

FEBRUARY 13, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 13, 2012 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
Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Dave Mason, Purchasing Director
Robert Rodriguez, Library Director
Ricardo Torres, Police Chief
Naim Khan, City Engineer/Public Works Director
Yolanda Cadena, Health Director
Bob Trescott, Downtown Manager
Mark Rushing, Finance Director
Mike Kellam, Director of Development Services
Willie Vera, Task Force Commander
Roel Carrion, Interim Fire Chief
Al Lopez, Fire Chief
Diana Medina, Collections Supervisor
Lisa McLaughlin, GIS Technician
J. R. Cavazos, GIS Technician
John Garcia, Risk Manager
Diana Gonzales, Human Resource Director
Caron Vela, Accounting Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, 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 of the special meeting of Monday, January 30, 2012. **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: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".**

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

III. Reports from Commission & Staff²

"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."

City Manager Capell announced he had no comments.

City Attorney Courtney Alvarez reported on the date of the next Commission meeting of February 27th, agenda item deadline is Friday, February 17th, and the next Staff meeting is on Wednesday, February 17th. She announced City Hall/City Services will be opened and functioning on Monday, Presidents Day.

IV. Public Comment on Agenda Items³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

There were no comments.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-3. **Commissioner Wilson made a motion to approve the Consent Agenda, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR"**

V.

Consent Agenda

1. **Motion to approve out of state travel for Commissioner Laskowski to Washington, DC to meet with congressional and administration officials to discuss the development of U.S. I-69. (Commissioner Laskowski).**
2. **RESOLUTION NO. 2012-04 Motion to approve resolution authorizing the City to submit an application to the Texas Department of Transportation for the purpose of requesting grant funding on behalf of the City for the 2012 Impaired Driving Mobilization (IDM) Grant for DWI Enforcement for the Kingsville Police Department with an anticipated cash match of \$2,000.00. (Police Chief).**
3. **Motion to approve authorizing the purchase of an emergency generator for the EOC at City Hall through a BuyBoard contract. (Purchasing Director).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. **RESOLUTION NO. 2012-05 Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).**

(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA) (SECRETARIA MUNICIPAL).

City Secretary Edna S Lopez read the resolution in Spanish.

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

5. **Consider introduction of an ordinance amending Section 15-1-93, providing for screening of storage areas. (Director of Development Services).**

Director of Development Services Mike Kellam stated this is tied to the dumpster enclosure proposal that is part of the FY 2010-2011 Surplus Funds projects. This requires it in the City Code for any new developments. The Planning & Zoning Commission was approved by a vote of 4/0.

INTRODUCTION ONLY

6. Consider introduction of an ordinance amending Sections 15-6-115, 15-6-117, providing for monument signs & adding Section 15-6-131, providing for regulations on unsafe and obsolete signs. (Director of Development Services).

Mr. Kellam stated this is tied to the community appearance regarding elimination or regulations of sign clutter which reducing clutter along major thoroughfares. This language supports that limiting it solely to monument type signage. It addresses obsolete and unsafe signage. The Planning & Zoning Commission recommended approval.

Commissioner Garcia asked if this ordinance addresses anchored signage. Mr. Kellam replied this addresses free-standing signs and does not address those signs on a building, only those out next to the highway. Existing businesses would have to comply if they remove the existing sign, any replacement would have to meet the code.

INTRODUCTION ONLY

7. RESOLUTION NO. 2012-06 Consider resolution establishing a Comprehensive Housing Plan for the City of Kingsville. (Director of Development Services).

Mr. Kellam stated this ties to Master Plan it specifically addresses the housing needs in Kingsville. Some design criteria, general goals and specific goals are included. It lines out what the City expects from the developers. This also ties in to diversified housing choices.

Commissioner Laskowski stated he noticed that redevelopment in the areas where there's existing infrastructure, it is stated that the City would be offering tax abatements up to ten (10) years, which is contrary to what the City currently has on the books at this time. The City and County's plan for economic incentives adopted are limited to two (2) years and based on the dollar amount of the improvement. Mr. Kellam stated it might be a typo and would correct.

Ms Alvarez stated that Mr. Kellam's document might be going by the State Statue if it's a free-eighty agreement. The State Statue says it is generally up to seven (7) year and no more than ten (10). Commissioner Wilson suggested this be clarified. Mr. Kellam stated that he would look in to this and with Commission permission he would make that amendment, administratively. Commissioner Laskowski stated the City already has an economic incentive package that was also adopted by the County, and is limited to two (2) years.

