

MAY 29, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, MAY 29, 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
Noel Pena, Commissioner
Arturo Pecos, Commissioner
Dianne Leubert, Commissioner

CITY STAFF PRESENT:

Vincent J Capell, City Manager
Courtney Alvarez, City Attorney
Diana Medina, Collections Supervisor
Caron Vela, Accounting Manager
Bob Trescott, Downtown Manager
Mike Kellam, Director of Development Services
Mark Rushing, Finance Director
Naim Khan, City Engineer/Public Works Director
Willie Vera, Task Force Commander
Roel Carrion, Interim Fire Chief
David Mason, Purchasing Director
Diana Gonzales, Human Resource Director
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City 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 special meeting of Monday, May 21st, 2012. **Commissioner Pecos made a motion to approve the minutes, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Garcia, Pecos voting “FOR”.**

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

NONE

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. No formal action can be taken on these items at this time.”

City Manager Capell welcomed the new Commission members. He reported that Staff has started the budget process and asked for their input on anything in particular to pursue or explore. He suggested having an orientation meeting on June 11th prior to City Commission meeting. He requested the budget feedback as soon as possible. Mayor Fugate suggested looking at raises for all employees, funds for streets and preparing a comprehensive plan for city streets. Commissioner Pecos asked for information on different scenarios regarding taxes. City Manager Capell announced Mr. John Garcia, Risk Manager's retirement after 32 years of services, effective June 1st. He reported that he will be out of the office next week from Wednesday thru Friday.

Ms Alvarez reported the next regular meeting is scheduled for June 11th, the deadline for agenda items is Friday, June 1st. She added she will be attending the Texas City Attorney's Legal Conference, June 6th thru June 8th. She announced the City employee picnic will be held on Saturday, June 23rd at Dick Kleberg Park.

Commissioners Garcia and Pecos welcomed the two new Commissioners.

Mayor Fugate apologized for not attending the swearing-in ceremony due to an emergency. He announced he was sworn-in earlier today.

Mayor Fugate presented retirees, Sgt Eliseo Cuellar and Police Officer Ruben Trevino with a Certificate of Appreciation and a City of Kingsville watch.

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.

Ms Jennifer Bernal, 412 Alexander representing Keep Kingsville Beautiful, recognized Kappa Sigma Fraternity for helping KKB with the Great American Cleanup and the beach cleanup.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-2.

Commissioner Pecos made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Garcia and Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Garcia, Pecos voting "FOR".

V. Consent Agenda

1. Motion to approve the reappointments of Mr. Lupe Alvarez, Mr. Steve Zamora, Mr. Robert McCreight, and Mr. Rudy F. Galvan to the Planning and Zoning Commission to serve another two (2) year term. (Director of Development Services).

2. Motion to approve the reappointments of Ms. Ricki Cunningham, Mr. Albert Garcia, and Ms. Denise Schreiner to the Zoning Board of Adjustment for another two (2) year term. (Director of Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. RESOLUTION NO. 2012-27 Consider resolution appointing Al Garcia as Mayor Pro Tempore. (Mayor Fugate).

Commissioner Pecos made a motion to appoint Commissioner Garcia, Mayor Pro Tempore, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Fugate, Garcia, Leubert, Pena, Pecos voting "FOR".

4. Consider appointing Mr. Raymond Perez to the Planning and Zoning Commission to serve a two (2) year term. (Director of Development Services).

Mr. Mike Kellam stated Mr. Raymond Perez submitted a letter of interest was a recent participant on the Planning and Zoning Commission has been a long standing member of the community and Staff supports his interest. Upon a question from Commissioner

Leubert, Mr. Kellam replied the board openings are on the Staff report, on the City's website and by word of mouth. Upon a question from Commissioner Pena, Mayor Fugate replied there is a process for removing members that miss a certain amount of meetings from a board. Mr. Kellam stated since his arrival to the City there hasn't been a problem with getting quorum. Mayor Fugate stated the Commission has enforced the process for removing a member.

