

JULY 25, 2005

A REGULAR MEETING OF THE CITY OF KINGSVILLE, TEXAS CITY COMMISSION WAS HELD ON MONDAY, JULY 25, 2005 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS, CITY HALL / 200 EAST KLEBERG AVENUE AT 5:00 P.M.

CITY COMMISSION PRESENT:

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

CITY COMMISSION ABSENT:

Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Carlos Yerena, City Manager
Courtney Alvarez, City Attorney
Edna S Lopez, City Secretary
Vilma Castillo, Interim Finance Director
Caron Vela, Accounts Manager
Dora Byington, Purchasing Director
Joe Casillas, Water Production Supervisor
Stanley Fees, City Engineer
Jaime Garza, Task Force Commander
Jennifer Cantu, Director of Development Services
Daniel Almeida, Wastewater Supervisor
Al Lopez, Interim Fire Chief
Macario Mayorga, Water Supervisor
Ricardo Torres, Police Chief
Dianne Leubert, Solid Waste Superintendent
Art Alvarez, Risk Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the workshop to order in the City Commission Chambers at City Hall at 5:05 P.M.

CONVENE INTO PETITIONS, GRIEVANCES, AND PRESENTATIONS – ITEM III - #1 / WORKSHOP SESSION WITH HDR ENGINEERING, INC. REGARDING WATER, SEWER, PASS-THROUGH RATE STUDY.

1. Workshop/Discussion with HDR Engineering, Inc. regarding Water, Sewer, Pass-Through Rate Study. (City Manager).

The Workshop was opened at 5:05 P.M.

Mr. Grady Reed from HDR Engineering went over a presentation, and provided information on the timelines, graphs, adjustments for water and sewer. He pointed out the amount of future increases for water and sewer rates. Mr. Reed stated that City staff will be trained.

The workshop was closed at 5:55 P.M.

6:00 P.M. – Regular Session of the agenda continues.

Mayor Fugate called the meeting to order in the City Commission Chambers at 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 City Commission's special meeting of July 18, 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, Wilson, Laskowski voting "FOR". Pecos "ABSENT".**

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

1. Public Hearing to discuss granting a Certificate of Public Convenience and Necessity for private ambulance service to Star of Texas EMS Ambulance Service. (City Manager).

The public hearing was opened at 6:03 P.M.

Mr. Jesse Garza, Corpus Christi, Texas, Co-owner and Directing Operator for Star EMS, provided information on their BLS-MICU service.

There were no other comments made.

The public hearing was closed at 6:06 P.M.

2. Public Hearing to discuss granting a Certificate of Public Convenience and Necessity for private ambulance service to Gulf EMS L.L.C. Ambulance Service. (City Manager).

The public hearing was opened at 6:06 P.M.

Mr. Edmundo Cisneros, Houston, Texas, Chief Operator, provided information regarding their ambulance service.

There were no other comments made.

The public hearing was closed at 6:08 P.M.

3. Public Hearing to discuss granting a Certificate of Public Convenience and Necessity for private ambulance service to Mid-Valley EMS Ambulance Service. (City Manager).

The public hearing was opened at 6:08 P.M.

Ms Delma Rios-Salazar, Local Counsel, introduced Tomas Trigo, Director of Operations. Mr. Trigo provided brief history of the company. He stated this ambulance service is MICU, ALS, and BLS certified.

There were no other comments made.

The public hearing was closed at 6:09 P.M.

4. Public Hearing for a Special Use Permit for the 1400 Block of East King, Lots 21-26, Block 6, Vista Alegra Addition, Applicant Rudy Ramos of Ramos Refrigeration. (Director of Development Services).

The public hearing was opened at 6:09 P.M.

Ms Jennifer Cantu, Director of Development Services provided information regarding the subject site. The applicant, Mr. Ramos plans to install a metal building with stucco covering. No opposition was received at Planning and Zoning Commission meeting and very little questions were asked. All vehicles will be kept in the back of the business. The Planning and Zoning Commission recommends unanimous approval.

