

FEBRUARY 27, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 27, 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
Mark Rushing, Finance Director
Naim Khan, City Engineer/Public Works Director
Al Lopez, Fire Chief
Roel Carrion, Interim Fire Chief
Bill Donnell, Asst Public Works Director
Gary Fuselier, Landfill Supervisor
Mike Kellam, Director of Development Services
Diana Gonzales, Human Resource Director
Ricardo Torres, Police Chief
David Mason, Purchasing Director
Robert Rodriguez, Library Director
Diana Medina, Collections Supervisor
Joe Casillas, Water Production Supervisor
Tony Verdin, Information Systems Technician
Ken Starr, Asst Task Force Commander
James Creek, Firefighter
Caron Vela, Accounting Manager
Bob Trescott, Downtown Manager
John Garcia, Risk Manager
Jason Torres, Health Inspector

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M. 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 regular meeting of Monday, February 13, 2012. **Commissioner Pecos made a motion to accept the minutes with a correction on page 4, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos 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 the Staff Report has been submitted and that the next regular Commission meeting is scheduled for March 12th but there will be no quorum so he is asking to schedule a meeting on Thursday preceding that date. Mayor Fugate stated there are no objections to move to the 8th at 6:00 P.M.

City Attorney Alvarez reported agenda items are due this Friday for the meeting of the 8th, Staff reports also due, and there's a Staff meeting this Wednesday.

Mayor Fugate presented several proclamation; American Red Cross Month and National Pancake Day and Shriners Hospitals for Children Day.

Mayor Fugate presented a Certification of Appreciation, a City of Kingsville watch and a proclamation to Chief Lopez for 41 years of service to the City.

IV. Public Comment on Agenda Items ³

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

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

Mr. Daniel King, no address, spoke about banning fluoride from water.

Mr. Alan Dekoch, 3724 Andron Lane, spoke about different locations that the new low income houses could be built and spoke in opposition of new housing development at Brahma Blvd & Hwy 77.

Mr. Ed Preston, 601 Treebeard Lane, spoke in opposition of new housing development.

Ms Jean Claire Turcotte, 3730 Andron spoke in opposition of new housing development.

Mr. Bill Lowry, 612 Treebeard, spoke in opposition of new housing development.

Ms Norma Collins, 3311 S Brahma Blvd, spoke in opposition of new housing development.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-10. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting “FOR”.**

V.

Consent Agenda

1. **ORDINANCE NO. 2012-02 Motion to approve final passage of an ordinance amending Section 15-1-93, providing for screening of storage areas. (Director of Development Services).**
2. **ORDINANCE NO. 2012-03 Motion to approve final passage 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).**
3. **ORDINANCE NO. 2012-04 Motion to approve final passage 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).**
4. **ORDINANCE NO. 2012-05 Motion to approve final passage 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).**

5. ORDINANCE NO. 2012-06 Motion to approve final passage 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).
6. Motion to approve out-of-state travel for Officer Mike Tamez to attend the National Interdiction Conference in Tulsa, Oklahoma from March 10th – 17th, 2012. (Police Chief).
7. Motion to approve out-of-state travel for Landfill Supervisor Gary Fuselier to attend a two-day seminar in Phoenix, Arizona on March 26th – 27th, 2012. (City Engineer/Public Works Director).
8. Motion to approve waiving all City fees and any fees for services for participants of the Kingsville Auto Club Event to be held on March 3rd, 2012. (Downtown Manager).
9. Motion to approve Kingsville Convention & Visitors Bureau Budget Amendment for matching funds contribution of \$6,250 for the CLG Historic Commission grant. (Tourism Director).
10. Motion to approve awarding bid as recommended by staff for a nine month contract to two different companies to supply water and wastewater utility supplies. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

11. Consider resolution approving the application for home funds to finance new development and a resolution of support for the proposed development known as South Brahma Village. (Director of Development Services).

Mayor Fugate announced the public has spoken; this is the time only Staff and the Commission will discuss the item. As a point of clarification, City Attorney Courtney Alvarez announced there was no public hearing required, so there was no requirement for a thirty (30) day notice as mentioned during Public comments.

Director of Development Services Mike Kellam stated he had previously met with Ms Cory Hinojosa, Executive Director for the Housing Authority. This is solely for approval and recommendation to move forward with an application. The development process will address issues brought forward by citizens. Mr. Kellam stated to the Commission that some of the concerns brought up by residents were valid, but the project is still in its early planning stages.

Mayor Fugate mentioned traffic at that location is a concern. Mr. Kellam stated Staff has the same question about traffic. Mayor Fugate stated if resolution passes it does not come back to the Commission. Mr. Kellam stated there's a good chance that it would come back due to the required improvements. He added zoning in that area does allow for this type of use at said location.

