

JANUARY 28, 2013

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JANUARY 28, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Al Garcia, Commissioner  
Dianne Leubert, Commissioner  
Noel Pena, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing Director  
Mark Rushing, Finance Director  
Mike Kellam, Director of Development Services  
Diana Gonzales, Personnel Director  
Bill Donnell, Asst. Public Works Director  
Rick Torres, Chief of Police  
Joey Reed, Fire Chief  
Emilio Garcia, Health Director  
Naim Kahn, Public Works Director/City Engineer  
Melissa Perez, Risk Manager  
Dionicio Perez, Building Official  
Willie Vera, Task Force Commander  
Ruthie Valdez, Interim Library Director  
Rose Morrow, Municipal Court Manager  
Valerie Valero, Engineering Technician  
Robert Bennett, Landfill Supervisor

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:01 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, January 14, 2012. **Commissioner Pecos made a motion to accept the minutes as presented, second by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting “FOR”.**

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

**1. Public hearing on proposed ordinance amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7<sup>th</sup> Street (Lots 20-21, Southmore AC) for a lawn service and tree trimming business, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning & Development Services).**

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

Mike Kellam, Director of Development Services, stated that this request is being made by Mr. Israel S. Lopez to allow for the operation of lawn care and tree trimming service, to be located in a residentially zoned area at 1727 S. 7<sup>th</sup> street. The property is located in an R-2 Two Family Residential District and is immediately adjacent to a

C-2 Retail District to the west which is occupied by existing commercial uses. The Planning & Zoning Commission met on January 16, 2013 and recommended conditional approval of the request with a unanimous 5/0 vote, but with the following conditions: 1) To avoid spot zoning for a commercial property within a residential neighborhood, this special use permit shall expire should the approved special use cease, or in the case of a change in ownership, 2) Any future outdoor storage of equipment and or materials shall be limited to small equipment and shall be completely enclosed by a 100% sight obscuring privacy fence to prevent the contents from being visible from the public right of way and/or adjacent property owners, 3) The business shall obtain all required licenses and permits for the planned construction activity and improvements, thereby meeting all adopted codes to operate said business, 4) No stockpiling of any mulch, brush clippings, grass clippings, rock or other such materials shall be allowed to be stored on the site wherein a nuisance may be created. All activity on site shall be in complete compliance of the nuisance, building and zoning codes.

Commissioner Garcia asked if the proposed future home site is where the mulch will be located. Mr. Kellam responded that it's on the southern part of the property.

Mayor Fugate closed the public hearing at 6:10 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."*

Vincent Capell, City Manager, introduced and welcomed the new Fire Chief Mr. Joey Reed.

Mr. Reed stated that he is happy to be on board with the City of Kingsville and looks forward to working with everyone.

Mr. Capell stated that he attended his first trash off this past Saturday, and thank all those who volunteered. The City collected 39 tons of trash, 4 tons of brush, 1 ton of metal and 10,000 pounds of tires. Total trash collected was around 49 tons.

Courtney Alvarez, City Attorney reminded staff that the deadline for agenda items for the February 11<sup>th</sup> Commission meeting is Friday, February 1<sup>st</sup>.

Mayor Fugate read and presented a proclamation to Saint Gertrudis Catholic School for Catholic School Week.

Commissioner Pecos and Commissioner Garcia spoke briefly regarding the Installation Innovation 2013 Conference they attended in San Antonio.

### **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 Fugate asked for a motion to approve the consent agenda as presented. Commissioner Pecos made a motion to approve consent agenda items 1-4 as presented and remove agenda item 5 to the regular agenda, second by Commissioner Garcia. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

1. **Motion to approve final passage of an ordinance vacating, abandoning, and closing Block 11, Lots 1-15, including a 20' alley, and a utility easement in Young Terrace Addition Subdivision. (City Engineer/Public Works Director).**
2. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund for the Street Department to receive funding for street improvements and repairs for work done in front of the Santa Gertrudis Independent School District Administration and School building. (City Engineer/Public Works Director).**
3. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the Police Department to purchase an ID Card System from Fiscal Year 2012 surplus. (Chief of Police).**
4. **Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund's City Administration Dept. for an increase in compensation as a result of the City Manager's new Professional Services Contract. (Finance Director).**
5. **Motion to approve resolution authorizing the City Manager to execute an Administrative Services Agreement with Nationwide Retirement Solutions, Inc. for a deferred compensation plan for city employees. (Human Resources Director).**

Diana Gonzales, Human Resources Director stated that the City has had the deferred compensation program since 1995 which was called PEBSCO, Public Employees Benefit Services Corporation. Approximately 51 City employees currently contribute to the Nationwide Deferred Compensation Program with a total month contribution average of \$5,500.