Commissioner Garcia asked a question regarding vehicle access through the alley. Mr. Rudy Ramos, Jr. responded that all their vehicles will be placed inside a building and access will be through the front.

The public hearing was closed at 6:12 P.M.

5. Public Hearing for a Special Use Permit for the use of a Daycare Facility on Lot 30, Block 15, Town and Country Subdivision, located at 2104 Colorado Street, Applicant Alicia P. Perez. (Director of Development Services).

The public hearing was opened at 6:12 P.M.

Ms Cantu provided pictures of the actual area and a petition in support of the daycare facility. Two letters of opposition were received and the Planning and Zoning recommends unanimous denial due to the fact that the road is a small residential road and the house is located near a curve.

Commissioner Laskowski requested that addresses be provided on the petition.

The applicant, Ms Alicia Perez, 2104 Colorado, addressed the Commission, stated that neighbors expressed no problem.

The public hearing was closed at 6:18 P.M.

6. Public Hearing to rezone .998 acres from AG, Agricultural District to MH, Mobile Home District on Lot 14, Block 9, K.T.& I. Subdivision, located at 1500 B West Johnston, Applicant Eva Shiver. (Director of Development Services).

The public hearing was opened at 6:18 P.M.

Ms Cantu provided information regarding the subject site; ten letters were mailed out and no opposition was received; Planning and Zoning Commission recommends unanimous approval.

Ms Eva Shiver, 1409 E Kleberg, provided a brief history on the purchase of the property.

The public hearing was closed at 6:20 P.M.

III. Petitions, Grievances, and Presentations.²

1. Workshop/Discussion with HDR Engineering, Inc. regarding Water, Sewer, Pass-Through Rate Study. (City Manager).

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

Mayor Fugate called for the City Manager's report. City Manager Yerena reported on the July 29th City picnic; July 30th Kingsville Day at Aviator Stadium; and on the start of the budget workshops. He then asked Ms Dianne Leubert, Solid Waste Superintendent to provide an update on projects at the landfill.

Ms Leubert provided information on the scale house, scale, road work, and equipment shed. She provided information on the amount for a new scale.

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

Mayor Fugate called for the City Attorney's report. Ms Alvarez reported on the July 13th Charter Review meeting; on a hurricane workshop; and added that she is unsure if she will be attending CLE Conference this Thursday and Friday.

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

Mayor Fugate called for the City Commission's report. Mayor Fugate requested all evaluation packets be turned in by Friday. He also encouraged employees to attend the City picnic.

IV. Public Comment on Agenda Items³

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

Ms Carolyn Fees, 1506 Santa Cecilia, spoke on National Night Out and on agenda item #15.

V. Consent Agenda

1. Consider approval of the final plat for Hampton Inn. (Director of Development Services).

3. Consider a Resolution authorizing early turnover and additional penalty on Delinquent Personal Property Taxes under Tex. Tax Code Section 33.11. (City Manager).

Mayor Fugate called for consideration of the consent agenda. Commissioner Laskowski suggested taking out agenda item #2 from the consent agenda. **Commissioner Garcia made a motion to amend to consent agenda, by taking out agenda item #2, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Garcia voting "FOR". Pecos "ABSENT".**

2. Consider approval of the final plat for Lakeview Villas at Paulson Falls. (Director of Development Services).

Ms Jennifer Cantu stated Integrity Development Group submitted a final plat to the Planning and Zoning Commission at the July 19th meeting. The development will consist of 30 town homes and 7 garden homes. This development is an original part of the master planned community.

Commissioner Laskowski asked about sidewalks in the development. Ms Cantu replied the development would not have sidewalks and added that the ordinance has a specific planned unit development which allows for leniency in one regard and can make up for it in another regard.

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

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. Consider confirmation of the City Manager's appointment of Fire Chief. (City Manager).

City Manager Yerena stated that after an extensive search for a Fire Chief, the committee has made a selection, Al Lopez. He stated the Fire Chief selection would take effect upon confirmation from the Commission.