Mayor Fugate asked Ms Alvarez if this would come back to the City Commission. Ms Alvarez replied it won't have to, if it has already been zoned, but it would still if there's a plat approval needed. She reminded the Commission that in 2007, there was a rezoned requested and approved for that area for a senior facility at that location.

Commissioner Laskowski voiced his concern about the site plan, stating that he was confused as to how much property was included in this development. His major concern being that they are taking up that entire area and there's no retention or detention for drainage in their site plan and there's already a problem in that area. Mr. Kellam stated all these things were discussed with Ms Hinojosa and all would be taken care of through the subdivision platting process or the development review process. Every ordinance passed by Commission would be enforced.

Commissioner Laskowski asked what authority the city has to require that the developer make improvements to that area on a state maintained road. City Engineer Naim Khan replied he has not seen the details of this project only the preliminary site plan. Regarding the improvement, the City would likely be required by TXDOT to conduct a traffic impact analysis before improvements could be made. Mr. Kellam stated he had spoken to Ms Hinojosa and she has spoken to TXDOT about egress and ingress plans.

Ms Hinojosa addressed some of the concerns previously stated by concerned citizens. She introduced her Board. She stated this is an Affordable Housing Development and there is an application process. There is no guaranteed this will be awarded. They actually have to score the points necessary to be eligible for the funding. There's competition across the region. She stated that the chosen location here in Kingsville provides additional points because it is the only census tract in Kingsville that does not have any type of affordable housing. Apartment complexes currently in place that are tax credit developments or affordable housing are Courts of Las Palomas, Kings Crossing, Heights of Corral, Lulac Manor, and Casa Ricardo. The two actually built affordable housing developments are Courts of Las Palomas and Kings Crossing. The occupancy rate is 98%, and there's a waiting list at each development. The need for affordable housing is very much needed. As for property values, she stated she did a comparable with Courts of Las Palomas in comparison to Chandler Acres which is similar in distance to the proposed project to some of the homes described. She stated over the fifteen year period through the Appraisal District information, four to five comparables were checked and there has been an increase in property values. She does not foresee a problem with devaluation in property for that location. Ms Hinojosa stated as a courtesy she did notify Mr. Dekoch, and she notified all public officials. Mayor Fugate stated the law doesn't require that. Ms Hinojosa stated the owner of the property is an estate from Victoria and Mr. Gene Jones is the real estate agent. The property is currently for sale at \$175,000. The property size is 7.1 acres. The application is due March 1st at the State if not approved at this time there's no opportunity for this development in Kingsville.

Mr. Jed Brown, Brownstone Affordable Housing addressed the Commission. Mr. Brown provided a current site plan that was submitted to meet the deadline. He spoke in reference to the detention pond, the access point and infrastructure. He stated a local engineer; Homero Castillo met with TXDOT to discuss the access point. This property is zoned R3. He stated if they are able to construct this development it would be the nicest multi-family development on that part of town. Mr. Brown stated that if the traffic impact analysis is called for that's something that the developer is obligated to put in and submit traffic counts to TXDOT for their consideration plus any additional requirements they may have.

Ms Hinojosa stated the income requirements for that development are: 60% of median income – 1 person family earning \$20,760 or less; 4 member family earning \$29,580 or less. She added that with that type of income, its individuals that work in Kingsville and can live in a nice place. The gross rent range approximately, \$555 for one bedroom to \$769 for a three bedroom. There are requirements for tenants and is managed by a private company. She stated there's a great need for low income and development housing. Developments are not public housing. It's an \$8.5 million dollar development. The appraisal district will look at the taxes to be paid. If this property is not bought they will lose \$175,000 to HUD. In making improvements to FM 1717, it will be a part of the cost of the development. Regarding the cost for improvements if TXDOT requires certain things, Ms Hinojosa stated they would certainly do everything they could to get it done.

Mr. Nono Flores, Consultant from San Antonio addressed the Commission. Mr. Flores stated if there's additional cost to the project, one item that can be deferred is the payment of the developer fee.

Mayor Fugate stated based on the City's experience; the city has paid \$267,000 to resurface a road. He acknowledged these projects are time sensitive but there are citizens concerns and the Commission hasn't had enough time to review this. He stated the last conversation with Ms Hinojosa was that Connell Villa was going to be re-done. He stated that Ms Hinojosa has done a great job but this was not discussed enough.

City Manager Capell stated it is not just TXDOT, but the City would be asking for some of these improvements, such as sidewalks, etc. He stated there are other parts of town that would welcome a development of this type.

