

City of Kingsville, Texas

AGENDA CITY COMMISSION

MONDAY, AUGUST 29, 2011
SPECIAL MEETING

HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS
CITY HALL/200 EAST KLEBERG AVENUE
6:00 P.M.

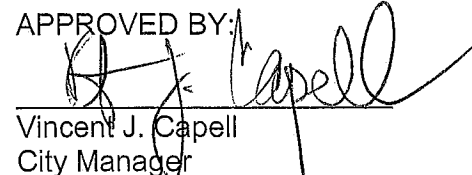
I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

APPROVED BY:


Vincent J. Capell
City Manager

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

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.87960 for Fiscal Year 2011-2012. (Finance Director).
2. Public Hearing on proposed Fiscal Year 2011-2012 budget. (Finance Director).

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

IV. Public Comment on Agenda Items³

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 amending the zoning ordinance by changing the zoning map in reference to 1.5 acres out of South Loop Estates Lots 1, 2, & 3 from MH Mobile Home District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Development Services).
2. Motion to approve out-of-state travel to Washington, DC for Mayor Fugate on September 18th – 20th, 2011 for the purpose of discussing military issues for the city. (Mayor Fugate).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider authorizing bid for one backhoe for the Street Department through H-GAC with Nueces Power Equipment for \$71,131.64 using CO2011 funds. (Purchasing Director).
4. Consider accepting donations for Keep Kingsville Beautiful. (Finance Director).
5. Consider approving final passage of an ordinance amending the Fiscal Year 2010-2011 Budget for the Escondido Waterline Extension and Keep Kingsville Beautiful donations. (Finance Director).
6. Discuss budget and tax rate options for City's Fiscal Year 2011-2012. (City Manager).

VII. Adjournment.

1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.


3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail citysec@cityofkingsville.com for further information. Braille Is Not Available. The City of Kingsville reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086 regarding any item on this agenda.

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

August 24, 2011 at 3:30 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Edna S Lopez, TRMC, CMC
City Secretary
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: _____

By: _____
City Secretary's Office
City of Kingsville, Texas

**MINUTES OF PREVIOUS
MEETING(S)**

AUGUST 22, 2011

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, AUGUST 22, 2011 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
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent J Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Frank Garcia, Wastewater Supervisor
Gary Fuselier, Landfill Supervisor
Bill Donnell, Asst Public Works Director
Willie Vera, Task Force Commander
Mike Kellam, Director of Development Services
Jason Torres, Health Inspector
Diana Gonzales, Human Resource Director
Mark Rushing, Finance Director
Bob Trescott, Downtown Manager
Ken Starrs, Asst Task Force Commander
Dave Mason, Purchasing Director
Naim Khan, City Engineer/Public Works Director
Diana Medina, Collections Supervisor
Robert Rodriguez, Library Director
Al Lopez, Fire Chief
Caron Vela, Accounts Manager

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. 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 regular meeting of Monday, August 8th and special meeting of Thursday, August 18th. **Commissioner Laskowski made a motion to approve the minutes of August 8th, with corrections provided, seconded by Commissioner Garcia. The motion was passed and approved by the following vote:**

Fugate, Pecos, Garcia, Laskowski voting "FOR". Wilson "ABSTAINED". Commissioner Laskowski made a motion to approve the minutes from August 18th meeting, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

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

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.87960 for Fiscal Year 2011-2012. (Finance Director).

Mayor Fugate announced the tax rate hearing statement: The vote to adopt the City of Kingsville's 2011-2012 fiscal year tax rate will take place on September 12, 2011 at a City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers here at City Hall, 200 E Kleberg, Kingsville, Texas. The second public hearing on the tax rate will take place on August 29, 2011 at a special City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers here at City Hall, 200 E Kleberg, Kingsville, Texas.

Mayor Fugate opened the public hearing at 6:02 P.M. and announced anyone wanting to speak could do so by coming to the podium, announcing their name and address, and they have 5 minutes to speak on this subject.

Mayor Fugate closed the public hearing at 6:04 P.M.

2. Public Hearing on rezone of 1.5 acres out of South Loop Estates Lots 1, 2, & 3 from MH Mobile Home District to C4 Commercial District, also known as 2714 S. Franklin Adams, William Tiffie applicant. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:05 P.M. and announced anyone wanting to speak could do so by coming to the podium, announcing their name and address, and they have 5 minutes to speak on this subject.

Mr. Kellam stated he didn't have anything else to add unless there were questions

Mayor Fugate called for comments on this subject. Mayor Fugate stated Mr. Tiffie is doing a lot of work for Exxon and will put a yard for his company. Upon a question from Commissioner Pecos, Mr. Kellam stated there will be heavy equipment on the site and Mr. Tiffie will use the existing building as an office.

Mayor Fugate closed the public hearing at 6:06 P.M.

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

City Manager Capell stated he is submitting the Staff Report; he reported on the accident that occurred earlier today on 77 Bypass and South Creek and the neighborhood will have to be evacuated. Fire Chief Lopez arrived at the meeting and was called to update the Commission. Chief Lopez stated the 18-wheeler is at the bottom of the creek just past the airplane at the park. The highway is closed and the 18-wheeler has a dangerous chemical. The chemical has to have air to keep it stable. He stated they are waiting for another 18-wheeler to transfer the chemical. Upon a question from Commissioner Pecos, Chief Lopez stated the company name of the truck is unknown because it burned but DPS should have the information. He stated that the Emergency Management Coordinator made contact with the company and the company has been giving them information on how to handle the chemical.

City Manager Capell introduced Mr. Rick Medrano, Representative with Entrust. Mr. Medrano stated this is a ten month review. He provided information on the comparison on the health plan to the prior two years. He explained the claim processing time; and loss ratio this is a 4 yr – 10 month which is running 76.91 of expected and 61.53% of the maximum claim liability. He stated the plan is performing the best it has in the last five years. He stated at the time this report was generated they were not aware of a large claim that is out there and has not incurred yet so it is not reflected on this report. He provided information on the 3-year claim utilization trends, prescription purchased were generics; and on the PPO Savings by Claim type. He stated the employees are staying in the network and Christus Spohn Health System is the top provider.

Ms Alvarez announced that the City of Kingsville will hold a second public hearing on the new tax rate for fiscal year 2011-2012 and the public hearing will be held next Monday, August 29th at 6:00 P.M. in the Alcorn Commission Chambers. The City Commission will hold the vote on the tax rate for the upcoming fiscal year, here in the City Commission Chambers at 6:00 P.M. on September 12th, 2011. She reported working on the agenda for the special meeting of next Monday, August 29th, besides from the public hearing on the tax rate there will also be a public hearing on the budget which is required under the Government Code and notices were for those were in the newspaper. She added that this Friday, for Staff and Commission members is the deadline for submitting items for the regular meeting on September 12th.

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. There were no comments.

Mayor Fugate called for consideration of the items on the Consent Agenda, Items 1-6. **Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Garcia and Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting “FOR”.**

V.

Consent Agenda

1. RESOLUTION NO. 2011-49 Motion to approve resolution authorizing the City Manager to execute an Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between the City of Kingsville and the Coastal Bend Council of Governments. (City Manager).
2. RESOLUTION NO. 2011-50 Motion to approve resolution authorizing the City Manager to execute a contract extension with Brite Star Services, Ltd. for Rental Uniform Services. (Purchasing Director).
3. Motion authorizing reallocation of CO2011 funds to reallocate \$4,773 of interest earned towards storm water drainage rate study and implementation project. (Finance Director).
4. RESOLUTION NO. 2011-51 Motion to approve resolution authorizing the City Manager to execute a Training and Development Agreement between the City of Kingsville and Del Mar College (Task Force Commander).
5. Motion to accept certain investigative equipment from the Kleberg County District Attorney for the Kingsville Police Department. (Police Chief).
6. Motion authorizing the Police Chief to purchase, via reimbursement to Kleberg County District Attorney, two additional years of maintenance for certain investigative equipment for the Police Department. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider awarding Bid No. 11-31 authorizing the execution of a contract for concrete pavement improvements/repairs at the intersections of 7th & Kenedy, 7th & Ragland, 7th & Huisache, 7th & Doddridge, and 9th & Kenedy. (Purchasing Director).

Mr. Mason stated the City advertised for bids in the local newspaper. Three companies attended the non-mandatory pre-bid site inspection and walked about twenty intersections. The intersections were ranked by order of importance due to the deterioration of the intersections. The total is \$200,000, with \$50,000 coming from Street repair- CO 2011, \$50,000 from Water Construction – CO 2011, and \$100,000 from Water Construction Utility Fund from Fiscal Year 2011. Hubert Construction was the only responsive bidder.