Mayor Fugate stated that the City Manager had allowed him an opportunity to view the process and it was done fairly, all applicants had opportunity to present themselves and the decision will be supported by this Commission. This was the City Manager's decision, which had a lot of help from other Fire Chiefs from around the State.

Commissioner Laskowski made a motion to support the City Manager's choice for selection of Fire Chief, seconded Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski voting "FOR". PECOS "ABSENT".

5. Consider granting a Certificate of Public Convenience and Necessity for private ambulance service to Star of Texas EMS Ambulance Service. (City Manager).

Fire Chief Al Lopez stated he had reviewed the applications from the three private ambulance services. He provided a brief overview of their credentials. The Fire Department is interested in the individual companies staffing their ambulances with Paramedics for use with mutual aid. This has worked well in the past, and their fees are compatible.

Commissioner Laskowski asked if all companies meet the insurance requirements as stated in the City's ordinance, and if they have a certificate of proof of insurance regarding vehicles that will be used in the city limits. Fire Chief Lopez responded that they did.

City Manager Yerena stated that Staff recommends that it is required at a minimum that they provide the same level of service that the City provides and secondly, that they participate not only in transfers but also in the emergency service as a backup.

Commissioner Wilson voiced his concern and recommended an agreement be drafted stating that the same level of service would be offered. If the City is binding them to something, the City must be more specific as to what they are being asked to do.

Ms Alvarez stated that two kinds of certificates are issued, and according to the ordinance, applicants will be notified within fifteen days whether or not they will be awarded an emergency or transfer PAS license. If stipulations were made then the issuance of the license would be conditional on those things.

Commissioner Wilson also voiced his concern on a setting up a call-out rotation system.

Mayor Fugate asked who will make sure each ambulance service is complying in keeping with the same level as the City's ambulance service. Fire Chief Lopez stated that the route of the written agreement would really facilitate with them having the correct equipment. City

Manager Yerena agreed with having a written agreement. Ms Alvarez stated this could be approved and made conditional that the City staff verifies with the company that they have the equipment and manpower that would meet the current level of service that is being provided by the City of Kingsville ambulance service. The City has fifteen days from the public hearing date to notify the company if they will receive the license.

City Manager Yerena stated that at any point, if one the private ambulance service is not meeting the requirements the license can be revoked.

Mayor Fugate asked if the City will have the mechanism or documentation in place to enforce what the City wants. He then asked for Ms Alvarez's recommendation. Ms Alvarez stated the City has fifteen days from the public hearing to make a decision on the license and special meetings will be held and it could be brought back. She stated that this was an action item, but the Commission could choose to take no action.

Commissioner Laskowski made a motion to table items #5, 6, & 7, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Wilson, Garcia, Laskowski voting "FOR". Pecos "ABSENT".

6. Consider granting a Certificate of Public Convenience and Necessity for private ambulance service to Gulf EMS L.L.C. Ambulance Service. (City Manager).

Tabled

7. Consider granting a Certificate of Public Convenience and Necessity for private ambulance service to Mid-Valley EMS Ambulance Service. (City Manager).

Tabled

8. Consider introduction of an ordinance changing the zoning map in reference to .998 acres from AG, Agricultural District to MH, Mobile Home District on Lot 14, Block 9, K.T.& I. Subdivision located at 1500 B West Johnston. (Director of Development Services).

Ms Jennifer Cantu stated a public hearing was held tonight in regard to this item, and Ms Shiver spoke in favor. Ten letters were mailed out and no opposition was received; Planning and Zoning Commission recommends unanimous approval.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for the placement of Ramos Refrigeration at the 1400 Block of East King, Lots 21-26, Block 6, Vista Alegre Addition. (Director of Development Services).

Ms Jennifer Cantu stated a public hearing was held tonight with regard to this item. Mr. Ramos plans to install a metal building with stucco

covering; at the Planning and Zoning Commission meeting there was no one in opposition and very little questions. All vehicles will be kept in the back of the business and the Planning and Zoning Commission recommends unanimous approval.

INTRODUCTION ONLY

10. Consider introduction of an ordinance amending the zoning ordinance by granting a Special Use Permit for the placement of a Daycare Facility at 2104 Colorado, Lot 30, Block 15, Town and Country Subdivision. (Director of Development Services).

Ms Cantu stated a public hearing was held tonight with regard to this item. This is an existing residence and the property owner is requesting a special use permit for a daycare facility. Two letters of opposition were received and the applicant has submitted a petition which will be modified to show the addresses of people in support. The Planning and Zoning recommends unanimous denial due to the fact that the road is a small residential road and the house is located near a curve.

INTRODUCTION ONLY

11. Consider reallocation of the Series 2005 Certificates of Obligation Water Storage Tank fund to Series 2005 Certificates of Obligations Water Meter Replacement fund. (Interim Finance Director).

Ms Vilma Castillo, Interim Finance Director stated that this item is for the reallocation of the Certificates of Obligation Series 2005. The budget for the water replacement project is \$1,280,000 and the total bid award for agenda item #13 is \$1,446,218, staff recommends reallocation of \$300,000 from the water storage tanks to the water meter replacement project.

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

12. Consider awarding bid for the purchase and installation of one water storage tank for water well No. 23. (Bid No. 25-40). (Purchasing Director).

Ms Dora Byington stated that this item authorizes the purchase and installation of one water storage tank for water well No. 23 which will be located at the intersection of General Cavazos Blvd (FM 1356) and 6th Street. This action will expend \$54,700.00, funds for this purchase and installation are in the annual budget under Account No. 061-5-600.2-720.00. It is recommended that the bid be awarded to the lowest bidder, R.S. Black Contractors from Corpus Christi, Texas.

Commissioner Laskowski made a motion to award the contract to R.S. Black Contractor for the water storage tank, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR". Pecos "ABSENT".

13. Consider authorizing the City Manager to enter into a contract for a radio read water metering system. (Purchasing Director).

Ms Byington stated that this item authorizes execution of a contract for a radio water metering system. This automatic water metering system was advertised as a "reverse auction" in the newspaper and City's web site. The evaluation process started and Staff determined that it would be to everyone's benefit to ask the four vendors to come to Kingsville to make presentation. The equipment was demonstrated, the type and format of reports that will be generated were shown, and questions as to how the installation will take place were answered. Based on the information obtained from the bids received and the presentations, staff determined it would be to the city's best interest to purchase the Radio Read System as opposed to the Touch Read System. Installation will be complete by the end of October. This action will expend approximately \$1,446,218, and this expenditure will allow the city to replace 100% of the meters that are over five years old, to retrofit approximately 80% of the meters that are less than five years, and to replace approximately 20% of the meters under five years old. Ms Byington stated it is recommended the bid be awarded to Badger Meter of Wisconsin.

Commissioner Laskowski asked who is responsible for a leak at a new connection. Ms Castillo replied there is a 30 day warranty and after that the City would be responsible. He then asked if there would be a reduction of staff. City Manager Yerena responded there would be a realignment of staff.

Commissioner Laskowski made a motion to authorize the City Manager to enter into a contract for radio read water meters with Badger Meters, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR". Pecos "ABSENT".

14. Consider a Resolution suspending the effective date of Centerpoint Energy's requested rate changes to permit the city time to study the request and to establish reasonable rates; approving cooperation with other cities within the South Texas Distribution System to create a steering committee to hire and direct the efforts of legal counsel and consultants necessary for ratemaking or litigation; requiring reimbursement of cities' rate case expenses; authorizing intervention in any ratemaking proceeding at the Railroad Commission that relates to the Company's filing; requiring notice of this resolution to the Company. (City Engineer).

Mr. Stanley Fees, City Engineer stated that notice was received from Centerpoint Energy that they wanted to go up on their rates as filed with the Railroad Commission. This resolution basically gives the City an additional time period to do some discovery and find out more details because the package that was received is substantial. A meeting will be held in Victoria, Texas in order to form a potential steering committee.

Commissioner Laskowski made a motion to approve the resolution, suspending the effective date of Centerpoint's Energy requested rate change, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski voting "FOR". Pecos "ABSENT".

15. Discuss and consider authorizing the City of Kingsville to pay \$15.00 per eligible health plan member for a heart study test. (Human Resource Director).

Ms Diana Gonzales, Human Resource Director provided information on what is involved in a heart study test. The City will only pay for those taking the test. A tentative date of August 23rd has been set at J K Northway. The only cost to the City is \$15.00 per health plan member that participates.

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

16. Consider reallocation of Series 2002-2002A Certificates of Obligation funding for the Wastewater Department. (Wastewater Field Supervisor).

Mr. Daniel Almeida, Field Supervisor stated that some of the items previously requested were not purchased. Information on the purchases was provided.

Commissioner Wilson made a motion to go with Staff recommendation and reallocate Series 2002-2002A Certificate of Obligation as laid out, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Garcia, Wilson voting "FOR". Pecos "ABSENT".

17. Consider introduction of an ordinance amending the Fiscal Year 2004-2005 Budget of the City of Kingsville for \$25,000 of additional funding for the South Texas Military Facilities Task Force. (Mayor Fugate).

Mr. Dick Messberger, EDC stated that this request came about due to Naval Air Station Oceana in Virginia being added to the list for closure. Information on the amounts that have been approved by the other Cities/Counties was provided; \$400,000 is needed for this comprehensive analysis. There are multiple options under consideration. No consultants will be hired with this money and none of this funding will go to the existing consultants.

City Manager Yerena stated that if this could not wait until Friday, then that would dictate the actions that Staff would have to take. One option was to make a departmental transfer and then reimburse that funding through this budget amendment, which would be the only way to cut a check earlier than Friday. This would release the funding before the budget amendment is approved. City Manager Yerena stated there were four ordinance choices.

Ms Alvarez explained that the two ordinances received before the meeting was the ordinances that would expedite the ability to get a check out tomorrow. The City Manager would have the authority and would do a line item transfer interdepartmental from the 103 Budget up to another line item in the 103 Budget. A check would be cut tomorrow with the understanding that Staff would be looking to the Commission to approve a budget amendment to reimburse that account in a future meeting. This would allow the City to comply with the Auditor's recommendation from two years ago.

City Manager Yerena stated that Staff would recommend the funding to come from the unreserved account.

INTRODUCTION ONLY

18. Discuss and consider options for location of new water well. (City Engineer).

Mr. Fees stated that at a school board meeting, City Staff and KISD Administration presented the fact that the City has previously waived fees for the Gillett School construction project and building permits. Currently, he is doing a design to assist them (KISD) with some drainage problems at Gillett School, cost at \$150,000 to \$200,000. The School Board agreed with the stipulation that the City would provide them with some kind of mechanism in writing that the City would come back with some possible in-kind services for acquisition of the well property. The School Board did agree that the location would be on the northeast corner of the McRobert's property vs. the northwest, which was initially proposed. Based on discussion with Staff other possibilities have been found. Other possible locations: 13th & Kenedy, NE corner of 6th & Corral, and West Sage Road.

Commissioner Laskowski stated he had received an email from Ms Alvarez stating that KISD wanted some paving done. He asked if the job included materials and what were they asking for. Mr. Fees responded that they wanted lay down, but he did not understand if it included materials. Commissioner Laskowski stated that their request was for the entire parking lot at the high school and Administration parking lot.

Commissioner Wilson asked Staff for the value of the plot of land. Mr. Fees replied he did not know, but the tract of land the City is looking for is 100 ft x 100 ft, and his recommendation would be before presenting anything back to KISD Administration is to get an appraisal done.

Commissioner Wilson expressed his concern of KISD's lack of memory of the things the City has done to forward education of children.

City Manager Yerena stated this was an informational item to inform the Commission of the direction that Staff will be taking.

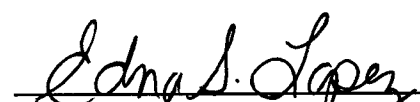
No action taken, Information Only

VII. Adjournment.

There being no other business to come before the City Commission the meeting was adjourned at 7:47 P.M. on July 25, 2005.


Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, City Secretary