Commissioner Laskowski made a motion to approve this resolution, with the understanding that the City look at its current economic incentives for redevelopment and change it accordingly to comply with what the City now has on the books, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Information and Technology Librarian to Range 12 of the City of Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (City Manager).

City Manager Capell stated this item is a one-time opportunity because of the passing of an employee. This is a no cost change for the first three (3) years. Changing the position would if the employee, depending on the employee's longevity ultimately cost the city more money, but this is a worthwhile thing to do. This needs to be done now that the position is vacant and would like the Commission to approve it. Human Resource Director Diana Gonzales stated the job description was included with the Library Director's assistance. This would reflect what the employees are doing at the Library and would help their operation run smoothly. Library Director Robert Rodriguez addressed the Commission. Mr. Rodriguez stated consideration of this position is necessary due to electronic services at the Library being upgraded.

City Manager Capell explained the position was held by a person with longevity, who was at the top of the pay scale, and hiring into this position would initially save money, but it does have a higher upward potential. Over time, if the person stays they can reach that higher pay potential and will ultimately cost more. This doesn't affect any cost this budget year.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules; Providing for a revised school zone for the Methodist Day Care Center and the relocation of a school zone sign. (City Engineer/Director of Public Works).

City Engineer/Director of Public Works Naim Khan stated there are currently four (4) school zone signs, two (2) on Yoakum Street and two (2) on 4th Street. The City had a request for one (1) school zone sign to be relocated 80 ft further south on 4th Street. The reason for this is that currently the school zone sign is too close to the day care center and people do not have enough time to see this sign. Also, being requested is a change on the time, from the current time of 2:00 PM to 4:00 PM to 2:00 PM to 6:00 PM.

INTRODUCTION ONLY

10. Consider authorizing expenditure of \$6,250 of Fiscal Year 2010-2011 Surplus Funds for Historical Commission Grant cash match. (Downtown Manager).

Commissioner Laskowski made a motion to authorize the expenditure of \$6,250, seconded by Commissioner Wilson. Mayor Fugate explained this is something that has already been discussed at a previous workshop; in fact the next several items were discussed at the previous workshop. Downtown Manager Bob Trescott addressed the Commission and explained the grant was Commission approved in October 2010 which was intended to be a one-to-one match. Due to a partnership with the Convention and Visitor's Bureau and the University, the City is only being asked to match .25 cents to a \$1 match. This is a win-win situation.

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

11. Consider authorizing expenditure of \$22,206.78 for two (2) power stretchers and two (2) lap-top computers for the Fire Department from Fiscal Year 2010-2011 Surplus Funds. (Fire Chief).

Commissioner Wilson made a motion to authorize the expenditures, seconded by Commissioner Garcia. Purchasing Director David Mason explained these laptops are the semi-tough books by Dell.

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

12. Consider authorizing expenditure of \$17,000 for Police Department and building repairs from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Wilson made a motion to authorize the expenditure, seconded by Commissioner Laskowski. Police Chief Ricardo Torres stated the building was completed in 1998 and is in need of repairs. The building is located in one of the City's busiest thoroughfares.

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

13. Consider authorizing expenditure of \$80,453 for body armor for Police Department Officers from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Wilson made a motion to authorize the purchase, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

14. Consider authorizing expenditure of \$36,445 for beautification project at Police Department from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Pecos about if these monies would be to purchase the fence for the Police Department. Police Chief Torres stated the fence would be purchased with Chapter 59 funds. He further explained the project in detail. The Police Department is on the main thoroughfare and in the gateway of the City. He stated the sign will be a sandblasted sign like the one at the Fire Department. There is a landscaping plan that will be provided by La King Nursery. This plan is for the front of the building.

Commission requested a copy of the proposed landscaping plan.

Commissioner Wilson made a motion to authorize the expenditure, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

15. Consider authorizing expenditure of \$16,750 for Community Appearance Building improvements from Fiscal Year 2010-2011 Surplus Funds. (Director of Development Services).

Mr. Mason stated the Community Appearance building will be painted, the low bid is for \$9,750, but would like to set aside \$2,000 for unforeseen issues because this is an older building. Included is \$3,500 for landscaping and \$1,500 for fence screening. Total cost is \$16,750.

