King Ranch Running W Mark for a mural to be located in downtown Kingsville, second by Commissioner Pena. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

10. Consider a resolution of the City of Kingsville consenting to T-Mobile entering into a Master Prepaid Lease with Crown Castle International Corp., which includes the cell tower lease for 1133 W. Kenedy Street, Kingsville, Texas, as the Master Prepaid Lease will be subject to and subordinate to the City's Lease with T-Mobile and authorizing the City Manager to execute any necessary paperwork to reflect same. (City Attorney).

Mrs. Alvarez stated that the City has a lease agreement with T-Mobile for property the City owns at 1133 W. Kenedy Street. This lease agreement for a cell tower site was approved by the City Commission and executed on January 30, 2004. The lease agreement is for an initial ten year with four-5 year renewal options. Under the lease T-Mobile has certain payment and maintenance obligations, among others, to the City. The lease requires they obtain the City's consent prior to assigning, subletting, subcontracting or transferring any interest in the lease to any other party. The City received a request from T-Mobile for consent to their entering into a Master Prepaid Lease with Crown Castle International Corporation. The only thing that will change is that the City will still be receiving the check, but it will be sent by another party. The terms of the lease with the City could not change without the City's prior approval. The Master Prepaid Lease states that if Crown does not meet its obligations, then T-Mobile will meet them. There appears to be no negative impact to the City from approving the requested action item.

Commissioner Pecos asked if there is any money involved as far as the City is concerned.

Mrs. Alvarez stated no the City will continue to receive funds except it won't be from T-Mobile it will be coming from Crown Castle International Corporation.

Commissioner Pecos asked if there is any way the City can raise these fees.

Mrs. Alvarez stated probably not since it is a 25 year contract which has the terms set in already.

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, Fugate voting "FOR".

11. Consider waiving interest on weed liens for property owned by Roy Saenz, Lots 1-8, Block 1, Colonia Mexicana. (Finance Director).

Mr. Rushing stated that this property was purchased by Mr. Roy Saenz on September 20, 2010. Mr. Saenz has already paid the principal amount of \$1,764.54 and is asking for Commission to consider waiving the interest in the amount of \$879.13.

Commissioner Garcia asked if Mr. Saenz was aware of this lien at the time of closing.

Mr. Rushing stated that Mr. Saenz was not aware of this due to Mr. Saenz not purchasing the title insurance.


Commissioner Pecos stated that he has spoken to Mr. Saenz who stated that he was not aware of the liens.

Motion made by Commissioner Garcia to approve waiving interest on weed liens for property owned by Roy Saenz, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos Fugate voting "FOR".

Mayor Fugate read a proclamation that was presented on October 18, 2012 for Toys for Tots.

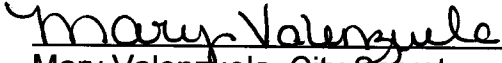
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:10 p.m.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary