

FEBRUARY 11, 2013

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 11, 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
James Bryson, Accountant Manager
Mark Rushing, Finance Director
Mike Kellam, Director of Planning & Development Services
David Mason, Purchasing/IT Director
Diana Gonzales, Personnel Director
Bill Donnell, Asst. Public Works Director
Rick Torres, Chief of Police
Emilio Garcia, Health Director
Naim Kahn, Public Works Director/City Engineer
Ruthie Valdez, Interim Library Director
Rose Morrow, Municipal Court Manager
Valerie Valero, Engineering Technician
Bob Trescott, Tourism Director
Cynthia Martin, Downtown and Volunteer Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:05 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 special meeting held on Monday, January 28, 2013. **Commissioner Pecos made a motion to accept the minutes, as presented, seconded 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).¹

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. Vincent Capell, City Manager reported that he is planning a Streets Workshop with City Commission in early March.

Mrs. Courtney Alvarez, City Attorney reported that the next Commission meeting is scheduled for Monday, February 25, 2013. The deadline to submit agenda items for this meeting is Friday, February 15, 2013. She also reported that there is a correction on agenda item #8, memo only. The memo states 629 W. Johnston should be 626 W. Johnston.

Bishop High School students Katie Becker, Sofia Carrillo, Sara Carrillo, and Sabrina Hamm gave a brief presentation to the City Commission regarding Diabetes Awareness and Texting & Driving.

Cynthia Martin, Downtown & Volunteer Manager made a report to City Commission regarding the first mural to be located near the downtown area in Kingsville. She further reported that she has asked the artist to include Naval Air Station Kingsville in his mural. The mural should be completed within a year.

IV. Public Comment on Agenda Items ³

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 consent agenda item 2, 3 & 4 only as presented and placing item 1 into the regular agenda for discussion, second by Commissioner Pecos. 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 amending the zoning ordinance by granting a Special Use Permit for 1727 S. 7th 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).

Mr. Mike Kellam, Director of Planning & Development Services, reported that there was an agreement before the Planning & Zoning Commission that the property listed above would be 100% clean so there wouldn't be any existing violations prior to approving this request. There has been some cleanup done on the property with a very small amount of debris on the site that needs to be hauled away. Staff's recommendation is to give the property owner extra time to allow him to finish the cleanup and is requesting for Commission not to take action on this item at this time.

Mayor Fugate stated that once the area is cleaned up, the item could be placed back on the agenda in a future date.

No action was taken on this item.

2. Motion to approve resolution authorizing the release of Chapter 59 funds of the Kingsville Specialized Crimes and Narcotics Task Force for donation to the Boys Scouts of America Venado District. (Task Force Commander).

3. Motion to approve resolution authorizing participation in Ride on the 10th Annual Wild Side Charity Bike Ride to be held on April 27, 2013 and execution of Indemnity Agreement with King Ranch for said event. (City Attorney).

4. Consider authorizing two new bank accounts at Cutwater for the incoming CO2013 funds and establishing two new funds on Incode for same. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider resolution in support of House Bill 605 by State Representative J.M. Lozano relating to expansion of the area of influence of a Joint Airport Zoning Board to better protect airports, especially at military bases. (Mayor Fugate).

Mayor Fugate stated that the Joint Airport Zoning Board jurisdiction goes out 5 miles from each runway. Due to problems the Navy is having with wind-farms, Representative Lozano has introduced House Bill 605 that would increase the jurisdiction up to 25 miles from each runway. Mayor Fugate is asking for Commission to support this resolution.

Commissioner Garcia made a motion to approve resolution in support of House Bill 605, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

6. Consider authorizing staff to negotiate an emergency debris management services contract with Ashbritt Environmental. (PRP #13-05). (Director of Purchasing).

Mr. David Mason, Purchasing Director reported that advertisement for proposal #13-05 was done in the local newspaper on December 9, 2012 and December 15, 2012. Request proposals were accepted until 1:30 P.M. on January 8, 2013 and eight responses were received. The RFP scoring team included Luke Stevens, Sanitation Supervisor, Melissa Perez, Risk Manager, William Donnell, Assistant Public Works Director, and David Mason, Purchasing/IT Director serving as facilitator. Ashbritt Environmental scored highest, therefore staff recommends negotiating a contract with Ashbritt Environmental for Emergency Debris Management Services.

