

JUNE 10, 2013

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JUNE 10, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Dianne Leubert, Commissioner  
Al Garcia, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Sam Fugate, Mayor  
Noel Pena, Commissioner

**CITY STAFF PRESENT:**

Vincent Capell, City Manager  
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  
Emilio Garcia, Health Director  
Ruthie Valdez, Interim Library 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  
Jessica Storck, Administrative Assistant II  
Ricardo Torres, Chief of Police  
Melissa Perez, Risk Manager  
Bill Donnell, Assistant Public Works Director  
Joey Reed, Fire Chief  
Robert Isassi, Director of Planning & Development Services

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Pro-tem Garcia called the meeting to order in the Robert H. Alcorn City Commission Chamber at 6:00 P.M. and announced quorum as present. Mayor Fugate and Commissioner Pena absent.

**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 17, 2013**

**Regular Meeting – May 28, 2013**

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

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

1. Public hearing for an alcohol variance application for the Day and Night Club located at 300 E. Richard, Kingsville, TX. (Director of Planning & Development Services).

Mayor Pro-tem Garcia opened this public hearing at 6:03 p.m.

Ms. Jessica Storck, Administrative Assistant II stated that Ms. Veronica Janell Garcia, operator of Day and Night Club is requesting an alcohol variance for a Wine and Beer Retailer's Permit and Retail Dealer's On-Premise Late Hours License. This address is located at 300 E. Richard and is within 300ft of a registered daycare. The property in question therefore requires a variance according to City ordinance 2004-20. All required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on May 19, 2013. As of this point, we have not

received any negative feedback from the property owners and or citizens that have been noticed.

Commissioner Leubert stated that this establishment has been at this location for years and sees no problem with granting this variance.

Mayor Pro-tem Garcia closed this public hearing 6:05 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."*

Mr. Capell introduced Mr. Robert Isassi as the new Director of Planning & Development Services. Mr. Isassi will begin his employment with the City of Kingsville on Tuesday, June 18, 2013. He further reported that he will be out of the office attending the Texas City Manager's Association Conference in San Marcos June 20-23, 2013.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is Monday, June 24, 2013. She further reminded staff that the deadline to submit items for the June 24, 2013 agenda is Friday, June 14, 2013.

Mayor Pro-tem Garcia reported that Mr. Steve Alcorn visited City Hall on Wednesday, June 5, 2013 where he presented City staff with a biography and picture of his dad Mr. Robert H. Alcorn to hang in the Robert H. Alcorn City Commission Chamber.

### 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)*

1. Motion to approve final passage 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).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the General Fund Capital Projects Fund for upfront infrastructure costs as per the Economic Development Agreement with Zarsky Development Company, LLC for the Wildwood Trails Subdivision. (Finance Director).

Mayor Pro-tem Garcia asked for a motion to approve the consent agenda.

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

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

3. Consider approval of an alcohol variance for the Day and Night Club located at 300 E. Richard, Kingsville, TX. (Director of Planning and Development Services).

**Motion made by Commissioner Pecos to approve alcohol variance for the Day and Night Club, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia voting "FOR".**

4. Consider waiver of interest on weed lien for Lot 8-10, Block 3, Ronning 2 (1104 E. Kenedy) for interest accrued prior to November 2, 2011. (Director of Finance).

Mr. Mark Rushing, Finance Director reported that Mr. Larry Saldana is requesting the City to waive the weed lien interest accrued prior to November 2, 2011 on the property he owns located at Lot 8-10, Block 3, Ronning 2 also known as 1104 E. Kenedy. Current taxes were paid in full on April 1, 2103 in the amount of \$205.55 and no recent code violations have been reported or cited. He further stated that if Commission were to approve the waive of interest, the amount to be waived is \$305.19, with Mr. Saldana required to pay the principal amount of \$1,077.12 plus the outstanding weed bill amount of \$162.38 for a total of \$1,239.50 within 30 days after the Commission approval date for the waiver of interest to be effective.

**Motion made by Commissioner Pecos to approve the waiver of interest, second by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia voting "FOR".**

5. Consider resolution authorizing the City Manager to file liens for expenses incurred for substandard structure nuisance abatements pursuant to Section 15-1-172 of the City of Kingsville Code of Ordinances. (Director of Planning & Development Services).

Ms. Jennifer Bernal, Community Appearance Supervisor reported that the following properties have defaulted on billing and/or payment plans therefore staff is asking for Commission approval to file a lien on the following properties; 1304 E. Kenedy, 523 E. Henrietta, 418 E. Lee, 919 W. Lee and 417 W. Kenedy.

**Motion made by Commissioner Pecos to approve resolution authorizing the City Manager to file liens for expenses incurred for substandard structure nuisance abatements, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia voting "FOR".**

6. Consider authorizing the purchase of vehicles and related equipment for the Kingsville Police Department using Chapter 59 Funds. (Police Chief).

Mr. Ricardo Torres, Chief of Police request for consideration to purchase five Chevy Tahoe's via Chapter 59 Funds. The purchase will be through Caldwell Country, Buy Board #358-10 as well as the on board equipment from Lone Star Products & Equipment, LLC, Buy Board 363-10, Titan M7 Video Cameras from Coban Technologies, DIR-SDD-1361 and graphics from Gulf Coast Graphics and Signs Out of Corpus Christi. The total cost for the five vehicles and equipment is \$216,275.85. He further stated that he will be replacing the 2003 police vehicles in service which include Unit number 2300, 2303, 2304, 2307 and 2311 which have high milage.

**Motion made by Commissioner Leubert to authorize the purchase of vehicles and related equipment for the Kingsville Police Department, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Garcia voting "FOR".**

7. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 Budget of the State Forfeiture Fund and Kingsville Law Enforcement Fund for the purchase of vehicles and equipment for the Police Department. (Director of Finance.)

Mr. Rushing stated that this item is an introduction item that correspondes with agenda item 6 for the purchase of five new vehicles for the Kingsville Police Department.

Introduction item only.

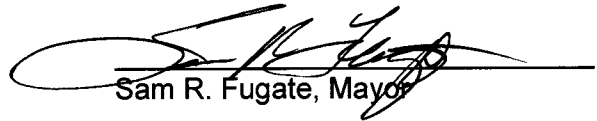
8. Consider authorizing the City Manager to execute a letter agreement with Oscar Fuentes for waiver of irrigation tap fee in exchange for sodding and in-kind services from the Santa Rosa construction project. (City Engineer).

Mr. Charlie Cardenas, Engineer/Public Works Director stated that this item authorizes the City Manager to enter into an agreement with Mr. Oscar Fuentes of 1723 Santa Monica to wiave irrigation water tap fee of \$275.00 in exchange for Mr. Fuentes to provide sodding and in kind services that occurred during the Santa Rosa construction project. There is no financial impact to the City.

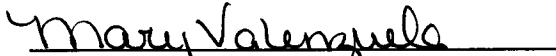
Motion made by Commissioner Pecos to authorize the City Manager to execute a letter agreement with Oscar Fuentes, second by Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Garcia voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:25 P.M.

  
Sam R. Fugate, Mayor

ATTEST:

  
Mary Valenzuela, City Secretary