

MAY 28, 2013

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

**CITY STAFF PRESENT:**

Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
David Mason, Purchasing/IT Director  
Willie Vera, Task Force Commander  
James Bryson, Accounting Manager  
Mark Rushing, Finance Director  
Mike Kellam, Director of Planning & Development Services  
Emilio Garcia, Health Director  
Ruthie Valdez, Interim Library Director  
Bob Trescott, Tourism Director  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/City Engineer  
Rose Morrow, Municipal Court Manager  
Jennifer Bernal, Community Appearance Supervisor  
Diana Medina, Collection Manager  
Cynthia Martin, Downtown and Volunteer Manager  
Daniel Ramirez, Building Official

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 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**

**Special Meeting – May 10, 2013**

**Regular Meeting – May 13, 2013**

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Commissioner Pecos made a motion to approved the minutes as presented, second by Commissioner Leubert. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena and Fugate voting: “FOR”.**

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

1. Public hearing regarding condemnation proceeding for structures located at 603 ½ W. Aveune D, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:02 p.m.

No public comments were made on behalf of this property.

Mr. Mike Kellam, Director of Planning & Development Services reported that this structure is in disrepair and has back taxes owed.

Mayor Fugate asked Mrs. Courtney Alvarez, City Attorney, City Attorney if there is a specific time limit that we would need to keep the following Public Hearings open to allow the public to speak.

Mrs. Alvarez responded that there is no period of time to keep public hearings open.

Mayor Fugate closed this public hearing at 6:04 p.m.

2. Public hearing regarding condemnation proceeding for structures located at 2029 General Cavazos Blvd., Kingsville, Texas. (Director of Planning & Development Services).

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

No public comments were made on behalf of this property.

Mr. Kellam stated that there has been some new development with regards to this property. He stated that at 4:58 p.m. today, the owner of the property signed over the property as a property owner agreement and has agreed to pay the City for the demolition. All structures will be demolished at this location.

Mayor Fugate closed this public hearing at 6:07 p.m.

3. Public hearing regarding condemnation proceeding for structures located at 426 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:07 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this property has had no water service since January 2000. Structure is unsafe and has foundation issues. He further stated that there is a correction to be made on the condition report stating that this property has asbestos siding which is incorrect. The original file has been corrected.

Mayor Fugate closed this public hearing at 6:09 p.m.

4. Public hearing regarding condemnation proceeding for structures located at 822 E. Ella, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:09 p.m.

No public comments were made on behalf of this property.

Mr. Kellam stated that this property was addressed a year ago by the previous building official. No followup action was taken therefore this case is being brought forward for Commission approval. Structure is unsafe and staff is asking for City Commission to approve a demolition order.

Mayor Fugate closed this public hearing at 6:11 p.m.

5. Public hearing regarding condemnation proceeding for structures located at 306 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:11 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this property has had some ongoing issues for the past year. The building was secured by the City due to some unauthorized occupancy within the building. The structure does not have restroom facilities and has exposed wiring that is not operable and is an extreme fire hazard. The structure has not had water services since 2010. Complaints have been received from neighbors regarding the previous occupant using the restroom outdoors and creating a sanitary issue as well as inside the house. Lack of facilities and no ceiling make this structure an unsafe structure and cannot be salvageable.

Mayor Fugate closed this public hearing at 6:13 p.m.

6. Public hearing regarding condemnation proceeding for structures located at 609 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:13 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported that this structure has not had any water services since 2001 and has 8 years of back taxes. The structure is near collapsing and missing siding poles therefore staff is asking for Commission to approve a demolition order.

Mayor Fugate closed this public hearing at 6:16 p.m.

7. Public hearing regarding condemnation proceeding for structures located at 1229 E. Avenue B, Kingsville, Texas. (Director of Planning & Development Services).

Mayor Fugate opened this public hearing at 6:16 p.m.

No public comments were made on behalf of this property.