Motion made by Commissioner Leubert to authorize staff to negotiate an emergency debris management services contract with Ashbritt Environmental, second by Commissioner Pecos.

Commissioner Garcia asked if there were any additions or deletions from the existing contract.

Mr. Mason stated that staff is not aware of any changes at this time.

Mayor Fugate opposed a question to Mrs. Alvarez. How long has this contract been in existence? Mrs. Alvarez stated that it may have been a 2 or 3 year contract with 2-3 1 year successive renewals. So this contract may be 5 to 6 years old.

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

7. Consider introduction of an ordinance amending Chapter XV, Land Use, Article 3, Subdivisions, Sections 17, 30, 51, & 56, revising assurance for completion & warranty of improvements, improvement agreement and guarantee of completion of public improvements, & streets; adding open space & preservation. (Director of Development Services).

Mr. Kellam stated that with this ordinance there are three amendments and one new section in the subdivision code. These are some of the issues staff is dealing with now as far as development within the city. Section 17, would allow for a subdivision improvement agreement to be approved by the Commission in agreement with the developer to allow them to expedite the development process. The code in effect now allows the developer to do the preliminary plats, submit construction plans, build out the entire infrastructure, and then come back with its final plat when the lots are to be created. The amended section would allow the developer to do the preliminary plats, submit construction drawings and begin construction. The agreement approved that allows the developer to final plat the property with a surety in place in the form of a surety bond, cash escrow or irrevocable letter of credit to be held by the city for two years for the equal amount of the infrastructure cost. If the developer fails to complete the project, the city would be allowed to cash the irrevocable letter of credit or cash escrow and complete the development.

Commissioner Garcia asked if the current process will still be available to the developers due to some builders that may not qualify for a surety bond.

Mr. Kellam stated that the old process will still be available to the developer if they choose to use the old method. In addition to this being amended, it provides for additional completion security for developments in the city. Regarding the street design guidelines, staff is proposing language to add minimum design standard street trees along all streets. This would also provide for maintenance requirements and adequate spacing for planting trees.

Commissioner Garcia asked if this language provides for replacement of trees due to nature default and street lighting.

Mr. Kellam responded that trees would be covered under the warranty. This would carry a 2 year warranty which will make the developer responsible for the trees after the 2 year warranty has expired. Regarding street lighting, this section also has spacing requirements. Mr. Kellam spoke about sidewalk requirements. Sidewalks minimum standard is 4ft. and we are changing it to 5ft. This language will explain where sidewalks should be providing for a parkway and pedestrian safety. He further spoke about the new section of the proposed ordinance regarding Open Space and Preservation. He stated that the last section is just language that mirrors federal legislation as far as the Federal Water Pollution Control Act and the wetland maps.

Introduction item only, no action taken.

8. Consider waiving interest on weed liens for property owned by Charles T. Green, Lots 29-30, Block 7, 8th Addition as per staff recommendation. (Finance Director).


Mr. Rushing spoke with regards to a request made by Mr. Charles T. Green who is requesting for a waiver of interest accrued on weed liens placed on the above mentioned property. Mr. Green acquired the property through a tax sale from Kleberg County on September 22, 2011 yet the deed was actually recorded on November 2, 2011. Mr. Green had no title policy purchased, so he was unaware of any liens filed for this property. Mr. Green would like for Commission to consider waiving interest in the amount of \$87.25 and requesting the waiver of a full lien that was filed on October 31, 2011 for \$928.82. Mr. Charles T. Green would be required to pay the principal amount of \$422.19 within 30 days after Commission approval date for the waiver of interest to be effective. Mr. Rushing further stated that staff recommends for Commission to write-off or void lien filed on October 31, 2011 in the amount of \$928.82 due to timing error.

Motion made by Commissioner Pena to waive interest and lien as recommended by staff, second by Commissioner Leubert and Pecos. The

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

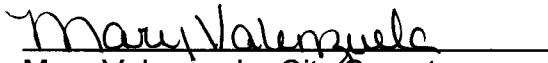
VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:05 P.M.



Sam R. Fugate, Mayor

ATTEST:



Mary Valenzuela, City Secretary