Mayor Fugate called for questions or comments. **Commissioner Pecos made a motion to appoint Mr. Raymond Perez to the P& Z Commission, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Garcia, Pena, Leubert, Pecos voting "FOR".**

5. Consider appointing Mr. Stephan J. Nix to the Zoning Board of Adjustment to serve a two (2) year term. (Director of Development Services).

Mr. Kellam stated some individuals terms expired and three were reappointed under the consent agenda. Mr. Nix will be the fourth member and they are looking for a fifth member.

Commissioner Pena made a motion to appoint Dr. Nix, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert, Pecos, Pena voting "FOR".

6. RESOLUTION NO. 2012-28 Consider resolution authorizing the City Manager to enter into an advanced funding agreement for voluntary maintenance by a Local Government (Landscape Maintenance Agreement with the Texas Department of Transportation for landscape improvements on FM 1356 (General Cavazos Blvd.) from the intersection of US77 Bypass to FM 1717 (South Brahma/14th St.) to be performed by the City of Kingsville. (Director of Development Services).

Mr. Kellam stated this was previously approved, but when the information was sent to the Austin office. Their legal counsel felt that this form was more appropriate to what was being done versus the form suggested by the Regional office. All requirements have been met. Mayor Fugate updated the new members on the beautification project that was approved for General Cavazos from Brahma Blvd to US 77 Bypass. This is a right-of-way that belongs to the highway department. Mr. Kellam stated this should be the final agreement; TXDOT is executing their side of the agreement which will be forwarded to the City.

Mayor Fugate called for questions. Upon a question from Commissioner Garcia, Mr. Kellam replied he did not anticipate changing the funding level and the plan is still the same.

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

7. Consider Certificate of Convenience and Necessity for Road Runner Cab Company to operate in the City of Kingsville. (City Secretary).

Chief Torres stated he was representing the City Secretary. He stated the City Secretary is asking for Commission consideration of a Certificate of Convenience and Necessity for Roadrunner Cab Company. He stated part of the process goes to the Chief of Police. Chief Torres stated he reviewed all applicable sex offender checks for Mr. Robert Murphy who has no history of sex offenses. He stated that Mr. Murphy provided a certified abstract of driving record which was reviewed and he is eligible for a license. He has no current criminal history that shows any felony arrests or convictions. Chief Torres stated documentation was sent to the City Manager with recommendation that Mr. Murphy be allowed to apply for said license.

Commissioner Garcia questioned Mr. Murphy's application not having answered #4. Chief Torres explained he ran Mr. Murphy's history through the Police Department system. Ms Alvarez explained that it was checked off by Mr. Murphy and he did disclose the incident. Chief Torres stated these are Class C misdemeanors which are charged with a fine and they are not high level offenses and they did not involve driving. Mayor Fugate stated the Chief had previously seen the information before making his recommendation and his recommendation is to do this. Chief Torres stated that was correct because nothing on the report tied into the license, itself, or anyone else in particular.

City Manager Capell stated that Mr. Murphy has been very patient in working with Staff. Chief Torres stated Mr. Murphy will provide a good service. Commissioner Pena stated it's not unusual to see an application where someone leaves something blank but the

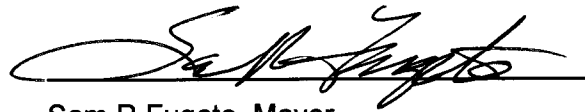
burden lies on the Commission to ask and the Commission has met the burden by asking. He added he didn't think Mr. Murphy was being deceitful by leaving it blank. The violations are over ten years and they are fineable offenses.

Upon a question from Commissioner Garcia, Chief Torres stated the cab does have a meter. He added that both, he and the City Secretary checked with the City of Corpus Christi to find an entity that checked meters and there are none in the State of Texas. Chief Torres stated this certification will fall upon him. He will get into the cab with the cab driver, drive about a mile to ensure that the meter is working correctly. There's a system in the meter to actually put a lock to ensure that our citizens are not overcharged. This will be done annually.

Commissioner Garcia made a motion to grant certificate, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pena, Leubert, Pecos, Garcia voting "FOR".

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:35 P.M.



Sam R Fugate, Mayor

ATTEST:



Edna S Lopez, TRMC, CMC
City Secretary