Mr. Kellam reported this structure was noticed last year in which contact was made with the property owner who provided staff with a written statement that he would begin work on the property in mid July 2012. Staff was willing to work with property owner who then

pulled permits, which is one of the conditions in order for staff not to proceed with the condemnation process. Those permits have since expired and no work has been started/completed at this location at this time. Staff sent notice to property owner in January 2013. Property owner then made contact with staff in February 2013 stating that he would repair the structure but staff has not heard anything else as far as work being done or completed on the structure. Staff is asking Commission to approve an order for demolition due to this structure being in a state of disrepair. The property has not had water service for nearly two years and has no plumbing or electrical wiring. Repairs to this property would amount to more than the property is worth.

Mayor Fugate closed this public hearing at 6:18 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."*

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for Monday, June 10, 2013. She further reminded staff that all agenda items for the June 10<sup>th</sup> meeting are due Friday, May 31, 2013.

Mayor Fugate thanked Mr. Mike Kellam, Director of Planning and Development Services for his two years of service to the City of Kingsville. During those two years Mr. Kellam has been involved in several projects throughout the City. Mayor Fugate mentioned a few projects Mr. Kellam was involved in within the last 24 months he has been with the City, annexing Hawks Landing, update all the codes for the City of Kingsville, Old H.M. King High School renovation project (future new City Hall), Texas A&M University-Kingsville Newman Center, Texas Theatre and Wild Wood Trails Subdivision Project.

Commissioner Leubert also thanked Mr. Kellam for his services to the City of Kingsville which has made us a better city.

Commissioner Garcia stated that with Mr. Kellam's personalty and professionalism, he has made the position of Director of Planning and Development Services more workable and for that he would like to thank Mr. Kellam for his services.

Mr. Kellam thanked the City Commission for all their support throughout the past two years and stated that is has been a true honor to have worked for the City of Kingsville.

### 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.

**Motion made by Commissioner Pecos to approve the consent agenda items as presented, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

1. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 8, Traffic Control Devices, providing for the installation of a stop sign on Huisache Ave. at 8<sup>th</sup> Street for east and west bound traffic. (City Engineer/Public Works Director).
2. Consider final passage of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by amending Article 6 entitled "Stormwater Utility Styem", as amended, to establish procedure for delinquent stormwater utility fee payments. (Finance Director).
3. Consider final passage of an ordinance amending the fiscal year 2012-2013 budget for the General Fund to assist with the renovation of the T45 Jet in Dick Kleberg Park in partnership with Kleberg County. (Finance Director).
4. Consider approving resolution authorizing the City Manager to execute contract between the City of Kingsville and Rusty Van Fleet Construction for a new Pump House for Water Well #19, which was previously awarded and is already funded. (City Engineer/Public Works Director).

### REGULAR AGENDA

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

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

5. Consider condemnation of structures located at 603 ½ W. Avenue D, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pena. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

6. Consider condemnation of structures located at 2029 General Cavazos Blvd., Kingsville, Texas. (Director of Planning & Development Services).

Mrs. Alvarez stated that just for a point of correction, since the property owner has already signed the voluntarily demolition order, the Commission does not have to take official action on this item.

7. Consider condemnation of structures located at 426 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

8. Consider condemnation of structures located at 822 E. Ella, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

9. Consider condemnation of structures located at 306 W. Huisache, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the**

**building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

10. Consider condemnation of structures located at 609 E. Mesquite, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".**

11. Consider condemnation of structures located at 1229 E. Avenue B, Kingsville, Texas. (Director of Planning & Development Services).

**Motion was made by Commissioner Leubert, motion finding-not able to repair, building or structure is unsafe; and present condition is a violation of ordinances; and cannot be corrected without substantial reconstruction; then declare the building or structure to be a public nuisance and order its demolition by owner/agent/person in charge within thirty (30) days, motion was second by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

12. Consider accepting donations for the Keep Kingsville Beautiful program from various individuals and organizations from a KKB luncheon and from t-shirt sales. (Director of Planning & Development Services).

