

January 24, 2005

**A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JANUARY 24, 2005 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  
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  
Stanley Fees, City Engineer  
Frank Garcia, Field Supervisor  
Dora Byington, Purchasing Director  
Al Lopez, Interim Fire Chief  
Diana Gonzalez, Human Resource Director  
Jennifer Cantu, Director of Development Services  
Dianne Leubert, Solid Waste Superintendent  
Rick Torres, Police Chief  
John Garcia, Garage Superintendent  
Arnold Valadez, Warehouse Clerk  
Macario Mayorga, Water Supervisor  
Tina Galvan, Field Supervisor  
Joe Casillas, Water Production Supervisor  
Y I Hinojosa, Street Field Supervisor  
A L Noyola, Health Director  
Daniel Almeida, Wastewater Supervisor

**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 Father Piotr from St. Gertrude Catholic Church, 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 regular meeting of the City Commission held on January 10, 2005. **Commissioner Laskowski made a motion to accept the minutes as presented, 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).<sup>1</sup>**

1. None.

**III. Petitions, Grievances, and Presentations.<sup>2</sup>**

1. Present Proclamation designating “Frank Moreno Day”.

Mayor Fugate presented proclamation to Rudy and Margie Galvan.

2. Present Proclamation designating the week of January 30<sup>th</sup> – February 5<sup>th</sup>, 2005 as “Catholic School Week”.

Mayor Fugate presented proclamation to Father Piotr, Ms Beverly Lanmon, School Principal, and several students.

Mayor Fugate, Chief Rick Torres, and NAS Police Officers presented Sheriff Ed Mata with a shadow box filled with his insignias.

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

Mayor Fugate called for the City Manager's report. City Manager Yerena asked Chief Torres to report on the City's 911 equipment upgrade. Chief Torres provided information on the upgrade being paid for by the COG. City Manager reported that Ms Carola Serrato, STWA Executive Director, Mr. John Marler, HDR Engineer, and Mr. Ralph Baker, Project Manager for Texas Water Development Board were ready to make presentation. Ms Serrato summarized the project. In essence the City has received from the study, a computer model using EPANet. Finally, she stated she would like to finalize this project by the end of February.

- 3.1. HDR Presentation.

Mr. Marler went over points of the report. He pointed out the tool used to look at different scenarios was the hydraulic model. Several figures and type of runs during peak times were explained. Bulk of report describes how the model was developed and how it was calibrated. Mr. Marler went over a PowerPoint presentation. Finally, Mr. Marler stated that a copy of the developed model and report would be provided.

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

Mayor Fugate called for the City Attorney's report. On behalf of staff, Ms Alvarez thanked everyone who attended and participated in the Bond Presentation, especially Ms Tina Flores, Appraisal District Chief Appraiser, and Ms Melissa DelaGarza, Kleberg County Tax Assessor who were very instrumental in answering a lot of the questions. She reported on the deadline for NLC September Family Conference to be held in San Antonio, Texas. Finally, she reported the meeting with the TML Adjuster has been postponed for a date to be set in the future.

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

Mayor Fugate called for the City Commissioner's report. Commissioner Laskowski commended staff for their work on putting together an excellent presentation. Mayor Fugate echoed Commissioner Laskowski's comments.

#### **IV. Public Comment on Agenda Items <sup>3</sup>**

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

Mr. Anse Windham, 628 E Escondido, on behalf of the Kingsville Convention and Visitor's Bureau, spoke in support of the application for an All-America City Award.

Ms Kathy Martinez, Executive Director, Kingsville Chamber of Commerce, commented on support of the application for the All-America City Award.

**V. Consent Agenda**

Mayor Fugate called for consideration of consent agenda. Commissioner Laskowski made a motion to remove Agenda Items 1, 2, 3, & 8 from the consent agenda, seconded by Commissioners Wilson and Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**4. Motion approving final passage 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).**

**5. Motion approving final passage 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).**

**6. Motion approving final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 9: Junk Yards, 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).**

**7. Motion approving resolution authorizing the submission of an application to the U.S. Department of Justice for the purpose of requesting funding for bullet proof vests through the Bulletproof Vest Program Grant. (Chief of Police).**

Mayor Fugate called for consideration of consent agenda. Commissioner Laskowski made a motion to approve Agenda Items 4, 5, 6, & 7 through consent, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

**REGULAR AGENDA**

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

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

**1. Motion approving final passage 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 asked Ms Ann Berger, Financial Advisor of First Southwest Company to make presentation. Ms. Berger introduced Mr. Clay Binford, Attorney for the Law Firm of Winstead and commended the City Manager and Staff on the most professional and comprehensive presentation she has ever witnessed.

Ms Berger, provided details on each section of an information booklet in relations to the Certificates of Obligation 2005. She advised that 4.40% from a historical prospective was an opportune interest. She read several comments from Moody's (rating agency) report commending City Staff. Moody's rating was reaffirmed at A3. Bids were solicited from the Municipal Bond Insurance firms, and AMBAC was the lowest bidder at 28.4 basis points, equated to a premium of \$53,187.71. She stated Wells Fargo is the recommended underwriting syndicate. Finally, she thanked the Commission for the opportunity to work with the City through this process.