Commissioner Wilson stated this project is scoring a 1 or 2 because of the location that is being proposed. Ms Hinojosa stated they are limited as to the choices of property. Regarding waiving fees for proposed project, Ms Hinojosa stated they are not asking for anything to be waived.

Mayor Fugate called for questions or comments.

Commissioner Garcia made a motion to NOT approve this resolution, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".

12. Consider resolution amending a previous resolution which established a Community Revitalization Plan for the City of Kingsville and a resolution establish Economic Development initiatives for areas within the Community Revitalization Plan. (Director of Development Services).

NO ACTION

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 5, Historical Districts and Landmarks, Sections 15-5-16, 15-5-16 & 15-5-19, Providing for clarification of duties of the Board and a method of appeal of Board decisions. (Downtown Manager).

Downtown Manager Bob Trescott stated they are in the process of revising the Historic Developing Board's ordinances and regulations due to an inconsistency in the ordinance and regulations. Modest changes were made; the main concern was there was no clarity between what's handled by Staff and what's handled by the Historical Board and what comes to the Commission. The amendment to this ordinance will help to clarify.

INTRODUCTION ONLY

14. Consider authorizing the Javelina Innovation Lab to start design work for Kleberg Avenue for \$29,825.00 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).

City Engineer Naim Khan stated this request is for the design work on Kleberg Avenue from 3rd Street to 11th Street.

City Manager Capell stated this is a significant savings for the City using students from the University.

Commissioner Laskowski made a motion to authorize the Javelina Innovation Lab to start design work for Kleberg Avenue for \$29,825, seconded by Commissioner Garcia & Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

15. Consider authorizing the purchase of twenty sets of bunker gear for the Fire Department through purchasing cooperative agreement for up to \$45,970.69 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Purchasing Director).

Commissioner Wilson made a motion to authorize the purchase, not to exceed \$45,970.69, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

16. Consider authorizing the purchase of a Scag mower for the City-County Health Department from AC Lawn & Garden of Kingsville for \$10,710.00 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Purchasing Director).

Mayor Fugate stated this is a City/County department and whatever is approved the County should match. City Manager Capell stated the county did pay for part of this original purchase.

Commissioner Laskowski voiced his concern about information on the narrative. He stated he had called Mr. Mike Webb, owner of AC Lawn & Garden to ask if the Health Department had taken the mower in for an evaluation to see if it could be repaired. He stated he learned they had not. A new mowing deck which is the biggest amount of the problem is somewhere between \$2,500 and \$3,000. He suggested that before purchasing a new mower, he would like the Health department to take the old mower over to be evaluated to see if it could be repaired.

ITEM WAS PASSED

17. 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. (Finance Director).

Mr. Rushing stated this is the introduction of a budget amendment that flows with agenda items 14, 15, & 16. Fund 091 is where the surplus is being budgeted to be utilized in FY

2010-2011. He stated \$6,250 is to recognize the donation from KCVB. He explained the supporting documentation.

Mr. Khan explained monies being allocated for a bailer will not be used; instead they will be using the money to purchase two trucks for the Garage department. The City will not be using a bailer, but using single stream recycling.

INTRODUCTION ONLY

18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-1-56, Adopting the 2005 Edition of the National Electric Code. (Director of Development Services).

Mayor Fugate called to take items #18 – 24 together. Commission had no objection.

Mr. Kellam stated this updates from 2000 to 2009 Codes and gets the City up to speed. No need to adopt again until 2015.

INTRODUCTION ONLY

19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Energy Conservation Code. (Director of Development Services).

INTRODUCTION ONLY

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Existing Building Code. (Director of Development Services).

INTRODUCTION ONLY

21. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Gas Code. (Director of Development Services).

INTRODUCTION ONLY

22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Mechanical Code. (Director of Development Services).

INTRODUCTION ONLY

23. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Plumbing Code. (Director of Development Services).

INTRODUCTION ONLY

24. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Residential Code for One-and-Two Family Dwellings, Mechanical Code, Gas Code, and Plumbing Code and Increasing the Contractor's License Fee. (Director of Development Services).

INTRODUCTION ONLY

25. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 9-1-10 through 9-1-18, Providing for additional definitions and ensuring compliance with State Laws with the regulation of Junked Motor Vehicles. (Director of Development Services).

Mr. Kellam stated this is tied to the community appearance efforts. Ms Alvarez stated some of the changes were due to legislative changes from the last legislative session and others were just for clarification to assist in enforcement.

Police Chief Torres stated that Staff worked together to close some of the loopholes for repeat violators.

INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:29 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC

City Secretary