Mr. Kellam asked Mrs. Alice Byers to speak about the donation made to Keep Kingsville Beautiful.

Mrs. Byers stated that the donation was raised through Keep Kingsville Beautiful luncheon and T-shirt sales. The luncheon raised \$729.50 and T-shirt sale raised \$242.00 for a total of \$971.50.

**Motion made by Commissioner Leubert to accept the donation for Keep Kingsville Beautiful, second by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

13. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas amending the fiscal year 2012-2013 General Fund budget for the City of Kingsville to accept donations made for the Keep Kingsville Beautiful program in conjunction with the Community Appearance Department. (Finance Director).

Mr. Mark Rushing, Finance Director stated that this item is in correspondence to agenda item #13. The luncheon brought in \$729.50 and T-shirt sales \$242.00 for a total of \$971.50.

**Introduction item only.**

14. Consider accepting new COPsync equipment for four vehicles from Kleberg County District Attorney for the Kingsville Specialized Crimes & Narcotics Task Force. (Task Force Commander).

Willie Vera, Task Force Commander stated that this agenda item will cover a new revised Agreement with COPsync, Inc. which will include the purchase of new upgraded software and hardware to be installed in four Task Force Interdiction patrol units. The District Attorney will incur the cost for all the equipment and installation of such equipment. The current equipment in the four Task Force Interdiction units will be contributed to the four Kleberg County Constable Precinct 3, Cid Zavala, will incur the cost for the needed equipment and installation for all four constables. All four constables will have direct communication capabilities and intelligence alerts with all existing COPsync networked agencies.

Commissioner Pena asked what is the value of the system.

Commander Vera stated the value is \$36,165.60.

Commissioner Garcia asked for the value of the old system that will be placed on the constable vehicles.

Commander Vera stated that each system is valued at around \$8,000 per unit.

**Motion made by Commissioner Garcia to accept new COPsync equipment for four vehicles from Kleberg County District Attorney for the Kingsville Specialized Crimes & Narcotics Task Force, second by Commissioner Leubert. The motion**

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

15. Consider resolution authorizing the City Manager to enter into the COPsync Services Agreement for the Kingsville Specialized Crimes & Narcotics Task Force. (Task Force Commander).

Commander Vera stated that there is a yearly license fee that would need to be paid. The first year has been paid from the Task Force budget and District Attorney Hubert will pay the next year fee.

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

16. Consider loaning older COPsync equipment from Task Force to the four Kleberg County Constables for use in their vehicles. (Task Force Commander).

Commander Vera stated that this equipment is two years old with two year warrant remaining on the systems.

Commissioner Garcia asked if the Commissioner Court have to accept.

Commander Vera stated that Commissioners Court has accepted the equipment with a vote of 5-0.

**Motion made by Commissioner Pena to consider loaning older COPsync equipment to Kleberg County Constables, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Garcia, Leubert, Pecos, Fugate voting "FOR".**

17. Consider resolution authorizing the City Manager to execute an amendment to the Commission Agreement for the Kingsville Historical Mural. (Director of Tourism).

Mrs. Cynthia Martin, Downtown and Volunteer Manager stated that Jesus DeLaRosa, Professor of Art at Texas A&M University-Kingsville will work on the mural. The mural will be delivered August 31, 2013. The mural is painted on several panels with a measurement of 12ft. high by 32ft. wide.

Commissioner Leubert stated that those individuals in the committee have chosen three locations in the downtown area which this mural can be placed.

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

18. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund Capital Projects Fund for upfront infrastructure costs as per the the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. (Finance Director).

Mr. Rushing stated that this is an introduction ordinance for the City's portion for the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. The money will be coming from an unreserved fund balance.

Mayor Fugarte congratulated Kleberg County for passing their Economic Incentive Guidelines.

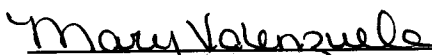
**Introduction item only.**

## 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