City Manager Yerena thanked Ms Berger and First Southwest Company for working with the City.

Mayor Fugate asked City Manager Yerena for a recommendation. City Manager Yerena responded that he would like to move forward with this very favorable interest rate.

Commissioner Laskowski requested staff set aggressive schedule to get projects completed, copies of all projects during the bidding process, and leftover funds be applied to the principle. **Commissioner Laskowski made a motion approving final passage authorizing the issuance of 11.6 million City of Kingsville, Texas Certificates of Obligation, Series 2005; and approving all other matters related to the issuance of the Certificates of Obligation, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".**

**2. Motion approving final passage 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. Mayor Pro-Tem Wilson presided over the meeting.

Ms Cantu provided information stating that this ordinance has never been enacted by the City Commission. Mayor Pro-Tem Wilson announced that both the Mayor and Commissioner Garcia would recuse themselves from discussion.

**Commissioner Laskowski made a motion to approve the final passage of the ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 1, General Business Regulations, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Wilson, Laskowski, Pecos voting "FOR", Fugate and Garcia, "ABSTAINING".**

Mayor Fugate presided over meeting.

**3. Motion approving final passage 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 information stating that this ordinance has been in the books since 1962. She said this is a burden to the Police Department and not relevant for the business. The word "deputy" would be changed to "designee" in the document.

Commissioner Wilson made a motion to adopt the final passage of the ordinance as amended, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

**8. Motion approving final plat approval of Crosthwait subdivision. (Director of Development Services).**

Ms Cantu provided information on the history of the subdivision. This property would be subdivided into smaller lots to be sold. The plat was approved unanimously by the Planning and Zoning Commission.

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

**9. Consider resolution supporting the submission of an application for the All-America City Award. (City Manager).**

City Manager Yerena stated that earlier several persons from different entities spoke on behalf of their support for the All-America City Award. He gave a brief overview of the All-America City Award timelines. Ms Cantu went over the duties of the newly formed steering committee.

Finally, City Manager Yerena stated that the major benefits would be: Community pride, Community collaboration, and Economic Development.

Commissioner Laskowski made a motion to adopt the resolution supporting the submission of an application for the All-America City Award, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

**10. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 13: Tire 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 information on the additions to the ordinance, adding that used automobile parts would be added to the caption.

Commissioner Laskowski made a motion to approve the final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 13: Tire and Appliance Storage, as amended, seconded Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Pecos, Garcia, Laskowski voting "FOR".

**11. Discuss and consider vendor's request to cancel an annual contract (Bid No. 25-09) with Eagle Asphalt Products for asphalt oils. This company is requesting to terminate its contract. (Director of Purchasing).**

Ms Byington stated that this item authorizes the cancellation of an annual contract with Eagle Asphalt Products for asphalt oils. The company is requesting to terminate its contract. Ms Byington provided information on the background, options, financial impact, and recommendations. She advised the increase would be \$400.

Commissioner Laskowski asked if this same situation had occurred with this contractor once before. Ms Byington responded that was correct. He added that if contract is terminated precedence is set.

There was discussion on holding contractor responsible for any extra charges incurred if contract was terminated.

Ms Alvarez advised that the Commission does not have to approve contractor's request. Contractor's alternative would be to honor contract or reimburse the City for higher cost assessment.

**Commissioner Wilson made a motion to deny the vendor's request to cancel the annual contract Bid No. 25-09, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Laskowski, Garcia, Wilson voting "FOR", Fugate, Pecos "AGAINST".**

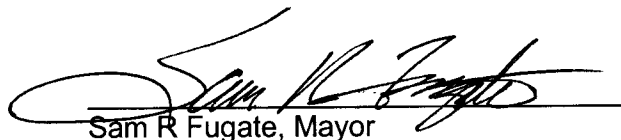
**12. Consider resolution approving the transfer of Local Registrar duties for maintenance of Birth and Death Certificates from the City Secretary to the Kleberg County Clerk's Office. (Commissioner Garcia).**

Commissioner Garcia stated the State Vitals office is moving in this direction. Basically, one location is more feasible and Kleberg Clerk has accepted duties. Resolution by the County has been signed. He continued to say this is a good thing for the community to consolidate services.

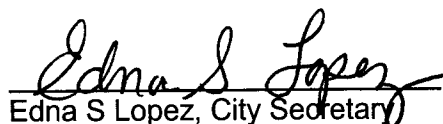
**Commissioner Garcia made a motion to consider the resolution approving the transfer of Local Registrar duties for maintenance of Birth and Death Certificates from the City Secretary to the Kleberg County Clerk's Office, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".**

**VII. Adjournment.**

There being no further business to come before the Commission, Mayor Fugate adjourned the meeting at 8:15 P.M.

  
Sam R Fugate, Mayor

ATTEST:

  
Edna S Lopez, City Secretary