

JANUARY 10, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL / 200 EAST KLEBERG AVENUE ON MONDAY, JANUARY 10, 2005 AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Charles E Wilson, Commissioner
Al Garcia, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S. Lopez, City Secretary
George Bejarano, Asst. City Manager/Finance Director
Dora Byington, Director of Purchasing
Jennifer Cantu, Director of Development Services
Dianne Leubert, Solid Waste Superintendent
Al Lopez, Interim Fire Chief
Rick Torres, Police Chief

**I. Preliminary Proceedings.
OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chambers of City Hall at 6:00 P.M.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms Dora Byington, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for approval of the minutes of the special meeting of the City Commission held on December 21, 2004. **Commissioner Laskowski made a motion to accept the minutes as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Pecos, Laskowski voting "FOR".**

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

1. None.

III. Petitions, Grievances, and Presentations.²

1. City Manager's Report. (City Manager).

Mayor Fugate called for the City Manager's report. City Manager Yerena reported that HDR Engineering would be making a planning study presentation at the next meeting. Ms Carola Serrato, Executive Director STWA gave a brief explanation. City Manager Yerena asked Interim Fire Chief Lopez to report on the haz mat trailer that was received from the Homeland Security Grant. Interim Fire Chief Lopez gave a description of the trailer and an explanation on how it will be used. Finally, City Manager Yerena reported on Police Officers that were promoted, on the holiday schedule for City Hall, the livestock show, and congratulated Mayor Fugate, and Commissioners Pecos and Garcia on their birthdays.

2. City Attorney's Report. (City Attorney).

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported that there is no longer a need for the special meeting for January 13, 2005, and that the notice has been republished. Ms Alvarez reported on information in the NLC Newsletter regarding a summit on City's families. She reported on the date and cost for a seminar that will be held in San Antonio in September 2005.

3. City Commission's Reports. (City Commission).

Mayor Fugate called for the City Commission's report. Commissioner Garcia reported on an agenda item for next meeting regarding birth and death certificates.

Mayor Fugate commended Commissioner Wilson and everyone involved on a successful Cactus Bowl.

IV. Public Comment on Agenda Items³

1. Comments on all agenda and non-agenda items.

NONE

V. Consent Agenda

NONE

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider awarding purchase of the M/A-Com Enhanced Digital Access Communications System for the Kingsville Fire Department to Dailey Wells Communications. (Interim Fire Chief).

Interim Fire Chief Lopez explained his request for the purchase of a new radio system and related equipment, stating that monies are budgeted, and the system is needed for communicating with other emergency departments. He provided information on the units to be purchased and the cost. Chief Lopez reported that the new radio system will bring the Fire Department up to par with the Police Department.

Ms Alvarez confirmed that Dailey Wells Communications is the sole source provider for this particular technology.

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

2. Discuss and consider the terms of the City of Kingsville Certificates of Obligation, Series 2005. (City Manager).

City Manager Yerena explained that the requested debt schedules were provided for maturity of 15, 20, 24 years. He stated that it was confirmed by the financial advisor that 24 yrs was the highest maturity debt service based on the City's equipment. City Manager Yerena provided details on the net debt service for each maturity date.

Commissioner Laskowski voiced his concerns about the 24 yr maturity stating that this would cost another 2 ½ million in interest.

City Manager Yerena stressed that the decision would be reflected in the water rate study.

Mr. Fees provided information on the life of the wastewater plants and the painting of the water towers.

Mr. Bejarano provided information on the fund balance, rate study, water meter replacement, and the general fund. City Manager Yerena reminded the Commission that numbers were just estimates. Finally, Mr. Bejarano stated that he felt more comfortable with the 20 yr maturity.

Commissioner Laskowski made a motion to accept the 20 yr maturity, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

3. Consider introduction of an ordinance authorizing the issuance of \$11.6m City of Kingsville, Texas Certificates of Obligation, Series 2005; and approving all other matters related to the issuance of the certificates of obligation. (City Manager).

City Manager Yerena stated that this was an introduction of an ordinance for the sale of the bonds. Ms Alvarez explained the two ordinance changes that would be made before final passage: dates of publication would be corrected to January 9th & 16th; and four places throughout the document where it is noted the commission would meet on the 13th which would be changed to the 24th.

Introduction Only

4. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1: General Business Regulations, Section 11-1-1, providing for the deletion of an occupation tax. (Director of Development Services).

Mayor Fugate and Commissioner Garcia recused themselves from discussion on this agenda item. Mayor Pro-tem Wilson presided over the meeting.

Ms Jennifer Cantu provided information on how this item came to be. She stated that staff recommends the entire Article be deleted.

Mayor Pro-tem Wilson stated that the State has taken over the burden of regulating most occupations.

Introduction Only

Mayor Fugate presided over the meeting.

5. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 5: Vehicles for Hire, Sections 11-5-1 thru 11-5-3, providing for the deletion of car rental service regulations. (Director of Development Services).

Ms Cantu provided details on each of the proposed changes that were made to this Article. She stated that staff feels enforcement of this Article would have a negative impact on the business community and would be a burden to staff. She added that Section 11-5-15 was not omitted just in case a horse drawn carriage was used in a wedding.

Introduction Only

6. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 6: Flea Markets, Sections 11-6-1, 11-6-2, 11-6-4, & 11-6-99, providing for a change to the definition of flea market, an increase in the license fee, city may request records, penalty for failure to produce records, and in an increase in the penalty fee. (Director of Development Services).

Ms Cantu provided details on each of the proposed changes made to this Article, primarily to license and penalty fees. She stated that the proposed license fee needed to be changed depending on the amount vendors at a flea market. It was decided that if a flea market had 1 to 9 vendors, the fee would be \$100; 10 or more vendors, \$500.

Mayor Fugate stated that it is important to educate the owner of the flea market.

Introduction Only.

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 8: Phrenologists and Fortune Tellers, Sections 11-8-2 & 11-8-3, providing for an increase in the annual permit fee. (Director of Development Services).

Ms Cantu provided details on the major changes to this Article: the City Secretary will receive a written application, the cost of the permit, and striking the Mayor from approving or rejecting the application and from any other part of the Article.

Introduction Only.

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 9: Junk Yards; Dumping Grounds, Sections 11-9-2 & 11-9-3, providing for changes to the person who receives and approves applications, an increase in the license fee, the height of fence required, and the time within which to construct a fence. (Director of Development Services).

Ms Cantu provided details on each of the proposed changes to this Article. Permit fee was changed; responsibility was given to the Planning Administrator instead of the City Secretary; and fence height was changed. Ms Cantu stated that existing junkyards are grandfathered.

Introduction Only.

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 13: Tire, Used Muffler and Appliance Storage, Sections 11-13-1, 11-13-2, & 11-13-3, providing for definition of appliance and a time limit within which to build a structure. (Director of Development Services).

Ms Cantu provided details on each of the proposed changes to this Article. Appliance was defined; and time allowed for constructing a building of the kind and character required was changed from six to two months.

Commissioner Laskowski asked that staff search for another word that covers gas pumps.

Introduction Only.

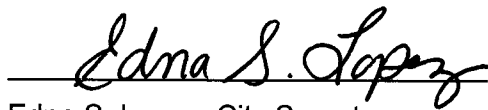
VII. Adjournment.

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 7:10 P.M.



Sam R. Fugate, Mayor

ATTEST:



Edna S. Lopez, City Secretary