Commissioner Laskowski asked if the concrete replacement would be corner to corner, in all four corners in the entire intersection. Mr. Mason replied each has specific repairs to be done, but in certain instances it is the entire intersection. Mr. Khan stated it is the entire intersection. Commissioner Pecos asked if these were the streets made from concrete. Mr. Khan replied that was correct.

Commissioner Laskowski made a motion to award the contract to Hubert Construction for \$200,000, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting “FOR”.

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.5 acres out of South Loop Estates Lots 1, 2, & 3 from MH Mobile Home District to C4 Commercial District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Development Services).

Mayor Fugate called for questions. Upon a question from Commissioner Garcia, Mayor Fugate replied Mr. Tiffie does work for the King Ranch so the equipment that will be stored on the property is dozers, tractors, etc. Commissioner Garcia voiced his concern about the condition of the roadway, and who would address that issue. Mr. Kellam stated the majority of the time the equipment will be on the work site. Mayor Fugate stated the road needs work and the City will have to look at this. Mr. Tiffie lives out there and he has a vested interest. Commissioner Laskowski stated that DPS in Karnes City has the ability to make people repair the road and asked if this is something that the City can do through an ordinance. Ms Alvarez asked Commissioner Laskowski if he knew the mechanism that is being used. Commissioner Laskowski stated that Mr. John Casey had mentioned that they had DPS out there with scales and they were actually weighing the trucks and fining them. Commissioner Wilson stated the road is weighed to carry the load and they are exceeding the weight limit. Mayor Fugate stated they should check with Mr. John Casey.

INTRODUCTION ONLY

9. RESOLUTION NO. 2011-52 Consider resolution authorizing the City Manager to enter into an agreement between the City of Kingsville and Naismith Engineering for Professional Services for the Landfill. (City Engineer/Public Works Director).

Mr. Khan stated Naismith scored the highest score and on May 9th the Commission authorized Staff to begin negotiations with this company. The agreement was sent and there is no problem with it.

Mayor Fugate asked if Ms Alvarez had reviewed contract. Ms Alvarez responded it is really lengthy. Ms Alvarez stated it is a standard contract submitted tailored to the project.

Commissioner Laskowski made a motion to authorize the City Manager to enter into an agreement between the City of Kingsville and Naismith Engineering for Professional Services for the Landfill, seconded by Commissioner Wilson and Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Pecos, Wilson, Garcia, Laskowski voting "FOR".

10. Consider authorizing staff to move forward with the first phase of the Permit Amendment for the City of Kingsville Landfill as presented by Naismith Engineering. (City Engineer/Public Works Director).

Mr. Khan stated that Staff met with the Consultant to discuss the process and steps to the permit amendment. It was learned that the most important thing is the TCEQ pre-application meeting. In order to go to the pre-application meeting, several things are needed for the first phase.

Commissioner Wilson made a motion to authorize staff to move forward with the first phase of the permit amendment, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

11. Consider introduction of an ordinance adopting the annual budget of the City of Kingsville, Texas and appropriating funds for the fiscal year beginning October 01, 2011 and ending September 30, 2012. (City Manager).

City Manager Capell stated the proposed budget has been submitted to the City Commission and changes have been made and summarized on the spread sheet.

Mayor Fugate called for questions or comments. Commissioner Pecos stated he would like to see Staff go back in the budget and do a budget with the same tax rate as this year which was .84220. City Manager Capell stated he could summarize the impact that would have given the budget that has been proposed. Commissioner Garcia stated he had a concern over the discretionary payroll considerations that total \$87,000. The reason he brings up this concern is because he, the City Manager, has been City Manager for four months and the increases are being proposed for department heads that total \$87,000. City Manager Capell stated it was not only for department heads but several positions. Commissioner Garcia stated he was concerned about evaluations and what he is proposing is that the City not include this on the budget for this coming year. This would allow the City Manager to seek performances a lot better on those particular individuals and positions to make a more informed observation to afford the individuals additional monies. City Manager Capell asked the Commission if they would allow him to address that issue along with the other issue during this week in writing. Mayor Fugate stated some monies are already tied to hiring and additional duties, and for him to say he's taking \$87,000 out will not work. Commissioner Garcia stated he is in agreement with the Warrant Officer. City Manager Capell stated he could do a better job if he could put it in writing first and then comment. He stated he will try to persuade the City Commission to go with his recommendation and he could do a better job by putting it in writing first. Ms Alvarez stated that document would be available to the public.

Commissioner Pecos stated at the last meeting he made the motion to go ahead and use the proposed tax rate of .87960. He stated he has gotten a lot of feedback from the community. He has explained this was only to start working on the tax rate. The community is adamant that they do not want a tax rate higher than what they are paying.

Mayor Fugate stated no one showed up for the today's hearing and there will be another hearing. He added if taxes do not have to be raised they shouldn't but the Commission has an obligation to the taxpayers to be as good stewards of the City's monies. He stated that for years this Commission has denied raises and as a consequence they have taken that burden on. City Manager Capell thanked the Commission for offering those up now and giving Staff time to review these things. Mayor Fugate stated this is something that needs to be done so if there's a problem or concern it is brought to the City Manager in time for it to be addressed.

Mayor Fugate called for further comments or questions. Commissioner Laskowski stated the reduction back to the effective tax rate will take looking for \$216,000. City Manager Capell stated that was correct.

INTRODUCTION ONLY

12. Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 1, 2011 and ending September 30, 2012, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).

Mayor Fugate stated this had a public hearing. Mayor Fugate called for questions or comments.

INTRODUCTION ONLY

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resource Director).

Commissioner Wilson stated this is a follow up on Commissioner Garcia's concern. Most of everything that he is concerned falls within this ordinance. City Manager Capell stated as he addresses the issues he will also address these issues.

Commissioner Laskowski stated there was a couple of positions in the management that were drastically cut for example, Management Level (ML) 4 & 5, level 5 top end was cut by \$7,000. He asked if the top salary was too high. Ms Gonzales stated that in ML 4 for the positions currently in that level the salary was too high. The highest level in ML 4 at this time is \$46,009.60. Mayor Fugate asked if that was what was being proposed. Commissioner Wilson replied that's what it is. Ms Gonzales replied that's what it is currently now, that's the highest in ML 4. Commissioner Laskowski stated last year whenever the Commission adopted this plan it was probably what it was then and there was no adjustment made to it then. Ms Gonzales replied there was no adjustment. Commissioner Laskowski stated that's why he was curious because this is essentially the same plan that the Commission adopted last year except for the City Manager's recommended changes and ML 5 has gone down \$7,400. He stated he is wondering what caused that to go from \$52,427 to \$45,000. Ms Gonzales stated that was actually just too high. Mayor Fugate asked what that was based on. Ms Gonzales replied that right now what the current salaries are and that's what they were trying to update the plan to show what it actually is as well as where they want some positions to go. She added with ML 4 & 5 having the max at such a high amount the position was never getting to that point. Though when it is advertised the position is advertised the minimum to maximum range and applicants think they will be paid the maximum amount and none of the City's employees were getting close to that.

Commissioner Wilson stated his concern or question would be, then why doesn't the City take the salary information out of the ad. City Manager Capell stated the applicant has to have some idea or the City will not get people to apply.

Mayor Fugate stated if the City drops the caps, then how would that induce people to apply for these positions. City Manager Capell stated that what Ms Gonzales is saying, is that we don't hire people at that rate anyway, so let's bring it down to the level. He stated he would like to remind the Commission that what he is trying to do is to establish internal equities as far as these positions go which has something to do with market competitiveness which is a separate issue. City Manager Capell added that when you try to develop a salary range such that the salaries given that position's duties are fair, not too low and not excessive. He stated that in Ms Gonzales' review in those particular positions the upper salary range was excessive. Commissioner Laskowski stated the only reason why it caught his eye is that every other position in the Management Level went up and those went down. City Manager Capell stated that the pay plan is not something that they can walk away from for any length of time, it has to be constantly looked at massaged, adjusted to maintain internal equity as well as market competitiveness to the extent that the City can afford to do that.

Mayor Fugate asked Ms Gonzales if she ever compared this with other Cities our size in reference to what they are doing with these raises. Ms Gonzales replied for these positions, yes, she used TML and Waters Consulting, as well as sometimes just calling the different entities, as well as seeing what ads are going out. Mayor Fugate asked if this was done when these two ranges were adjusted. Ms Gonzales asked when I adjusted these two, did I look at every single, and stated no. Mayor Fugate stated not all of them, but asked her if she used any resource at all. She stated the Waters Consulting surveys. She stated this is basically trying to get it into a range that City knows it is going to hire at. There's no point at putting it too high when the City is not hiring there.

Commissioner Wilson stated it is somewhat interesting but the way the plan is at a minimum, mid-point, & maximum. He stated he would not expect for the City to ever hire at the maximum because they can never have a raise. It just doesn't make any sense to hire someone at the maximum. City Manager Capell stated you can if you hire someone with extensive experience they can come in towards the upper end. Commissioner Wilson stated towards the upper end and there would be room for growth. City Manager Capell stated some room for growth. Commissioner Wilson stated some room for growth but then we would have to come back with the Compensation Plan after the six month or 90 days evaluation. He stated he is not sure the City's hiring practice is right if that's where the City is going. If the City puts a minimum on a maximum and everybody is calling expecting a maximum. Then the City is not being able to explain or articulate that that is only a range and we hope you apply but that's the range for the employment. City Manager Capell stated when he recruits for position there are four or five questions that he discusses. One is the range and if they agree he goes to question #2.

Commissioner Wilson stated that in these cases, level 4 or 5, there is no room for growth. If for some reason you have an employee that is close to the top now you have cut that down. City Manager Capell stated now you have to have a conversation that the position is not going to grow. So then what's the option once you hit that cap, in any organization with any pay plan if you want more money you've got to get promoted. He added you have to go to higher level position, some positions only pay so much and once you're at that upper end either do because you've been with the City of Kingsville a long period of time and

you've gotten all the raises and are now capping out or someone was brought in are being paid for the experience that they had before they were employed. He stated there has to be some end point.

Commissioner Laskowski stated the City had a prospect for the Sanitation Supervisor but the salary was not enough. City Manager Capell stated it was not the salary, it was housing.

Commissioner Garcia stated he was reading the information that there are 262 employees and 14 of those employees have 25 years of service. He asked if money was budgeted for the fringe benefits in case these 25 employees depart at the same time. City Manager Capell replied no unless they have given the City notice of retirement. He further explained the procedure for budgeting.

INTRODUCTION ONLY

14. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewers, providing for an increase in sewer rates. (Finance Director).

Mr. Rushing stated this is in compliance with the model with an increase of 4%.

INTRODUCTION ONLY

15. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, providing for an increase in water rates. (Finance Director).

Mr. Rushing stated this is in compliance with the model with an increase of 2%.

Mayor Fugate stated this was a recommendation from a survey and analysis of the City's sewer and water system and this was their recommendation.

INTRODUCTION ONLY

16. Consider proposed projects list for Certificates of Obligation from prior years. (City Manager).

City Manager Capell stated this was the list that was passed out in a budget workshop. This is Staff's proposal from CO from 1998 to 2005 for Commission consideration and Staff would like to proceed to getting this done.

Upon a question from Commissioner Laskowski, City Manager Capell replied he spoke to Mr. Khan; even if a repair is made the life of the well is only two to five years. If you put \$5,000 into it you need to put \$5,000 to make that determination. Mr. Khan stated at this time a pump test is needed at \$5,000 extra. Commissioner Laskowski stated the reason is asked that questions is because Staff is asking the Commission to approve this list and using \$100,000 to rehab Well #14. City Manager Capell stated his understanding is he assumed this was approved in the past. Commissioner Laskowski stated these were monies that

were left over and were not part of the original issuance of the CO's. The 2005 Utility Fund had \$232,000 leftover and they came up with projects to expand the balance of the funds. They have identified that they can spend \$100,000 rehabbing Well #14. Mr. Khan stated this was prepared before they knew what would happen at Well #14. Commissioner Wilson stated then it might be more prudent for the Commission to approve the \$5,000 or whatever it will take to determine whether or not it's worth rehabbing instead of approving the \$100,000 and Staff having to come back and tell them that will not be done because the cost benefit ratio is not there. City Manager Capell stated what he would ask, if the Commission is okay with everything on the list except the \$100,000 for Well #14 is to allow them to move ahead on the other projects and come back and revisit that \$100,000.

With regard to fence improvements and landscaping at the Wells for \$32,000 Commissioner Laskowski asked what was being planned. Mr. Khan replied there will be slants (green slides) installed in fence. Mr. Donnell stated at Well #20 the fence needs to be replaced and they will add some shrubs.

Commissioner Garcia made a motion to approve the list, minus the \$100,000, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".

17. Consider request for future sale of surplus City property by property owner at 226 W. Ave. C. (City Attorney).

Ms Alvarez stated that she and the Mr. Khan were approached by Mr. John Wright the property owner at 226 W Ave C between 4th & 5th Street. Mr. Wright has the area fenced that he owns and his property backs up against the creek. He has an interest in adding some landscaping and has already been maintaining the area behind his fence line and would like to put some additional trees off on the side and perhaps behind where his current fence is and extend the fence out. He was very forward in coming to the City prior to doing anything about putting trees within our right-of-way. He would like to purchase the land, Staff has looked to see if we have any need for the property and it appears we don't. Staff went out to rough out a map to show what the small area of land would be. Before any potential sale would be done, Staff needs to know if Commission is interested in moving forward with this before Staff goes back and advises Mr. Wright he needs to spend money getting a survey done. The Government Code allows for strangely shaped tracts of land that have no other use or value for the City to be sold to adjacent property owners without it having to be sold for the fair market value. Once the exact size is determined through the survey, the City would negotiate with him for a reasonable price. The final approval would be presented to the Commission for their authorization.

Mayor Fugate called for further questions. Commissioner Garcia asked if the sale would only be topography. Ms Alvarez replied that was correct.

Commissioner Wilson made a motion to entertain the prospect of selling those to oddly shaped pieces of property, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski,

18. Consider introduction of an ordinance amending the Fiscal Year 2010-2011 Budget for the Escondido Waterline Extension. (Finance Director).

Mr. Rushing stated this budget amendment is for the purchase of pipe for the Escondido Waterline Extension. The projected cost is \$145,000 for the pipe. There has been discussion about the price of pipe and being able to get that in and delivered on track to start the extension. This is for the pipe only.

Commissioner Laskowski asked if this item could be passed without doing a final passage of the amendment. Ms Alvarez responded that they checked with Mr. Rushing on another item earlier in a different agenda and so long as the check isn't written, so to speak, until the budget amendment is approved then you can go ahead and make the order but you can't actually incur the expense and still be compliant with the auditor's guidelines. Commissioner Laskowski stated his reason for asking is that because the price on this pipe is currently scheduled for August 15th and September 1st, 2011. He asked if that meant that the price will be going up on September 1st. He stated that the next Commission meeting is on September 12th. Ms Alvarez stated she had received a draft agenda from the City Secretary this afternoon for the August 29th meeting which is exactly one week from today and that item is going to be submitted for the second and final reading. Commissioner Laskowski requested that the Keep Kingsville Beautiful donation be added to the second reading of this ordinance.

INTRODUCTION ONLY

19. Consider authorizing the purchase of a 9,000 ft of 12" C-900 PVC pipe using the Cooperative Purchasing Agreement with the City of Fort Worth, Texas. (Purchasing Director).

Commissioner Garcia made a motion to purchase the pipe, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:15 P.M.

Sam R Fugate, Mayor

ATTEST:

Edna S Lopez, TRMC, CMC

City Secretary

PUBLIC HEARING(S)

**PETITIONS,
GRIEVANCES, &
PRESENTATIONS**

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE _____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 1.5 ACRES OUT OF SOUTH LOOP ESTATES LOTS 1, 2, & 3 FROM MH MOBILE HOME DISTRICT TO C4 COMMERCIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Mr. William Tiffée, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, July 27, 2011 during a meeting of the Planning Commission, and on Monday August 22, 2011 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard;

WHEREAS, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 1.5 acres out of South Loop Estates Lots 1, 2, & 3 also known as 2714 S. Franklin Adams from MH Mobile Home District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

SECTION 2. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 3. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 4. That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 6. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the _____ day of _____, 2011.

PASSED AND APPROVED on this the ____th day of _____, 2011.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED:

Courtney Alvarez, City Attorney



Planning Department

TO: City Commission

CC: Vincent Capell, City Manager

FROM: Michael Kellam, Director of Development Services

SUBJECT: Rezone: MH-C4, Tiffée Rezone

DATE: August 10, 2011

The City of Kingsville Planning and Zoning Commission met on July 27th, 2011 at 7:00 p.m. in regard to a request made by William Tiffée to rezone 1.5 Acres of his property, which is located within the South Loop Estates, Lot 1, 2, & 3 also known as 2714 S. Franklin Adams. The request is to rezone from MH Mobile Home District to C4 Commercial District. There were no opposing property owners present at this meeting.

This meeting was advertised for a public hearing in the Sunday's edition of the Kingsville Record on July 10th. Notices were sent out to seven surrounding property owners that are within the 200ft radius. No questions, comments or complaints regarding this rezone were made to the Planning Department.

During this meeting Mr. Aldrich, who is representing Mayane Construction, gave a brief summary of Mr. Tiffée's intent for the rezoning which is to utilize the property as a satellite business where at times heavy machinery will be parked. After review of this property it was determined that the rezone will not conflict with JLUS or Kingsville Master Plan.

The City of Kingsville Staff recommended approval of this rezoning request. The request was approved by the Planning & Zoning Commission with a unanimous 4/0 vote.

AGENDA ITEM #2

(REGULAR AGENDA)

AGENDA ITEM #3



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: August 19, 2011
TO: City Commission through City Manager
FROM: David Mason, Purchasing Director
SUBJECT: Backhoe

SUMMARY

This item authorizes the purchase of one backhoe for the Street Department.

BACKGROUND

The Street Department is currently without the use of a backhoe as the Terex model is continually broken and repairs would exceed the value of the machine.

RECOMMENDATION

We believe the best value for the City is a Case 580N Backhoe from Nueces Power Equipment (NPE) Corpus Christi. The Backhoe is complete with cab, front counterweight, 24" bucket on extendahoe arm, and is four wheel drive. This unit is currently in stock at NPE in Edinburg, TX and delivery is less than one week. The item can be purchased through H-GAC, thereby satisfying state purchasing law regarding competitive bidding regulations.

FINANCIAL IMPACT

This action will expend \$71,131.64 (the H-GAC quote), which is less than the \$80,000 allocated for this purchase. Funds are available from CO 2011, account # 065-5-305.0-712.00

Approved

Vince Capell, City Manager

AGENDA ITEM #4

KKB Donations

Donor	Check #	Amount
Stanley Laskowski	706	\$ 30.00
C. Yaklin (Garden Spot of the Month)	712	\$ 25.00
Hahn & Oldhan, P.C.	11980	\$ 500.00
Cash Donations (Funds collected at Softball 'Pass the Boot' Event)		\$ 63.00
Cash Donations-Anonymous		\$ 100.00
	Total:	<u>\$ 718.00</u>

As of 08/24/11

AGENDA ITEM #5

ORDINANCE NO. 2011-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 BUDGET FOR THE ESCONDIDO WATERLINE EXTENSION AND KEEP KINGSVILLE BEAUTIFUL DONATIONS.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2010-2011 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
<hr/>					
Fund 054	Utility Fund – Capital Projects				
<u>Expenses</u>					
5-600.1	Water Construction - Waterline & Fixtures		717.00	145,000	
2-000.0	Unreserved Fund Balance		610.00		145,000

[To allocate funds for the purchase of pipe to be use in the Escondido Waterline Extension.]

<hr/>					
Fund 001	General Fund				
<u>Asset</u>					
0-010.00	Pooled Cash Account			718	
<u>Liability</u>					
1-478.00	Due to KKB Escrow Account			718	

[To accept donations for the Keep Kingsville Beautiful project.]

II.

THAT all Ordinances or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

THAT this Ordinance shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 22nd day of August, 2011.

PASSED AND APPROVED on this the 29th day of August, 2011.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

August 18, 2011

Vincent Capell
City Manager
City of Kingsville
P.O. Box 1458
Kingsville, Texas 78364

Re: Escondido Waterline Extension

Mr. Capell,

November 8, 2010, the need for an Escondido Waterline Extension was introduced and incorporated into the 5 year Water/Waste-Water funding model for \$204,022. It was planned to be a Debt- Funded project of the CO 2011 issue. Then in the December 13, 2010 Commission Meeting it was pulled from the CO 2011 projects during the fitting process pulling down the overall issuance to under \$10,000,000 in an effort to be a bank qualified issuance. As a result, a budget amendment for the Cash-Funded (Fund 054 Utility Fund – Capital Projects) Escondido Waterline Extension project is needed.

Sincerely,

Mark A. Rushing

AGENDA ITEM #6