Commissioner Garcia stated that his basic approach was what if any changes are going to be made with this re-agreement.

Debbie Cavazos, Nationwide Representative stated that there are no extra fees or anything else that is added to it.

Commissioner Garcia asked what type of benefits is Nationwide providing.

Ms. Cavazos stated that this is a supplemental retirement plan that employees will benefit from it at time of retirement. The plan allows the employee to withdraw funds for emergency reasons only. They can also use the loan provision which would allow them to borrow money against themselves.

Commissioner Garcia asked how this information would be communicated to employees.

Ms. Cavazos stated that she visits with employees during open enrollment and visits with all city departments.

Commissioner Pecos stated that he would like to see this information included in the brochure that is given to employees who are retiring.

Commissioner Pena stated that he participated with Nationwide Program for over 30 years. He stated that it's an excellent program as well as having an excellent return, but only if contribution starts at an early time.

**Motion made by Commissioner Pecos to approve resolution authorizing the City Manager to execute an Administrative Services Agreement with Nationwide Retirement Solutions, Inc., second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

## REGULAR AGENDA

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

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

**6. Consider resolution establishing Guidelines and Criteria for Stimulating Economic Development within the City; authorizing the City Manager to accept applications on behalf of the City for presentation to the Commission; and providing for evaluation of each application for conformity with such Guidelines and Criteria prior to submission to the Commission. (Director of Planning & Economic Development).**

Mr. Kellam addressed the Commission regarding the Economic Development Guidelines and Criteria. The biggest changes to the original Guidelines and Criteria for any economic development agreement was solely for residential single family purposes. These changes are to make the previous agreement broader, so instead of it being solely a residential agreement it is now considered an Economic Development Agreement with the incentives being the same. This is coming about because the previous guidelines have expired which have to be approved every two years.

**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 introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7<sup>th</sup> Street (Lots 20-21, Southmore AC) for a lawn service and tree trimming business, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning & Economic Development).**

Mayor Fugate commented that this is a good idea to rehabilitate this area.

**Introduction item only.**

**8. Discussion on possible reduction of the Landfill's hours of operation on Saturdays. (City Engineer/Public Works Director)**

Mr. Naim Kahn, City Engineer/Public Works Director stated that the hours of operation for the landfill are from 8:00 a.m. to 2:00 p.m. but most of the customers come to use the landfill from 8:00 a.m. to 12:00 p.m. Mr. Kahn stated that Mr. Robert Bennett, Landfill Supervisor looked at last year's revenue, and it being so low with a dollar amount of \$814.25. The city spent about \$10,000 last year just by keeping the landfill open an extra two hours on Saturdays. He further stated that staff is recommending changing the landfill operation hours from 8:00 a.m. to 2:00 p.m. to 8:00 a.m. to 12:00 p.m. which would give the city a significant savings.

Commissioner Pecos asked for clarification from staff that if from now on the landfill operating hours will be from 8:00 a.m. to 12:00 p.m. instead of 8:00 a.m. to 2:00 p.m.

Mr. Kahn stated yes, the new landfill operation hours will be from 8:00 a.m. to 12:00 p.m.

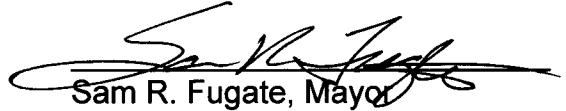
Commissioner Garcia asked how this information would be communicated to the public and how soon this will take effect.

Mr. Kahn stated that they have already spoken to their customers and staff will be publishing the new landfill hours in the Kingsville Record.

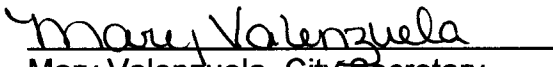
Mr. Robert Bennett, Landfill Supervisor stated that once TCEQ is notified of the new landfill hours it shouldn't take no more than two weeks for the new hours to be put into place.

**VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 p.m.

  
Sam R. Fugate, Mayor

ATTEST:

  
Mary Valenzuela, City Secretary