Commissioner Laskowski voiced his concern about building being painted only on three (3) sides which did not make good sense to him because he is assuming the west side of the building is not going to be painted. He added the pipes on the west side really need some care and the canopy and its supports are rotten. He stated if the building is going to be fixed it should be fixed all around and not only on three (3) sides. Mr. Kellam replied this was a phase; the canopy is in horrible shape and wouldn't want to waste paint, so that side was left alone. To have everything cleaned is very time consuming, the main focus of the building is to make it presentable for people coming to visit with Community Appearance Staff. He stated this is the initial phase to get initial appearance of the building up to par and that area is not street view.

Commissioner Wilson stated in his opinion, if the money will be spent and there's money now, a comprehensive plan should be developed to make it 100% now. If the City's objective is to make community appearance a priority which it is then there's no reason not to do it. This project was not explained as a phased project but the entire project. This came to the Commission as a complete project. He stated that to him is not what is being presented. Commissioner Wilson suggested taking a comprehensive approach and bring it back to the Commission a comprehensive plan.

City Manager Capell stated this can be done. Mayor Fugate stated the money is going to the sides that face the street and there's no reason this can't be approved at tonight's meeting. City Manager Capell stated there are other projects to come before the Commission and the proposal on working on the west side will be included. Mayor Fugate stated this is a historical building.

Commissioner Garcia made a motion to authorize the expenditure, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

16. Consider authorizing expenditure of \$507,147. 58 for paving project on Ailsie Avenue and Armstrong Avenue from Fiscal Year 2010-2011 Surplus Funds. (City Engineer/Public Works Director).

Commissioner Wilson made a motion to authorize this expenditure, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

17. Consider authorizing expenditure of up to \$39,050 for GIS Equipment, Service & related fees using Fiscal Year 2010-2011 Surplus Funds. (City Engineer/Public Works Director).

Mr. Mason stated currently the City is using the University GPS unit; this would allow the City to have their own and would allow the City to install the GIS program and the associated server.

GIS Technician J R Cavazos explained the GPS is used for all field work, water lines, sewer lines and other projects. It is essential to record all daily operations. This is the database of all information. The server enables them to apply web base applications.

Commissioner Wilson made a motion to approve the expenditure, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

18. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for various departments to

utilize Fiscal Year 2010-2011 Surplus Funds and the Utility Fund Capital Projects for the engineering department.(Finance Director).

Finance Director Mark Rushing stated this is an introduction for agenda items 10-18. Mayor Fugate stated the only question they need to know, is if the city has the money. Mr. Rushing replied there are monies. Commissioner Laskowski noted an error on the 2nd page, stating the amount for the exterior painting of the Recycling Center is on there twice, once on the expenditure part already approved and once on the part to be determined.

INTRODUCTION ONLY

19. Consider waiver of interest on liens for properties owned by Jose Silguero in the amount of \$764.09 and Julia Hees in the amount of \$513.58. (Finance Director).

Mr. Rushing stated there were two letters of request to waive interest on liens that were placed on three different pieces of property with two different people involved. He explained \$764.09 would be waived for Mr. Silguero; and for Ms Hees the amount to be waived is \$513.58.

Commissioner Wilson commented in future it would be helpful if the requests were split because if they don't like one but like the other, then the potential for both to fail is there. Typically each problem has their own set of different issues and even though they may be cumbersome for the Commission and Staff, it better serves the people who have asked for that.

Commissioner Laskowski requested information with regard Linebarger and Goggans responsibility to notify property owners about liens on property to be sold. He voiced concern about time and money spent on filing liens. Ms Alvarez replied it's the property owner's obligation to do the research on the property prior to the purchase. They are only responsible for representing the taxing entities and making sure they collect the maximum amount on past due taxes. Mr. Rushing stated it is his understanding that they do mention to them that there may be other liens against the property, but the due diligence is on the person.

Commissioner Wilson stated so when they don't do their due diligence and then become aware, the City is on the hook for their lack of due diligence, then they come to the Commission and ask to forgive it. Commissioner Wilson stated that when a citizen purchases property at the courthouse steps you are taking it however it comes.

City Manager Capell stated a lot of times the assumption is made that somehow the City has done something wrong, but the City did what it was suppose to do, they filed the lien. Commissioner Wilson stated that the person making that type of purchase is assuming all responsibility, regardless of what it is even if there's a surprise at the end. He added this needs to be part of the discussion.

City Manager Capell stated that Commissioner Wilson's point of putting these as separate items is important.

Commissioner Pecos made a motion to waive interest on these properties, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos voting "FOR". Laskowski "AGAINST".

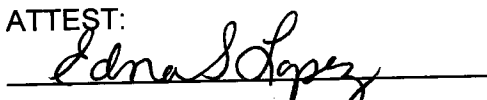
VI. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:00 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary